

116TH CONGRESS
1ST 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

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 countries, 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

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;

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

1 (3) urges ASEAN to continue its efforts to fos-
2 ter greater integration and unity within the ASEAN
3 community, as well as to foster greater integration
4 and unity with non-ASEAN economic, political, and
5 security partners, including Japan, the Republic of
6 Korea, Australia, the European Union, Taiwan, and
7 India;

8 (4) recognizes the value of strategic economic
9 initiatives like the United States-ASEAN Connect,
10 which demonstrates a commitment to ASEAN and
11 the AEC and builds upon economic relationships in
12 the region;

13 (5) supports ASEAN nations in addressing
14 maritime and territorial disputes in a constructive
15 manner and in pursuing claims through peaceful,
16 diplomatic, and legitimate regional and international
17 arbitration mechanisms, consistent with inter-
18 national law, including through the adoption of a
19 code of conduct in the South China Sea to further
20 promote peace and stability in the region;

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

24 (A) to exercise self-restraint in the conduct
25 of activities that would undermine stability or

1 complicate or escalate disputes through the use
2 of coercion, intimidation, or military force;

3 (B) to refrain from new efforts to milita-
4 rize uninhabited islands, reefs, shoals, and
5 other features, including the construction of
6 new garrisons and facilities and the relocation
7 of additional military personnel, material, or
8 equipment;

9 (C) to oppose actions by any country to
10 prevent any other country from exercising its
11 sovereign rights to the resources of the exclu-
12 sive economic zone (EEZ) and continental shelf
13 by seeking to enforce claims to those areas in
14 the South China Sea that have no support in
15 international law; and

16 (D) to oppose unilateral declarations of ad-
17 ministrative and military districts in contested
18 areas in the South China Sea;

19 (7) urges parties to refrain from unilateral ac-
20 tions that cause permanent physical damage to the
21 marine environment, and supports the efforts of the
22 National Oceanic and Atmospheric Administration
23 and ASEAN to implement guidelines to address the
24 illegal, unreported, and unregulated fishing in the
25 region;

1 (8) supports efforts by United States partners
2 and allies in ASEAN—

3 (A) to enhance maritime capability and
4 maritime domain awareness;

5 (B) to protect unhindered access to and
6 use of international waterways in the Asia-Pa-
7 cific region that are critical to ensuring the se-
8 curity and free flow of commerce;

9 (C) to counter piracy;

10 (D) to disrupt illicit maritime trafficking
11 activities such as the trafficking of persons,
12 goods, and drugs; and

13 (E) to enhance the maritime capabilities of
14 countries or regional organizations to respond
15 to emerging threats to maritime security in the
16 Asia-Pacific region;

17 (9) urges ASEAN member states to develop a
18 common approach to reaffirm the decision of the
19 Permanent Court of Arbitration in The Hague’s rul-
20 ing with respect to the case between the Republic of
21 the Philippines and the People’s Republic of China;

22 (10) reaffirms the commitment of the United
23 States to continue joint efforts with ASEAN to halt
24 human smuggling and trafficking in persons, and
25 urges ASEAN to make increased efforts to create

1 and strengthen regional mechanisms to provide as-
2 sistance and support to refugees and migrants;

3 (11) supports the Lower Mekong Initiative,
4 which has made significant progress in promoting
5 sustainable economic development in mainland
6 Southeast Asia and fostering integrated sub-regional
7 cooperation and capacity building;

8 (12) urges ASEAN to build capacity for the
9 promotion and protection of human rights by
10 ASEAN member states, and the implementation of
11 related priorities, programs, and activities;

12 (13) urges ASEAN governments to engage di-
13 rectly with leaders of civil society and human rights,
14 including advocates of religious freedom, victims of
15 human rights abuses, and environmental groups,
16 and to prioritize the construction of forums that give
17 these stakeholders a voice to instruct public policy;

18 (14) encourages the President of the United
19 States to communicate to ASEAN leaders the im-
20 portance of protecting human rights, including end-
21 ing extrajudicial killings, releasing political pris-
22 oners, ceasing politically motivated prosecutions,
23 strengthening civil society, safeguarding freedom of
24 the press, freedom of assembly, and the free flow of

1 information and ideas, and promoting the rule of law
2 and open and transparent government;

3 (15) supports efforts by organizations in
4 ASEAN addressing corruption in the public and pri-
5 vate sectors, enhancing anti-bribery compliance, en-
6 forcing bribery criminalization in the private sector,
7 and building beneficial ownership transparency
8 through the ASEAN–USAID PROSPECT project
9 partnered with the South East Asia Parties Against
10 Corruption (SEA–PAC);

11 (16) supports the Young Southeast Asian Lead-
12 ers Initiative program as an example of people-to-
13 people partnership building that provides skills, net-
14 works, and leadership capabilities to a new genera-
15 tion of people who will create and fill jobs, foster
16 cross-border cooperation and partnerships, and rise
17 to solve the regional and global challenges of the fu-
18 ture; and

19 (17) urges ASEAN governments to fully uphold
20 and implement all United Nations Security Council
21 resolutions and international agreements with re-
22 spect to North Korea’s nuclear and ballistic missile
23 programs.

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