

116TH CONGRESS
2D 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, Mr. GARDNER, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations

JUNE 3, 2020

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

JANUARY 1, 2021

Considered, amended, and agreed to with an amended preamble

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;

Whereas an estimated 7,000,000 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 develop-

ment” 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 global 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, 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 2–6, 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 the Asia Reassurance Initiative Act (Public
4 Law 115–409) with regard to elevating the United
5 States relationship with ASEAN;

6 (2) stands with the nations of ASEAN as they
7 respond to COVID–19 and supports greater co-
8 operation in building capacity to prepare for and re-
9 spond to pandemics and other public health chal-
10 lenges;

11 (3) expresses support for rescheduling the
12 United States-ASEAN Special Summit at an appro-
13 priate time, and supports high-level United States
14 participation in the annual ASEAN summit held
15 each November;

16 (4) reaffirms the importance of United States-
17 ASEAN economic engagement, including the elimi-
18 nation of barriers to cross-border commerce, and
19 supports the ASEAN Economic Community’s (AEC)

1 goals, including strong, inclusive, and sustainable
2 long-term economic growth and cooperation with the
3 United States that focuses on innovation and capacity-building efforts in technology, education, disaster
4 management, food security, human rights, and trade
5 facilitation, particularly for ASEAN's poorest countries;
6
7

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

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

20 (7) supports ASEAN nations in addressing
21 maritime and territorial disputes in a constructive
22 manner and in pursuing claims through peaceful,
23 diplomatic, and, as necessary, legitimate regional
24 and international arbitration mechanisms, consistent
25 with international law, including through the adop-

1 tion of a code of conduct in the South China Sea
2 that represents the interests of all parties and pro-
3 motes peace 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
7 of 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, in-
12 timidation, or military force;

13 (B) to demilitarize islands, reefs, shoals,
14 and other features, and refrain from new ef-
15 forts to militarize, 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 that
20 prevent other countries from exercising their
21 sovereign rights to the resources in their exclu-
22 sive economic zones (EEZ) and continental
23 shelves by enforcing claims to those areas in the
24 South China Sea that lack support in inter-
25 national 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
10 region;

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
16 use of international waterways in the Indo-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 Indo-Pacific region;

3 (11) urges ASEAN member states to develop a
4 common approach to reaffirm the decision of the
5 Permanent Court of Arbitration's 2016 ruling in
6 favor of the Republic of the Philippines in the case
7 against the People's Republic of China's excessive
8 maritime 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
13 mechanisms to provide assistance and support to
14 refugees 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
18 mainland Southeast Asia and fostering integrated
19 sub-regional cooperation and capacity building;

20 (14) urges ASEAN to build capacity for the
21 promotion and protection of human rights by
22 ASEAN member states, and the implementation of
23 related priorities, 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,
3 and 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 im-
7 portance 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 reli-
13 gion, and freedom of speech and expression;

14 (17) supports efforts by organizations in
15 ASEAN that address corruption in the public and
16 private sectors, enhance anti-bribery compliance, en-
17 force bribery criminalization in the private sector,
18 and build beneficial ownership transparency through
19 the ASEAN–USAID PROSPECT project partnered
20 with the South East Asia Parties Against Corrup-
21 tion (SEA–PAC);

22 (18) supports the Young Southeast Asian Lead-
23 ers Initiative as an example of a people-to-people
24 partnership that provides skills, networks, and lead-
25 ership training to a new generation who will create

1 and fill jobs, foster cross-border cooperation and
2 partnerships, and rise to solve the regional and glob-
3 al challenges of the future; and

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

○