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United States Department of State

Washington, D.C. 20520

SEP 27 2007

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SENATE ARMED SERVICES  
COMMITTEE  
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Dear Mr. Chairman:

Thank you for your letter of September 14 regarding the Senate Armed Services Committee's 2004 hearing on the national security implications of U.S. accession to the Law of the Sea Convention.

We are pleased to confirm that the testimony provided at the April 8, 2004 hearing continues to represent the Administration's views.

William H. Taft IV, then Legal Adviser to the Secretary of State, testified that U.S. adherence to the Convention would "promote the stability of the legal regime of the oceans, which is vital to U.S. global mobility and national security." He also explained that disputes concerning military activities, including intelligence activities, would not be subject to dispute settlement under the Convention as a matter of law and U.S. policy, as elaborated in the declarations and understandings contained in the draft Resolution of Advice and Consent.

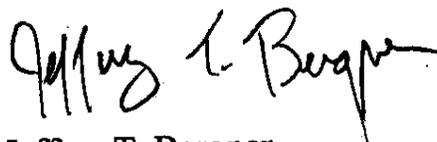
During the Committee's consideration of the Convention in 2004, the Proliferation Security Initiative was less than a year old. Today more than 80 countries have endorsed the Statement of Interdiction Principles. We have entered into PSI shipboarding agreements with seven countries: Belize, Croatia, Cyprus, Liberia, Malta, Marshall Islands, and Panama, and are engaged in negotiations with other countries.

The Honorable  
Carl Levin, Chairman,  
Committee on Armed Services,  
United States Senate.

Each PSI agreement is premised on the relevant provisions of the Convention and provides expedited procedures for obtaining authorization to board and search ships in international waters that are flying their flag and that are suspected of transporting weapons of mass destruction, their delivery systems, and related materials to or from States or non-state actors of proliferation concern. One third of the world's merchant fleet is presently subject to these procedures.

The Department of State joins President Bush in urging the Senate to act favorably on U.S. accession to the Convention during this session of Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey T. Bergner". The signature is written in a cursive, flowing style.

Jeffrey T. Bergner  
Assistant Secretary  
Legislative Affairs