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Expressing support for the Association of South East Asian Nations, its 10 member states, Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, and the United States-ASEAN Special Summit in Washington, DC, and reaffirming the commitment of the United States to continue to remain a strong, reliable, and active partner in the ASEAN region.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2022

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

RESOLUTION

Expressing support for the Association of South East Asian Nations, its 10 member states, Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, and the United States-ASEAN Special Summit in Washington, DC, and reaffirming the commitment of the United States to 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 mutual interests for approximately 45 years, having first established dialogue on September 10, 1977, through the Joint Communique of the First ASEAN-United States Dialogue and the United States acceded to the Treaty of Amity and Cooperation in Southeast Asia 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 ASEAN member states can help realize the common goals of a free, open, peaceful, and prosperous Indo-Pacific region rooted in a rules-based order that promotes security, opportunity, and dignity to all people;

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

Whereas, in 2020, the 10 ASEAN member states represented the fifth largest economy in the world and constituted the fourth-largest export market of the United States, with total exports from the United States to ASEAN countries reaching \$111,900,000,000;

Whereas ASEAN is the number one destination for United States investment in the Indo-Pacific, with

\$328,500,000,000 in cumulative foreign direct investment;

Whereas ASEAN member states surround critical global sea lanes, with \$5,300,000,000,000 of global trade and more than ½ of the world’s total shipped tonnage transiting through the waters of such member states each year;

Whereas the ultimate goal of the ASEAN Economic Community (referred to in this preamble as “AEC”) is to create one of the largest single market economies in the world 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 has trained more than 20,000 small-to-medium size enterprises, with nearly ½ of the participants being women entrepreneurs;

Whereas the Mekong-U.S. Partnership, established in 2020 to expand upon the Lower Mekong Initiative, promotes sustainable long-term economic development throughout mainland Southeast Asia and fosters regional cooperation, integration, and capacity building;

Whereas the Japan-U.S.-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 2021, the United States announced several additional initiatives to enhance cooperation with ASEAN, including the United States-ASEAN Health Futures, the United States-ASEAN Climate Futures, the United States-ASEAN Economic Futures, and the Billions Futures;

Whereas the United States is cooperating with ASEAN member states and providing emergency health assistance to enhance the resilience of such member states in the face of the COVID–19 pandemic, including through the recently announced United States-ASEAN Health Futures program that builds on the more than \$3,500,000,000 the United States has invested in global health collaboration with ASEAN member states 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 member states, a key ingredient to maintaining stability, promoting economic growth, and advancing good governance and rule of law;

Whereas the Burmese armed forces conducted an illegitimate coup in 2021, usurped the democratic government of Myanmar, killed hundreds of civilians, and displaced more than 300,000 people;

Whereas the Burmese junta has failed to make meaningful progress on ASEAN’s Five-Point Consensus or receive official recognition from ASEAN;

Whereas the United States remains concerned about democratic backsliding and the erosion of protections of fundamental human rights in Southeast Asia;

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 maritime commons of the Indo-Pacific region, 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 countries with competing territorial claims to seek peaceful resolution of disputes through collaborative diplomacy and, as necessary, international dispute resolution mechanisms consistent with international law;

Whereas the United States supports the decision of the Government of the Philippines to use arbitration under the United Nations Convention on the Law of the Sea, 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 that represents the interests of all parties and promotes peace and stability in the region surrounding the South China Sea, opposes efforts by any nation to use a code of conduct 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 code of conduct;

Whereas the 20th Southeast Asia Cooperation and Training naval exercises featured more than 400 sailors from 21 countries, built greater maritime security on the strength of ASEAN, strengthened navy-to-navy bonds, and exemplified the shared belief in a free and open Indo-Pacific region;

Whereas the Indo-Pacific Strategy of the United States declares that “the United States also welcomes a strong and independent ASEAN that leads in Southeast Asia” and “endorse[s] ASEAN centrality and support[s] ASEAN in its efforts to deliver sustainable solutions to the region’s most pressing challenges”;

Whereas natural disasters in the ASEAN region over the past 4 decades have resulted in major loss and damage, with a disproportionate impact on developing countries;

Whereas the United States will pursue initiatives that are consistent with sustainable long-term economic development, including—

- (1) achievement of food security and poverty alleviation;
- (2) improvement of conservation and sustainable management of forests, fish stocks, and oceanic resources;
- (3) resilience to extreme weather events that are increasing in frequency and severity; and
- (4) provision of sustainable livelihoods for local communities throughout the ASEAN region; and

Whereas, in the invitation for the United States-ASEAN Leaders Summit, President Joseph R. Biden, Jr., stated that “the United States is committed to ASEAN centrality and remains steadfast in its support for an

ASEAN-centered regional architecture at the heart of the Indo-Pacific”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) welcomes official representatives from the
3 Governments of Brunei, Cambodia, Indonesia, Laos,
4 Malaysia, the Philippines, Singapore, Thailand, and
5 Vietnam to attend the first United States-ASEAN
6 Special Summit in Washington, DC;

7 (2) supports the decision of the Association of
8 South East Asian Nations (referred to in this resolu-
9 tion as “ASEAN”) to invite non-political representa-
10 tives from Myanmar to high-level ASEAN events
11 and, furthermore, welcomes such non-political rep-
12 resentatives to vocalize concerns on behalf of the
13 Burmese people at the United States-ASEAN Spe-
14 cial Summit, and refutes any political representation
15 for the Burmese junta;

16 (3) supports and affirms the full implementa-
17 tion of the Asia Reassurance Initiative Act of 2018
18 (Public Law 115–409; 132 Stat. 5387 et seq.) with
19 regard to elevating the relationship between the
20 United States and ASEAN, including more than
21 \$2,000,000,000 in annual appropriations for foreign
22 assistance and diplomatic operations in the Indo-Pa-
23 cific region;

1 (4) urges the United States-ASEAN Special
2 Summit, scheduled for May 12 and 13, 2022, to
3 prioritize—

4 (A) democracy, good governance, rule of
5 law, and human rights and address the trend of
6 democratic backsliding in Southeast Asia, in-
7 cluding the 2021 coup in Myanmar; and

8 (B) the pursuit of a robust economic agen-
9 da;

10 (5) reaffirms the importance of United States-
11 ASEAN economic engagement, including the elimi-
12 nation of barriers to cross-border commerce, and
13 supports the goals of the ASEAN Economic Com-
14 munity (referred to in this resolution as the “AEC”)
15 goals, including strong, inclusive, and sustainable
16 long-term economic growth and cooperation with the
17 United States that focuses on innovation and capac-
18 ity-building efforts in technology, education, disaster
19 management, food security, human rights, and trade
20 facilitation, particularly for the poorest ASEAN
21 member states;

22 (6) urges ASEAN to continue its efforts to fos-
23 ter greater integration and unity within the ASEAN
24 community, as well as to foster greater integration
25 and unity with non-ASEAN economic, political, and

1 security partners, including Japan, the Republic of
2 Korea, Australia, the European Union, Taiwan, and
3 India;

4 (7) calls on ASEAN to reaffirm its commit-
5 ment, consistent with the fundamental principle in
6 the ASEAN Charter and Treaty of Amity and Co-
7 operation, to the sovereignty, independence, unity,
8 and territorial integrity of Ukraine within its inter-
9 nationally recognized borders and call for an imme-
10 diate ceasefire and the withdrawal of Russian forces
11 from Ukraine;

12 (8) recognizes the value of strategic economic
13 initiatives like United States-ASEAN Connect,
14 which demonstrates a commitment to ASEAN and
15 the AEC and builds upon economic relationships in
16 the region;

17 (9) supports ASEAN member states in address-
18 ing maritime and territorial disputes in a construc-
19 tive manner and in pursuing claims through peace-
20 ful, diplomatic, and, as necessary, legitimate regional
21 and international dispute resolution mechanisms,
22 consistent with international law, including through
23 the adoption of a code of conduct in the South
24 China Sea that represents the interests of all parties
25 and promotes peace and stability in the region;

1 (10) urges all parties involved in the maritime
2 and territorial disputes in the Indo-Pacific region,
3 including the Government of the People’s Republic
4 of China—

5 (A) to cease any current activities, and
6 avoid undertaking any actions in the future
7 that undermine stability or complicate or esca-
8 late disputes through the use of coercion, in-
9 timidation, or military force;

10 (B) to demilitarize islands, reefs, shoals,
11 and other features, and refrain from new ef-
12 forts to militarize, including the construction of
13 new garrisons and facilities and the relocation
14 of additional military personnel, materiel, or
15 equipment;

16 (C) to oppose actions by any country that
17 prevent other countries from exercising their
18 sovereign rights to the resources in their exclu-
19 sive economic zones and continental shelves by
20 enforcing claims to those areas in the South
21 China Sea that lack support in international
22 law; and

23 (D) to oppose unilateral declarations of ad-
24 ministrative and military districts in contested
25 areas in the South China Sea;

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

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

10 (A) to enhance maritime capability and
11 maritime domain awareness;

12 (B) to protect unhindered access to and
13 use of international waterways in the Indo-Pa-
14 cific region that are critical to ensuring the se-
15 curity and free flow of commerce;

16 (C) to counter piracy;

17 (D) to disrupt illicit maritime trafficking
18 activities, such as the trafficking of persons,
19 goods, and drugs; and

20 (E) to enhance the maritime capabilities of
21 countries or regional organizations to respond
22 to emerging threats to maritime security in the
23 Indo-Pacific region;

24 (13) urges ASEAN member states to develop a
25 common approach to reaffirm the 2016 decision of

1 the Permanent Court of Arbitration in favor of the
2 Philippines in the case against the People's Republic
3 of China for excessive maritime claims;

4 (14) reaffirms the commitment of the United
5 States to continue joint efforts with ASEAN to halt
6 human smuggling and trafficking in persons, and
7 urges ASEAN to create and strengthen regional
8 mechanisms to provide assistance and support to
9 refugees and migrants;

10 (15) supports the Mekong-U.S. Partnership,
11 which promotes the stability, peace, prosperity, and
12 sustainable development of the Mekong sub-region
13 through cooperation between countries in the
14 Mekong region and the United States in addressing
15 transboundary challenges;

16 (16) urges ASEAN to build capacity for the
17 promotion and protection of human rights by
18 ASEAN member states and the implementation of
19 related priorities, programs, and activities;

20 (17) urges the governments of such member
21 states to engage directly with leaders of civil society
22 and human rights organizations, including advocates
23 of religious freedom, victims of human rights abuses,
24 and environmental groups, to ensure these stake-
25 holders have a voice in constructing public policy;

1 (18) encourages the President to communicate
2 to ASEAN leaders the importance of promoting the
3 rule of law and open and transparent government,
4 strengthening civil society, and protecting human
5 rights, including releasing political prisoners, ceasing
6 politically motivated prosecutions and arbitrary
7 killings, and safeguarding freedom of the press, free-
8 dom of assembly, freedom of religion, and freedom
9 of speech and expression;

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

18 (20) supports the Young Southeast Asian Lead-
19 ers Initiative as an example of a people-to-people
20 partnership that provides skills, networks, and lead-
21 ership training to a new generation who will create
22 and fill jobs, foster cross-border cooperation and
23 partnerships, and rise to solve the regional and glob-
24 al challenges of the future; and

1 (21) applauds the governments of ASEAN
2 member states that have fully upheld and imple-
3 mented all United Nations Security Council resolu-
4 tions and international agreements with respect to
5 nuclear and ballistic missile programs in North
6 Korea, and encourages all other governments of such
7 member states to do the same.

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