

United States Senate

WASHINGTON, DC 20510

January 31, 2014

The Honorable John F. Kerry
United States Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry:

As you know, a Chinese military vessel reportedly blocked the USS Cowpens in international waters, forcing the U.S. ship to make evasive maneuvers in order to avoid a collision. Reports indicate that on December 5, the Chinese vessel in question made legally invalid demands on the USS Cowpens to stop and then purposely obstructed its path, putting at risk our ship and its crew. Reportedly, the skill and professionalism of our U.S. Navy personnel were critical to avoiding a catastrophic outcome to this reckless Chinese action.

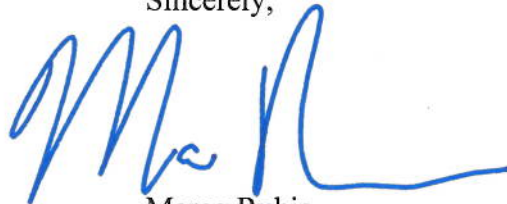
Unfortunately, this is only the latest example of the aggressive and irresponsible behavior that has been exhibited repeatedly by Chinese ships and aircraft in international waters and airspace. In 2009, for example, Chinese ships harassed and impeded navigation of the USNS Impeccable. That same year there were reports of harassment of the USNS Victorious. These harassment and interference actions are unacceptable, dangerous, and we should be making every effort to ensure that Chinese officials put an end to them.

While China may differ in its reading of international law of the sea, both of our countries are party to the October 1972 multilateral convention on the international regulations for preventing collisions at sea, which are intended to prevent incidents such as the one that occurred December 5. Is it the assessment of the Administration that the behavior and actions of the Chinese vessel in the Cowpens incident violated China's obligations under the 1972 Convention? If so, what actions has the administration taken in response?

Furthermore, I am concerned that if China feels free to violate these international conventions, other nations will question Chinese assurances to respect other, still undefined agreements that could affect Chinese maritime operations in the South or East China Seas. Therefore, what implications do the continuation of these Chinese actions have on the Administration's expectations regarding the value of a binding Code of Conduct between the Association of Southeast Asian Nations (ASEAN) and China for the South China Sea?

The United States and the vast majority of Asia Pacific nations believe that regional stability is fundamental to ensure a peaceful and prosperous future for our peoples. Therefore, I urge the administration to raise this issue at the highest levels of the Chinese government and to make clear that such actions are unacceptable and will have implications for the U.S. relationship with China and our security posture in the Western Pacific.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marco Rubio', with a long horizontal flourish extending to the right.

Marco Rubio
United States Senator