

114TH CONGRESS
2D SESSION

H. R. 5890

To promote stability and security in the Asia-Pacific maritime domains,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. SALMON (for himself, Mr. ENGEL, Mr. DESJARLAIS, Mr. BERA, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote stability and security in the Asia-Pacific
maritime domains, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Asia-Pacific Maritime
5 Security Initiative Act of 2016”.

6 **SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DE-**
7 **FINED.**

8 In this Act, the term “appropriate committees of
9 Congress” means—

1 (1) the Committee on Foreign Relations, the
2 Committee on Armed Services, and the Committee
3 on Appropriations of the Senate; and

4 (2) the Committee on Foreign Affairs, the
5 Committee on Armed Services, and the Committee
6 on Appropriations of the House of Representatives.

7 **TITLE I—UNITED STATES POL-**
8 **ICY ON ASIA-PACIFIC MARI-**
9 **TIME SECURITY**

10 **SEC. 101. STATEMENT OF POLICY ON UNITED STATES IN-**
11 **TERESTS IN THE ASIA-PACIFIC MARITIME DO-**
12 **MAINS.**

13 It is the policy of the United States that, as a long-
14 standing Asia-Pacific power, the United States has endur-
15 ing national interests in the Asia-Pacific region, including
16 the South China Sea. These interests include—

17 (1) the maintenance of peace and stability and
18 the peaceful settlement of disputes;

19 (2) rights, freedom, and lawful uses of the sea
20 in the waters and airspace in the Asia-Pacific mari-
21 time domains, which are critical to the prosperity,
22 stability, and security of the Asia-Pacific region;

23 (3) the maintenance of United States alliances
24 and security partnerships in the region;

1 (4) unimpeded lawful and sustainable com-
2 merce, to include the cessation of illegal, unreported,
3 and unregulated fishing, joint use and development
4 of the South China Sea’s underwater and seabed re-
5 sources, and support for the ecological sustainment
6 of the South China Sea; and

7 (5) respect for international law.

8 **SEC. 102. STATEMENT OF POLICY ON CLAIMS THAT IM-**
9 **PINGE ON RIGHTS, FREEDOMS, AND LAWFUL**
10 **USE OF THE SEAS.**

11 It is the policy of the United States—

12 (1) to not take a position on the competing ter-
13 ritorial claims to land features in the South China
14 Sea;

15 (2) to oppose claims in the maritime domains
16 that impinge on the rights, freedoms, and lawful use
17 of the seas that belong to all nations;

18 (3) to uphold the principle that territorial and
19 maritime claims, including territorial seas, must be
20 derived from land features and otherwise comport
21 with international law; and

22 (4)(A) to note that the decision by the Inter-
23 national Tribunal on the Law of the Sea in the case
24 of “The Republic of Philippines v. The People’s Re-
25 public of China” is binding on all parties involved in

1 accordance with international law and pursuant to
2 the Philippines and the treaty obligations of the
3 People's Republic of China; and

4 (B) to call on the parties to abide by the ruling.

5 **SEC. 103. STATEMENT OF POLICY ON OPPOSITION TO UNI-**
6 **LATERAL ACTIONS TO CHANGE THE STATUS**
7 **QUO IN THE SOUTH CHINA SEA.**

8 It is the policy of the United States—

9 (1) to oppose the unilateral actions by any
10 claimant seeking to change the status quo in the
11 South China Sea through the use of coercion, intimi-
12 dation, or military force;

13 (2) to oppose provocative reclamation and is-
14 land building activities in the South China Sea, in-
15 cluding the militarization of any reclaimed features;

16 (3) to oppose actions by any country to prevent
17 any other country from exercising, consistent with
18 international law, its sovereign rights to the re-
19 sources of the exclusive economic zone (EEZ) and
20 continental shelf by making claims to those areas in
21 the South China Sea that are inconsistent with
22 international law; and

23 (4) to oppose unilateral declarations of adminis-
24 trative and military districts or fishing regulations in

1 contested areas in the South China Sea, which have
2 raised tensions.

3 **SEC. 104. STATEMENT OF POLICY AND SENSE OF CON-**
4 **GRESS ON THE COMMITMENT AND SUPPORT**
5 **OF THE UNITED STATES FOR ALLIES AND**
6 **PARTNERS IN THE ASIA-PACIFIC REGION.**

7 (a) STATEMENT OF POLICY.—It is the policy of the
8 United States—

9 (1) to affirm its unwavering commitment and
10 support for allies and partners in the Asia-Pacific
11 region;

12 (2) to reaffirm Article IV of the United States-
13 Philippines Mutual Defense Treaty which provides
14 that “each Party recognizes that an armed attack on
15 either Party in the Pacific Area on either of the Par-
16 ties would be dangerous to its own peace and safety
17 and declares that it would act to meet the common
18 dangers in accordance with its constitutional proc-
19 esses”; and

20 (3) to affirm that Article V of the United
21 States-Japan Treaty of Mutual Cooperation and Se-
22 curity applies to the Japanese-administered Senkaku
23 Islands.

24 (b) SENSE OF CONGRESS.—It is the sense of the
25 Congress that the United States should continue sup-

1 porting the efforts to the Southeast Asian nations to
2 strengthen their maritime security capacity, domain
3 awareness, and integration of their capabilities.

4 **SEC. 105. STATEMENT OF POLICY ON EFFORTS OF THE AS-**
5 **SOCIATION OF SOUTHEAST ASIAN NATIONS**
6 **AND THE PEOPLE'S REPUBLIC OF CHINA TO**
7 **DEVELOP AN EFFECTIVE CODE OF CONDUCT.**

8 It is the policy of the United States—

9 (1) to support efforts by the Association of
10 Southeast Asian Nations (ASEAN) and the People's
11 Republic of China to develop an effective Code of
12 Conduct;

13 (2) to encourage claimants not to undertake
14 new or unilateral attempts to change the status quo
15 since the signing of the 2002 Declaration of Con-
16 duct, including reclamation activities, asserting pro-
17 vocative administrative measures or controls in dis-
18 puted areas in the South China Sea, or inhabiting
19 uninhabited land features; and

20 (3) to support efforts by claimants through
21 ASEAN to seek a peaceful settlement of disputes
22 among themselves and with the People's Republic of
23 China.

1 **SEC. 106. STATEMENT OF POLICY ON THE CONTINUITY OF**
2 **OPERATIONS IN THE ASIA-PACIFIC REGION.**

3 It is the policy of the United States to assure the
4 continuity of operations in the Asia-Pacific region, includ-
5 ing, when appropriate, in cooperation with partners and
6 allies, in order to reaffirm the rights, freedoms, and lawful
7 uses of the sea and airspace in accordance with inter-
8 national law.

9 **TITLE II—MARITIME CAPACITY**
10 **BUILDING ASSISTANCE**

11 **SEC. 201. PRIORITIES FOR MARITIME CAPACITY BUILDING**
12 **ASSISTANCE.**

13 (a) SELECTION OF COUNTRIES.—In selecting coun-
14 tries in the Asia-Pacific region with respect to the provi-
15 sion of maritime capacity building assistance, the Sec-
16 retary of State may prioritize those countries that will con-
17 tribute to the achievement of following objectives:

18 (1) Retaining unhindered lawful access to and
19 use of waterways in the Asia-Pacific region that are
20 critical to ensuring the security and free flow of
21 commerce and achieving United States national se-
22 curity objectives.

23 (2) Improving maritime domain awareness in
24 the Asia-Pacific region.

25 (3) Countering piracy in the Asia-Pacific re-
26 gion.

1 (4) Disrupting illicit maritime trafficking activi-
2 ties and other forms of maritime trafficking activity
3 in the Asia-Pacific that directly benefit organizations
4 that have been determined to be a security threat to
5 the United States.

6 (5) Enhancing the maritime capabilities of a
7 country or regional organization to respond to
8 emerging threats to maritime security in the Asia-
9 Pacific region.

10 (b) PRIORITIES.—In carrying out the provision of
11 maritime capacity building under subsection (a)—

12 (1) priority may be placed on assistance to en-
13 hance the maritime security capabilities of the mili-
14 tary or security forces of countries in the Asia-Pa-
15 cific region that have maritime missions and the
16 government agencies responsible for such forces; and

17 (2) assistance may be provided to countries in
18 the Asia-Pacific region to enhance the capabilities of
19 such countries, or of regional organizations that in-
20 cludes such countries, to conduct—

21 (A) maritime intelligence, surveillance, and
22 reconnaissance;

23 (B) littoral and port security;

24 (C) Coast Guard operations;

25 (D) command and control; and

1 (E) management and oversight of maritime
2 activities.

3 (c) ANNUAL REPORT.—The Secretary of State shall
4 include in the report required to be submitted under sec-
5 tion 802 information on the status of the provision of
6 equipment, training, supplies, or other services provided
7 pursuant to maritime capacity building in the Asia-Pacific
8 in the preceding year.

9 **SEC. 202. SECURITY ASSISTANCE COORDINATION.**

10 The Secretary of State should seek to develop a bilat-
11 eral memorandum of understanding with each of the Gov-
12 ernments of the Philippines, Malaysia, Vietnam, and Indo-
13 nesia to outline the delivery of planned maritime security
14 capabilities to assist such countries, consistent with this
15 Act and subject to availability of appropriations, through
16 fiscal year 2020. Each memorandum of understanding
17 should account for Foreign Military Financing program
18 and any other United States security assistance authori-
19 ties and programs provided to the relevant country.

20 **TITLE III—INTERNATIONAL MIL-**
21 **ITARY EDUCATION AND**
22 **TRAINING**

23 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Sec-
25 retary of State \$15,000,000 for each of the fiscal years

1 2017 through 2020 for assistance under chapter 5 of part
2 II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301
3 et seq.) (relating to international military education and
4 training) for the Asia-Pacific region in accordance with
5 the provisions of this Act.

6 **TITLE IV—FOREIGN MILITARY** 7 **FINANCING PROGRAM**

8 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated to the Presi-
10 dent \$10,000,000 for fiscal year 2017 for assistance under
11 section 23 of the Arms Export Control Act (22 U.S.C.
12 2763) (relating to Foreign Military Financing program)
13 for the Asia-Pacific region in accordance with the provi-
14 sions of this Act.

15 **TITLE V—MARITIME LAW** 16 **ENFORCEMENT INITIATIVE**

17 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to the Sec-
19 retary of State \$10,000,000 for fiscal year 2017 for Inter-
20 national Narcotics Control and Law Enforcement assist-
21 ance for the support of the Southeast Asia Maritime Law
22 Enforcement Initiative, including the development of inte-
23 grated, regional capabilities to better understand the sur-
24 rounding maritime space by maritime law enforcement au-

1 thories in the following countries and among the fol-
2 lowing countries on a regional basis:

3 (1) The Philippines.

4 (2) Malaysia.

5 (3) Vietnam.

6 (4) Indonesia.

7 **TITLE VI—TRANSFER OF EXCESS** 8 **DEFENSE ARTICLES**

9 **SEC. 601. PRIORITY FOR TRANSFER OF EXCESS DEFENSE** 10 **ARTICLES.**

11 Section 516(c)(2) of the Foreign Assistance Act of
12 1961 (22 U.S.C. 2321j(c)(2)) is amended—

13 (1) by striking “Notwithstanding” and insert-
14 ing “(A) Notwithstanding”;

15 (2) by striking “and to the Philippines” and in-
16 serting “to the Philippines, and, subject to subpara-
17 graph (B), to Malaysia, Vietnam, and Indonesia”;
18 and

19 (3) by adding at the end the following:

20 “(B) The authority of subparagraph (A) to pro-
21 vide priority to the delivery of excess defense articles
22 under this section to Malaysia, Vietnam, and Indo-
23 nesia shall apply only with respect to excess defense
24 articles used for maritime security-related missions,

1 including excess defense articles for purposes of pa-
2 trols, intelligence, surveillance, and reconnaissance.”.

3 **SEC. 602. SENSE OF CONGRESS ON TRANSFER OF NAVAL**
4 **VESSEL.**

5 It is the sense of Congress that the maritime security
6 of United States allies and partners bordering the South
7 China Sea would be enhanced by the transfer of an Oliver
8 Hazard Perry class frigate to an appropriate country in
9 the region. Congress urges the Secretary of State to begin
10 the process of consulting with Congress on the transfer
11 of such a vessel as soon as possible.

12 **TITLE VII—EQUALITY OF TREAT-**
13 **MENT IN ARMS SALES FOR**
14 **TAIWAN**

15 **SEC. 701. EQUALITY OF TREATMENT IN ARMS SALES FOR**
16 **TAIWAN.**

17 (a) IN GENERAL.—The President shall ensure that
18 the United States Government treats every proposed arms
19 sales for Taiwan with the same timelines, processes, and
20 procedures, including formal notification to Congress
21 under the Arms Export Control Act (22 U.S.C. 2751 et
22 seq.), accorded to proposed arms transfers for all other
23 countries.

24 (b) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, and every 5 years thereafter,

1 the Secretary of State shall review and report to the ap-
2 propriate committees of Congress on the compliance of the
3 United States Government with the requirements of sub-
4 section (a).

5 **TITLE VIII—REPORTS**

6 **SEC. 801. REPORT ON PLANS FOR THE MAINTENANCE OF** 7 **RIGHTS, FREEDOMS, AND LAWFUL USES OF** 8 **THE SEAS AND AIRSPACE IN THE ASIA-PA-** 9 **CIFIC MARITIME DOMAINS.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, and annually thereafter, the Secretary
12 of State shall submit to the appropriate committees of
13 Congress a report in classified form setting forth a plan,
14 for each 1-year and 5-year periods beginning on the date
15 of such report, that details all freedom of navigation asser-
16 tions, shows of force, bilateral and multilateral military
17 exercises, port calls, and training intended to enhance the
18 maritime capabilities, respond to emerging threats, and
19 maintain freedom of operations, consistent with inter-
20 national law, in international waters and airspace in the
21 Asia-Pacific maritime domains.

22 **SEC. 802. REPORT ON PLANS FOR PARTNER CAPACITY** 23 **BUILDING.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Secretary of State shall submit to

1 the appropriate committees of Congress a report (in classi-
2 fied or unclassified form) setting forth a plan, for each
3 1-year and 5-year period beginning on the date of such
4 report, for security assistance and capacity building in-
5 tended to enhance the maritime capabilities, respond to
6 emerging threats, and maintain freedom of operations,
7 consistent with international law, in the waters and air-
8 space in the Asia-Pacific maritime domains.

