

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND
ENTREPRENEURSHIP

June 22, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama,

I am deeply concerned by the Chinese government's recent aggressive actions against the United States and our allies as well as its increasingly repressive posture at home. I urge your Administration to make these issues a priority during the U.S.-China Strategic and Economic Dialogue (S&ED) that begins today. After six years of your Administration's participation in this dialogue, we need more than talking points. We need to see a change in Chinese behavior or real consequences for China's increasingly egregious actions.

As you know, in recent months, China has expanded its provocative actions especially in the South China Sea. Beijing is flexing its military capabilities, building new artificial islands and making illegitimate territorial claims that threaten freedom of navigation through one of the world's most important waterways. This activity, which constitutes a deliberate attempt by China to assert its dominance in the region, poses a threat to U.S. political and economic interests and to the security of our allies and partners.

Here in the United States, much attention has been focused on the reported data breach of U.S. government computer systems, resulting in the loss of sensitive personal data of potentially millions of Americans. China's cyber intrusions have not been limited to U.S. government systems. American businesses have also been aggressively targeted, to the tune of billions of dollars in lost revenue and stolen intellectual property.

Finally, within China's own borders, President Xi Jinping has unabashedly cracked down on civil society, stifled dissent, repressed religious believers and ethnic minorities and silenced critics. I co-chair the Congressional-Executive Commission on China (CECC) which maintains a political prisoner database. The prisoner list, currently more than 1200 including a Nobel laureate, Christian pastors, human rights lawyers, labor activists and Tibetan Buddhist nuns, is far from comprehensive, but it is most assuredly representative of the nature and scope of abuses that the government routinely engages in against its own people.

Furthermore, China is presently considering legislation which will severely restrict the ability of non-governmental organizations and other entities to operate in the country. Absent significant modifications, it will have a chilling effect on civil society. Concern about the legislation extends well beyond traditional NGOs. Forty-five U.S. business and professional

groups, spanning the spectrum from agriculture to entertainment, recently sent a letter to the Chinese government expressing their concern about the draft law and the impact it would have on U.S.-China relations.

China is an emerging power that has the potential to be a valuable contributor to global stability. But increasingly China is acting as an irresponsible and destabilizing force. If it is to be dissuaded from continuing down this dangerous path, Beijing's provocations must be met with more than mere rhetoric.

I thus urge you to take the following actions:

- Immediately impose financial sanctions and pursue criminal charges against individual hackers implicated in the historic breach of U.S. government networks once they are identified.
- Instruct Treasury Secretary Lew to convey to his counterpart during the S&ED that as additional evidence comes to light the U.S. will consider imposing sanctions against any Chinese government agencies or commercial enterprise found to have been involved in the recent cyberattack.
- Press Beijing to take meaningful steps to reduce tensions in the South China Sea, starting with an immediate verified suspension of its construction of artificial islands and a public commitment not to militarize those that it has already built. Authorize additional, regular and sustained U.S. military deployments with partner countries in and around the contested areas to make clear our commitment to defend freedom of navigation and allay allies' fears about Beijing's territorial claims.
- Instruct every senior U.S. government official taking part in the S&ED to give their Chinese interlocutor a copy of the CECC's Political Prisoner Database and to press for the unconditional release of these prisoners of conscience, at this meeting and at all future interactions with their Chinese counterparts.
- Highlight, at the most senior levels of the S&ED, our concerns about the proposed NGO law and make it clear that, if the law is enacted in its current form, it will undercut other areas of bilateral cooperation, especially those that the Chinese government has prioritized.

There are tools of statecraft which, to date have been underutilized by your Administration in our bilateral relations with China. In addition to what has already been mentioned, I would further urge you to convey to Chinese President Xi Jinping in advance of his planned state visit in September that the way in which he will be received then, both by you at the White House, and by Congress, will be dependent upon tangible improvement in the areas outlined above.

In a November 2014 interview with Xinhua News Agency, the official press news agency of the PRC, you said, "My vision of a 'new model' of relations between our countries is one

where we expand cooperation in areas of mutual interest, regionally and globally, even as we constructively manage our differences and sources of unhealthy competition.” Respectfully, your attempt to “constructively manage our differences,” has not worked. China is actively undermining American interests from the South China Sea to U.S. government computer networks. And I think most Americans would agree that it is morally unjustifiable to simply “manage” our differences when those differences include the continued unjust imprisonment of thousands of men and women who dare to peacefully dissent or worship according to the dictates of their conscience.

I hope that your Administration uses the Strategic and Economic Dialogue this week and your meetings with President Xi later this year to change this dynamic and make clear to China that there will be significant consequences for the U.S.-China relationship if Beijing continues on its present course.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MR', with a long horizontal stroke extending to the right.

Marco Rubio
United States Senator