

Calendar No. _____

116TH CONGRESS
2^D SESSION**S. RES. 406**

Recognizing that for 50 years, the Association of South East Asian Nations (ASEAN) and its ten members, Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, have worked with the United States toward stability, prosperity, and peace in Southeast Asia, and expressing the sense of the Senate that the United States will continue to remain a strong, reliable, and active partner in the ASEAN region.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2019

Mr. MENENDEZ (for himself, Mr. RISCH, Mr. MARKEY, and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. RISCH, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in italic]

[Strike the preamble and insert the part printed in italic]

RESOLUTION

Recognizing that for 50 years, the Association of South East Asian Nations (ASEAN) and its ten members, Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, have worked with the United States toward stability, prosperity, and peace in Southeast Asia, and expressing the

sense of the Senate that the United States will continue to remain a strong, reliable, and active partner in the ASEAN region.

Whereas the 10 members of the Association of South East Asian Nations (ASEAN) represent a variety of different cultures and beliefs as well as vibrant economies giving rise to a flourishing middle class;

Whereas an estimated 70,000,000 United States citizens identify with an ethnicity represented in ASEAN, including 4,000,000 Filipinos and 1,900,000 Vietnamese;

Whereas the United States and ASEAN have been cooperating to advance our mutual interests for 40 years, having first established dialogue relations on September 10, 1977, with the issuing of the 1977 Joint Communiqué of the First ASEAN-United States Dialogue and the United States acceding to the Treaty of Amity and Cooperation in Southeast Asia (TAC) at the ASEAN Post Ministerial Conference Session with the United States in Thailand on July 22, 2009;

Whereas the United States was the first non-ASEAN country to appoint an ambassador to ASEAN on April 29, 2008, and the first non-member to establish a permanent mission to ASEAN in 2010;

Whereas cooperation between the United States Government and the governments and people of the ASEAN nations can help realize their common goals of a peaceful, prosperous, and open Indo-Pacific rooted in a rule-based order that promotes security, opportunity, and dignity to all peoples;

Whereas, in 2019, ASEAN's 10 members represent the sixth largest economy in the world and constitute the United

States fourth-largest export market, with total exports to ASEAN countries reaching \$116,200,000,000, representing the number one destination for United States investment in the Indo-Pacific with \$329,000,000,000 in cumulative foreign direct investment;

Whereas ASEAN nations host critical global sea lanes located at the heart of the world's most dynamic economic regions, with \$5,300,000,000,000 of global trade and more than half of the world's total shipped tonnage transiting through ASEAN waters each year;

Whereas the ultimate goal of the ASEAN Economic Community is to create one of the world's largest single market economies and facilitate the free movement of goods, services, and professionals;

Whereas the United States-ASEAN Single Window custom facilitation system expedites intra-ASEAN trade and enhances the ability of United States businesses to operate in the region;

Whereas the United States-ASEAN Business Alliance for Competitive, Small, and Medium Sized Enterprises (SMEs) has trained more than 4,600 small-to-medium size enterprises, with nearly half of the participants being women entrepreneurs;

Whereas the Lower Mekong Initiative, established on July 23, 2009, promotes sustainable economic development in mainland Southeast Asia and fosters regional cooperation, integration, and capacity building;

Whereas the United States remains committed to working with ASEAN to improve the protection of human rights and fundamental dignity of the people of ASEAN coun-

tries, a key ingredient to maintaining stability, promoting economic growth, and advancing good governance;

Whereas the United States opposes all claims in the maritime domain that infringe on the rights, freedoms, and lawful use of the sea that belongs to all nations, and has a national interest in freedom of navigation and overflight, open access to Asia's maritime commons, and respect for international law in the South China Sea;

Whereas the United States does not take sides on the competing territorial disputes, but nevertheless believes claimants should pursue territorial claims without resort to coercion, and through collaborative diplomacy, including international arbitration, and in accordance with international law and institutions;

Whereas the United States supports the Philippines' decision to use arbitration under the United Nations Convention on the Law of the Sea (UNCLOS), done at Montego Bay December 10, 1982, to peacefully and lawfully address competing territorial claims;

Whereas the United States supports efforts by ASEAN and the People's Republic of China to develop an effective Code of Conduct (COC), opposes efforts by any nation to use the COC as a vehicle to limit presence in or lawful use of the South China Sea, encourages claimants not to undertake new or unilateral attempts to change the status quo since the signing of the 2002 Declaration of Conduct, including reclamation activities or administrative measures or controls in disputed areas in the South China Sea, and encourages ASEAN countries to adopt a unified position in negotiating the COC;

Whereas the ASEAN-United States Maritime Exercise (AUXM), which ran from September 2, 2019, until September 6, 2019, built greater maritime security on the strength of ASEAN, the strength of our navy-to-navy bonds, and the strength of our shared belief in a free and open Indo-Pacific; and

Whereas changes in climatic conditions in the ASEAN region over the past four decades have resulted in major loss and damage, with a disproportionate impact on developing countries, and the United States will pursue initiatives that are consistent with sustainable development, including the achievement of food security and poverty alleviation, improvement of conservation and sustainable management of forests, fish stocks, and oceanic resources, resilience to extreme weather events and climate-driven disasters, and provision of sustainable livelihood for local communities throughout the ASEAN region: Now, therefore, be it

Whereas the 10 members of the Association of South East Asian Nations (ASEAN) represent a variety of different cultures and beliefs;

Whereas an estimated 70,000,000 United States citizens identify with an ethnicity represented in ASEAN;

Whereas the United States and ASEAN have been cooperating to advance our mutual interests for 40 years, having first established dialogue relations on September 10, 1977, through the 1977 Joint Communique of the First ASEAN-United States Dialogue and the United States' accession to the Treaty of Amity and Cooperation in Southeast Asia (TAC) at the ASEAN Post Ministerial Conference Session in Thailand on July 22, 2009;

Whereas the United States was the first non-ASEAN country to appoint an ambassador to ASEAN on April 29, 2008, and the first non-member to establish a permanent mission to ASEAN in 2010;

Whereas cooperation between the United States Government and the governments and people of the ASEAN nations can help realize our common goals of a free, open, peaceful, and prosperous Indo-Pacific rooted in a rule-based order that promotes security, opportunity, and dignity to all peoples;

Whereas the member states of ASEAN are all vibrant economies that have given rise to a flourishing middle class and collectively are predicted to become the world's fourth-largest economy by 2050;

Whereas, in 2019, ASEAN's 10 members represented the sixth largest economy in the world and constitute the United States fourth-largest export market, with total United States exports to ASEAN countries reaching \$116,200,000,000;

Whereas ASEAN is the number one destination for United States investment in the Indo-Pacific, with \$329,000,000,000 in cumulative foreign direct investment;

Whereas ASEAN nations surround critical global sea lanes, with \$5,300,000,000,000 of global trade and more than half of the world's total shipped tonnage transiting through ASEAN waters each year;

Whereas the ultimate goal of the ASEAN Economic Community (AEC) is to create one of the world's largest single market economies and facilitate the free movement of goods, services, and professionals;

Whereas the United States-ASEAN Single Window custom facilitation system expedites intra-ASEAN trade and enhances the ability of United States businesses to operate in the region;

Whereas the United States-ASEAN Business Alliance for Competitive Small and Medium-Sized Enterprises (SMEs) has trained more than 4,600 small-to-medium size enterprises, with nearly half of the participants being women entrepreneurs;

Whereas the Lower Mekong Initiative, established on July 23, 2009, promotes sustainable long-term economic development throughout mainland Southeast Asia and fosters regional cooperation, integration, and capacity building;

Whereas the newly announced Japan-United States Mekong Power Partnership aims to “promote a more sustainable energy sector and quality energy infrastructure development” and demonstrates the shared commitment of the United States and other Indo-Pacific nations to strengthen ties with Mekong countries;

Whereas, in 2018 and 2019, the United States announced several additional initiatives to enhance cooperation with ASEAN, including the United States-ASEAN Smart Cities Partnership, the ASEAN Policy Implementation Project, and the United States-ASEAN Innovation Circle;

Whereas the United States is cooperating with ASEAN member states and providing emergency health assistance to enhance their resilience in the face of the COVID–19 pandemic, including through the recently announced United States-ASEAN Health Futures program that builds on the over \$3,500,000,000 the United States has invested in glob-

al health collaboration with ASEAN nations over the last 20 years;

Whereas the United States remains committed to working with ASEAN to improve the promotion and protection of human rights and fundamental dignity of the people of ASEAN countries, a key ingredient to maintaining stability, promoting economic growth, and advancing good governance;

Whereas the United States opposes all actions and claims that infringe upon the freedom and lawful use of the sea, and has a national interest in ensuring freedom of navigation and overflight, open access to the Indo-Pacific region's maritime commons, and respect for international law in the South China Sea;

Whereas the United States is deeply concerned about recent assertive and unsafe behavior by the People's Republic of China in the South China Sea, and urges all claimants with competing territorial claims to seek peaceful resolution of disputes through collaborative diplomacy and, as necessary, international arbitration mechanisms consistent with international law;

Whereas the United States supports the Philippines' decision to use arbitration under the United Nations Convention on the Law of the Sea (UNCLOS), done at Montego Bay December 10, 1982, to peacefully and lawfully address competing claims;

Whereas the United States supports development of a Code of Conduct (COC) that represents the interests of all parties and promotes peace and stability in the region, opposes efforts by any nation to use a COC as a vehicle to limit presence in or lawful use of the South China Sea, encour-

ages claimants not to undertake new or unilateral attempts to change the status quo since the signing of the 2002 Declaration of Conduct, including reclamation activities or administrative measures or controls in disputed areas in the South China Sea, and encourages ASEAN countries to adopt a unified position in negotiating the COC;

Whereas the ASEAN-United States Maritime Exercise (AUXM), which ran from September 2-6, 2019, and featured over 1,000 sailors from all 11 countries, built greater maritime security on the strength of ASEAN, strengthened navy-to-navy bonds, and exemplified our shared belief in a free and open Indo-Pacific; and

Whereas natural disasters in the ASEAN region over the past four decades have resulted in major loss and damage, with a disproportionate impact on developing countries, and the United States will pursue initiatives that are consistent with sustainable long-term economic development, including the achievement of food security and poverty alleviation; improvement of conservation and sustainable management of forests, fish stocks, and oceanic resources; resilience to extreme weather events that are increasing in frequency and severity; and provision of sustainable livelihoods for local communities throughout the ASEAN region: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) supports and affirms the full implementa-
 3 tion of provisions of the Asia Reassurance Initiative
 4 Act (Public Law 115–409) with regard to elevating
 5 the United States relationship with ASEAN;

1 (2) reaffirms the importance of United States-
2 ASEAN economic engagement, including the elimi-
3 nation of barriers to cross-border commerce, and
4 supports the ASEAN Economic Community's goals,
5 including strong, inclusive, and sustainable growth
6 and cooperation with the United States that focuses
7 on innovation and capacity building efforts in tech-
8 nology, education, disaster management, food secu-
9 rity, human rights, and trade facilitation, including
10 for ASEAN's poorest countries;

11 (3) urges ASEAN to continue its efforts to fos-
12 ter greater integration and unity within the ASEAN
13 community, as well as to foster greater integration
14 and unity with non-ASEAN economic, political, and
15 security partners, including Japan, the Republic of
16 Korea, Australia, the European Union, Taiwan, and
17 India;

18 (4) recognizes the value of strategic economic
19 initiatives like the United States-ASEAN Connect,
20 which demonstrates a commitment to ASEAN and
21 the AEC and builds upon economic relationships in
22 the region;

23 (5) supports ASEAN nations in addressing
24 maritime and territorial disputes in a constructive
25 manner and in pursuing claims through peaceful;

1 diplomatic, and legitimate regional and international
2 arbitration mechanisms, consistent with inter-
3 national law, including through the adoption of a
4 code of conduct in the South China Sea to further
5 promote peace and stability in the region;

6 (6) urges all parties to maritime and territorial
7 disputes in the Asia-Pacific region, including the
8 Government of the People's Republic of China—

9 (A) to exercise self-restraint in the conduct
10 of activities that would undermine stability or
11 complicate or escalate disputes through the use
12 of coercion, intimidation, or military force;

13 (B) to refrain from new efforts to milita-
14 rize uninhabited islands, reefs, shoals, and
15 other features, including the construction of
16 new garrisons and facilities and the relocation
17 of additional military personnel, material, or
18 equipment;

19 (C) to oppose actions by any country to
20 prevent any other country from exercising its
21 sovereign rights to the resources of the exclu-
22 sive economic zone (EEZ) and continental shelf
23 by seeking to enforce claims to those areas in
24 the South China Sea that have no support in
25 international law; and

1 (D) to oppose unilateral declarations of ad-
2 ministrative and military districts in contested
3 areas in the South China Sea;

4 (7) urges parties to refrain from unilateral ac-
5 tions that cause permanent physical damage to the
6 marine environment, and supports the efforts of the
7 National Oceanic and Atmospheric Administration
8 and ASEAN to implement guidelines to address the
9 illegal, unreported, and unregulated fishing in the
10 region;

11 (8) supports efforts by United States partners
12 and allies in ASEAN—

13 (A) to enhance maritime capability and
14 maritime domain awareness;

15 (B) to protect unhindered access to and
16 use of international waterways in the Asia-Pa-
17 cific region that are critical to ensuring the se-
18 curity and free flow of commerce;

19 (C) to counter piracy;

20 (D) to disrupt illicit maritime trafficking
21 activities such as the trafficking of persons,
22 goods, and drugs; and

23 (E) to enhance the maritime capabilities of
24 countries or regional organizations to respond

1 to emerging threats to maritime security in the
2 Asia-Pacific region;

3 (9) urges ASEAN member states to develop a
4 common approach to reaffirm the decision of the
5 Permanent Court of Arbitration in The Hague's rul-
6 ing with respect to the case between the Republic of
7 the Philippines and the People's Republic of China;

8 (10) reaffirms the commitment of the United
9 States to continue joint efforts with ASEAN to halt
10 human smuggling and trafficking in persons, and
11 urges ASEAN to make increased efforts to create
12 and strengthen regional mechanisms to provide as-
13 sistance and support to refugees and migrants;

14 (11) supports the Lower Mekong Initiative,
15 which has made significant progress in promoting
16 sustainable economic development in mainland
17 Southeast Asia and fostering integrated sub-regional
18 cooperation and capacity building;

19 (12) urges ASEAN to build capacity for the
20 promotion and protection of human rights by
21 ASEAN member states, and the implementation of
22 related priorities, programs, and activities;

23 (13) urges ASEAN governments to engage di-
24 rectly with leaders of civil society and human rights,
25 including advocates of religious freedom, victims of

1 human rights abuses, and environmental groups,
2 and to prioritize the construction of forums that give
3 these stakeholders a voice to instruct public policy;

4 (14) encourages the President of the United
5 States to communicate to ASEAN leaders the im-
6 portance of protecting human rights, including end-
7 ing extrajudicial killings, releasing political pris-
8 oners, ceasing politically motivated prosecutions,
9 strengthening civil society, safeguarding freedom of
10 the press, freedom of assembly, and the free flow of
11 information and ideas, and promoting the rule of law
12 and open and transparent government;

13 (15) supports efforts by organizations in
14 ASEAN addressing corruption in the public and pri-
15 vate sectors, enhancing anti-bribery compliance, en-
16 forcing bribery criminalization in the private sector,
17 and building beneficial ownership transparency
18 through the ASEAN-USAID PROSPECT project
19 partnered with the South East Asia Parties Against
20 Corruption (SEA-PAC);

21 (16) supports the Young Southeast Asian Lead-
22 ers Initiative program as an example of people-to-
23 people partnership building that provides skills, net-
24 works, and leadership capabilities to a new genera-
25 tion of people who will create and fill jobs, foster

1 cross-border cooperation and partnerships, and rise
2 to solve the regional and global challenges of the fu-
3 ture; and

4 (17) urges ASEAN governments to fully uphold
5 and implement all United Nations Security Council
6 resolutions and international agreements with re-
7 spect to North Korea's nuclear and ballistic missile
8 programs.

9 *That the Senate—*

10 (1) *supports and affirms the full implementation*
11 *of the Asia Reassurance Initiative Act (Public Law*
12 *115–409) with regard to elevating the United States*
13 *relationship with ASEAN;*

14 (2) *stands with the nations of ASEAN as they*
15 *respond to COVID–19 and supports greater coopera-*
16 *tion in building capacity to prepare for and respond*
17 *to pandemics and other public health challenges;*

18 (3) *expresses support for rescheduling the United*
19 *States-ASEAN Special Summit at an appropriate*
20 *time, and supports high-level United States participa-*
21 *tion in the annual ASEAN summit held each Novem-*
22 *ber;*

23 (4) *reaffirms the importance of United States-*
24 *ASEAN economic engagement, including the elimi-*
25 *nation of barriers to cross-border commerce, and sup-*

1 *ports the ASEAN Economic Community's (AEC)*
2 *goals, including strong, inclusive, and sustainable*
3 *long-term economic growth and cooperation with the*
4 *United States that focuses on innovation and capac-*
5 *ity-building efforts in technology, education, disaster*
6 *management, food security, human rights, and trade*
7 *facilitation, particularly for ASEAN's poorest coun-*
8 *tries;*

9 *(5) urges ASEAN to continue its efforts to foster*
10 *greater integration and unity within the ASEAN*
11 *community, as well as to foster greater integration*
12 *and unity with non-ASEAN economic, political, and*
13 *security partners, including Japan, the Republic of*
14 *Korea, Australia, the European Union, Taiwan, and*
15 *India;*

16 *(6) recognizes the value of strategic economic ini-*
17 *tiatives like United States-ASEAN Connect, which*
18 *demonstrates a commitment to ASEAN and the AEC*
19 *and builds upon economic relationships in the region;*

20 *(7) supports ASEAN nations in addressing mar-*
21 *itime and territorial disputes in a constructive man-*
22 *ner and in pursuing claims through peaceful, diplo-*
23 *matic, and, as necessary, legitimate regional and*
24 *international arbitration mechanisms, consistent with*
25 *international law, including through the adoption of*

1 *a code of conduct in the South China Sea that rep-*
2 *resents the interests of all parties and promotes peace*
3 *and stability in the region;*

4 *(8) urges all parties involved in the maritime*
5 *and territorial disputes in the Indo-Pacific region,*
6 *including the Government of the People's Republic of*
7 *China—*

8 *(A) to cease any current activities, and*
9 *avoid undertaking any actions in the future,*
10 *that undermine stability, or complicate or esca-*
11 *late disputes through the use of coercion, intimi-*
12 *dation, or military force;*

13 *(B) to demilitarize islands, reefs, shoals,*
14 *and other features, and refrain from new efforts*
15 *to militarize, including the construction of new*
16 *garrisons and facilities and the relocation of ad-*
17 *ditional military personnel, material, or equip-*
18 *ment;*

19 *(C) to oppose actions by any country that*
20 *prevent other countries from exercising their sov-*
21 *ereign rights to the resources in their exclusive*
22 *economic zones (EEZ) and continental shelves by*
23 *enforcing claims to those areas in the South*
24 *China Sea that lack support in international*
25 *law; and*

1 (D) to oppose unilateral declarations of ad-
2 ministrative and military districts in contested
3 areas in the South China Sea;

4 (9) urges parties to refrain from unilateral ac-
5 tions that cause permanent physical damage to the
6 marine environment, and supports the efforts of the
7 National Oceanic and Atmospheric Administration
8 and ASEAN to implement guidelines to address the
9 illegal, unreported, and unregulated fishing in the re-
10 gion;

11 (10) supports efforts by United States partners
12 and allies in ASEAN—

13 (A) to enhance maritime capability and
14 maritime domain awareness;

15 (B) to protect unhindered access to and use
16 of international waterways in the Indo-Pacific
17 region that are critical to ensuring the security
18 and free flow of commerce;

19 (C) to counter piracy;

20 (D) to disrupt illicit maritime trafficking
21 activities such as the trafficking of persons,
22 goods, and drugs; and

23 (E) to enhance the maritime capabilities of
24 countries or regional organizations to respond to

1 *emerging threats to maritime security in the*
2 *Indo-Pacific region;*

3 (11) *urges ASEAN member states to develop a*
4 *common approach to reaffirm the decision of the Per-*
5 *manent Court of Arbitration's 2016 ruling in favor of*
6 *the Republic of the Philippines in the case against the*
7 *People's Republic of China's excessive maritime*
8 *claims;*

9 (12) *reaffirms the commitment of the United*
10 *States to continue joint efforts with ASEAN to halt*
11 *human smuggling and trafficking in persons, and*
12 *urges ASEAN to create and strengthen regional mech-*
13 *anisms to provide assistance and support to refugees*
14 *and migrants;*

15 (13) *supports the Lower Mekong Initiative,*
16 *which has led to significant progress in promoting*
17 *sustainable long-term economic development in main-*
18 *land Southeast Asia and fostering integrated sub-re-*
19 *gional cooperation and capacity building;*

20 (14) *urges ASEAN to build capacity for the pro-*
21 *motion and protection of human rights by ASEAN*
22 *member states, and the implementation of related pri-*
23 *orities, programs, and activities;*

24 (15) *urges ASEAN governments to engage di-*
25 *rectly with leaders of civil society and human rights,*

1 *including advocates of religious freedom, victims of*
2 *human rights abuses, and environmental groups, and*
3 *to ensure these stakeholders have a voice in con-*
4 *structing public policy;*

5 *(16) encourages the President of the United*
6 *States to communicate to ASEAN leaders the impor-*
7 *tance of promoting the rule of law and open and*
8 *transparent government, strengthening civil society,*
9 *and protecting human rights, including releasing po-*
10 *litical prisoners, ceasing politically motivated pros-*
11 *ecutions and arbitrary killings, safeguarding freedom*
12 *of the press, freedom of assembly, freedom of religion,*
13 *and freedom of speech and expression;*

14 *(17) supports efforts by organizations in ASEAN*
15 *that address corruption in the public and private sec-*
16 *tors, enhance anti-bribery compliance, enforce bribery*
17 *criminalization in the private sector, and build bene-*
18 *ficial ownership transparency through the ASEAN-*
19 *USAID PROSPECT project partnered with the South*
20 *East Asia Parties Against Corruption (SEA-PAC);*

21 *(18) supports the Young Southeast Asian Lead-*
22 *ers Initiative as an example of a people-to-people*
23 *partnership that provides skills, networks, and leader-*
24 *ship training to a new generation who will create and*
25 *fill jobs, foster cross-border cooperation and partner-*

1 *ships, and rise to solve the regional and global chal-*
2 *lenges of the future; and*

3 *(19) applauds the ASEAN governments that*
4 *have fully upheld and implemented all United Na-*
5 *tions Security Council resolutions and international*
6 *agreements with respect to North Korea's nuclear and*
7 *ballistic missile programs, and encourages all other*
8 *ASEAN governments to do the same.*