

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. MENENDEZ

Viz:

- 1 Strike all after the resolving clause and insert the fol-
- 2 lowing: “That the Senate—
- 3 (1) supports and affirms the full implementa-
- 4 tion of the Asia Reassurance Initiative Act (Public
- 5 Law 115–409) with regard to elevating the United
- 6 States relationship with ASEAN;

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

6 (3) expresses support for rescheduling the
7 United States-ASEAN Special Summit at an appro-
8 priate time, and supports high-level United States
9 participation in the annual ASEAN summit held
10 each November;

11 (4) reaffirms the importance of United States-
12 ASEAN economic engagement, including the elimi-
13 nation of barriers to cross-border commerce, and
14 supports the ASEAN Economic Community’s (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 ASEAN’s poorest coun-
21 tries;

22 (5) 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 (6) recognizes the value of strategic economic
5 initiatives like United States-ASEAN Connect,
6 which demonstrates a commitment to ASEAN and
7 the AEC and builds upon economic relationships in
8 the region;

9 (7) supports ASEAN nations in addressing
10 maritime and territorial disputes in a constructive
11 manner and in pursuing claims through peaceful,
12 diplomatic, and, as necessary, legitimate regional
13 and international arbitration mechanisms, consistent
14 with international law, including through the adop-
15 tion of a code of conduct in the South China Sea
16 that represents the interests of all parties and pro-
17 motes peace and stability in the region;

18 (8) urges all parties involved in the maritime
19 and territorial disputes in the Indo-Pacific region,
20 including the Government of the People's Republic
21 of China—

22 (A) to cease any current activities, and
23 avoid undertaking any actions in the future,
24 that undermine stability, or complicate or esca-

1 late disputes through the use of coercion, in-
2 timidation, or military force;

3 (B) to demilitarize islands, reefs, shoals,
4 and other features, and refrain from new ef-
5 forts to militarize, 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 that
10 prevent other countries from exercising their
11 sovereign rights to the resources in their exclu-
12 sive economic zones (EEZ) and continental
13 shelves by enforcing claims to those areas in the
14 South China Sea that lack support in inter-
15 national 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 (9) 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 (10) 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 Indo-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 Indo-Pacific region;

17 (11) urges ASEAN member states to develop a
18 common approach to reaffirm the decision of the
19 Permanent Court of Arbitration’s 2016 ruling in
20 favor of the Republic of the Philippines in the case
21 against the People’s Republic of China’s excessive
22 maritime claims;

23 (12) reaffirms the commitment of the United
24 States to continue joint efforts with ASEAN to halt
25 human smuggling and trafficking in persons, and

1 urges ASEAN to create and strengthen regional
2 mechanisms to provide assistance and support to
3 refugees and migrants;

4 (13) supports the Lower Mekong Initiative,
5 which has led to significant progress in promoting
6 sustainable long-term economic development in
7 mainland Southeast Asia and fostering integrated
8 sub-regional cooperation and capacity building;

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

13 (15) urges ASEAN governments to engage di-
14 rectly with leaders of civil society and human rights,
15 including advocates of religious freedom, victims of
16 human rights abuses, and environmental groups,
17 and to ensure these stakeholders have a voice in con-
18 structing public policy;

19 (16) encourages the President of the United
20 States to communicate to ASEAN leaders the im-
21 portance of promoting the rule of law and open and
22 transparent government, strengthening civil society,
23 and protecting human rights, including releasing po-
24 litical prisoners, ceasing politically motivated pros-
25 ecutions and arbitrary killings, safeguarding freedom

1 of the press, freedom of assembly, freedom of reli-
2 gion, and freedom of speech and expression;

3 (17) supports efforts by organizations in
4 ASEAN that address corruption in the public and
5 private sectors, enhance anti-bribery compliance, en-
6 force bribery criminalization in the private sector,
7 and build beneficial ownership transparency through
8 the ASEAN–USAID PROSPECT project partnered
9 with the South East Asia Parties Against Corrup-
10 tion (SEA–PAC);

11 (18) supports the Young Southeast Asian Lead-
12 ers Initiative as an example of a people-to-people
13 partnership that provides skills, networks, and lead-
14 ership training to a new generation who will create
15 and fill jobs, foster cross-border cooperation and
16 partnerships, and rise to solve the regional and glob-
17 al challenges of the future; and

18 (19) applauds the ASEAN governments that
19 have fully upheld and implemented all United Na-
20 tions Security Council resolutions and international
21 agreements with respect to North Korea’s nuclear
22 and ballistic missile programs, and encourages all
23 other ASEAN governments to do the same.