

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair Trade in Seafood Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Food and Agriculture Organization of the United Nations, 85 percent of the world’s fisheries are over-exploited, fully exploited, significantly depleted, or recovering from overexploitation, the highest percentage ever on record.

(2) A primary reason for the global fisheries crisis is government subsidies that create perverse incentives for continued fishing in the face of declining catches.

(3) Despite the dire conditions of the world’s marine resources, some of the countries that engage in the most fishing continue to provide significant subsidies to their fishing fleets.

(4) Fisheries subsidies are estimated to be approximately 20 percent of the value of the world catch and have helped create a global fishing fleet that is up to 250 percent larger than that needed to fish sustainably.

(5) Many long-range foreign fleets are supported by government subsidies for fuel, other operational expenses, and vessel construction that allow their fleets to fish longer, at greater distances, and more intensively than is commercially or environmentally warranted. Those fleets would not be viable without the support of government subsidies.

(6) Many developing countries are particularly affected by fisheries subsidies provided by other governments because the developing countries are unable to compete against subsidized industrial fleets.

(7) Fisheries subsidies offered by the governments of other countries give the fleets of those countries an unfair advantage over United States fishermen by reducing the costs of operations and increasing the number, size, and power of vessels competing for fish. Foreign fisheries subsidies also undermine opportunities for United States fishermen in potential export markets.

(8) Without committed global leadership to reduce “overfishing subsidies”, there is a significant risk that the oceans will become too depleted to fish, resulting in a catastrophic blow to the world economy and environment.

(9) As one of the world’s largest importers of seafood and one of the top five exporters of seafood, the United States has a particular responsibility to lead trade negotiations to address fisheries subsidies and make the establishment of strong new rules on fisheries subsidies a core priority in United States trade negotiations.

(10) Paragraphs 28 and 31 of the Ministerial Declaration of the World Trade Organization adopted at Doha November 14, 2001, which launched the Doha Development Agenda, called for negotiations to clarify and improve disciplines on trade-distorting government fisheries subsidies.

(11) Paragraphs 9 through 11 of Annex D of the Ministerial Declaration of the World Trade Organization adopted at Hong Kong December 18, 2005, reinforced the Doha fisheries subsidies mandate, noting that “there is broad agreement that the Group should strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing” and calling on “Participants promptly to undertake further detailed work to, *inter alia*, establish the nature and extent of those disciplines, including transparency and enforceability”.

(12) The negotiations on fisheries subsidies in the World Trade Organization and negotiations for the Trans-Pacific Partnership Agreement are two of the most important,

and promising, international efforts to stop global overfishing and represent meaningful efforts to directly address a key environmental issue that directly impacts international trade.

(13) On November 12, 2011, the leaders of the 9 countries in negotiations for the Trans-Pacific Partnership Agreement—Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States—announced the achievement of the broad outlines of an ambitious, 21st-century agreement. According to a statement released by those leaders, the agreed outline calls for “[a] meaningful outcome on environment [that] will ensure that the agreement appropriately addresses important trade and environment challenges and enhances the mutual supportiveness of trade and environment. The TPP countries share the view that the environment text should include effective provisions on trade-related issues that would help to reinforce environmental protection and are discussing an effective institutional arrangement to oversee implementation and a specific cooperation framework for addressing capacity building needs.”. Various proposals, including a proposal by the United States, to bring disciplines to government-subsidized fishing are under active discussion as part of the negotiations on the environment chapter of the Trans-Pacific Partnership Agreement.

(14) The United States continues to make achievement of an agreement on disciplines on government fisheries subsidies a priority in negotiations in the World Trade Organization and for the Trans-Pacific Partnership Agreement. On December 16, 2011, at the Eighth Ministerial Conference of the World Trade Organization in Geneva, the United States Trade Representative issued a statement urging “continued work toward an ambitious outcome on fisheries subsidies under the WTO”. Noting the acute impact of declining catches on developing countries, the Trade Representative further stated, “We stand ready to explore new negotiating approaches that can move us towards the elimination of harmful subsidies that contribute to overcapacity and overfishing. . . . WTO Members have a duty to address one of the root causes of overfishing and overcapacity—the fisheries subsidies that encourage fishing enterprises to fish longer, harder, and farther than would otherwise be sustainable without subsidy aid. . . . The United States is ready to continue this work in the WTO and in other appropriate fora—including free trade agreements such as the Trans-Pacific Partnership and other bilateral, regional and multilateral initiatives.”.

(15) A strong fisheries subsidies agreement by the World Trade Organization and in the Trans-Pacific Partnership Agreement would set an historic precedent by showing that international trade can directly benefit the environment while promoting exports and open markets.

SEC. 3. TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES WITH RESPECT TO GOVERNMENT FISHERIES SUBSIDIES.

It shall be a principal negotiating objective of the United States in negotiations for a trade agreement—

(1) to eliminate fisheries subsidies provided by governments that unfairly distort markets to the detriment of United States commercial fishing interests and that perpetuate unsustainable fishing practices; and

(2) to ensure that any commitments with respect to such subsidies are enforceable under appropriate trade laws.

SEC. 4. EFFECTIVE DATE.

This Act takes effect on the date of the enactment of this Act and applies with respect to negotiations for a trade agreement that—

(1) include any negotiations relating to the elimination or reduction of government fisheries subsidies; and

(2) are entered into—
(A) on or after such date of enactment; or
(B) before such date of enactment if the negotiations continue on or after such date of enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 541—CONDEMNING THE GOVERNMENT OF VIETNAM FOR HUMAN RIGHTS VIOLATIONS

Mr. CORNYN (for himself, Mrs. BOXER, Mr. BOOZMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 541

Whereas Vietnam is an authoritarian state ruled by the Communist Party of Vietnam, which continues to deny the right of the people of Vietnam to participate in free and fair elections;

Whereas, according to the 2012 annual report of the United States Commission on International Religious Freedom, “Vietnam’s overall human rights record remains poor, and has deteriorated since Vietnam was removed from the CPC [countries of particular concern] list and joined the World Trade Organization in 2007.”;

Whereas, according to the Department of State’s most recent Country Reports on Human Rights Practices, published on May 24, 2012 (in this resolution, the “DOS Human Rights Report”), the most significant human rights issues in Vietnam “were severe government restrictions on citizens’ political rights, particularly their right to change their government; increased measures to limit citizens’ civil liberties; and corruption in the judicial system and police”;

Whereas, according to the DOS Human Rights Report, the Government of Vietnam “reportedly held more than 100 political detainees at year’s end, although some international observers claimed there were more. . . . Diplomatic sources reported the existence of four reeducation centers in the country holding approximately 4,000 prisoners”;

Whereas, according to the DOS Human Rights Report, Vietnam’s Ministry of Public Security “maintains a system of household registration and block wardens to monitor the population,” while “credible reports suggested that local police used ‘contract thugs’ and ‘citizen brigades’ to harass and beat political activists and others, including religious worshippers, perceived as undesirable or a threat to public security”;

Whereas, on April 8, 2006, the pro-democracy movement Bloc 8406 was founded in Vietnam, and it has since attracted thousands of supporters calling for respect for basic human rights, the establishment of a multiparty political system, and guarantees of freedom of religion and political association;

Whereas, according to the DOS Human Rights Report, the Government of Vietnam “continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one-party state was permitted,” and “the government continued to crack down on the small, opposition political groups established in 2006, and group members faced arrests and arbitrary detentions”;

Whereas, according to the DOS Human Rights Report, “[t]here continued to be credible reports that authorities pressured defense lawyers not to take as clients any religious or democracy activists facing trial. Human rights lawyers were restricted, harassed, arrested, disbarred, and in some cases detained for representing political activists,” while “given their previous convictions, lawyers Le Tran Luat, Le Thi Cong Nhan, and Le Quoc Quan were not permitted to practice law”;

Whereas, on April 4, 2011, the Hanoi People's Court sentenced attorney Cu Huy Ha Vu to seven years in prison for defending victims of land confiscation and abuse of power, including the Catholic villagers of Con Dau who refused to sell or vacate land, including a 135-year-old religious burial site, and in August and November 2011, Vu's appeals were unsuccessful;

Whereas, although the constitution of Vietnam provides for freedom of religion, Vietnamese law requires official recognition or registration for religious groups, which has been used to monitor and restrict the operations of religious organizations;

Whereas the 2012 Annual Report of the United States Commission on International Religious Freedom (USCIRF) lists Vietnam as one of the “world's worst religious freedom violators,” recommending that the Secretary of State name Vietnam a “country of particular concern” with respect to religious freedom, noting that “the Government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority” and that “individuals continue to be imprisoned or detained for reasons relating to their religious activity or religious freedom advocacy” while “independent religious activity remains illegal”;

Whereas, according to the USCIRF report, between April 2011 and February 2012, “as many as 27 individuals were arrested or disappeared in Vietnam for their religious affiliations, religious activities, or peaceful protest of religious freedom restrictions, among them Hoa Hao Buddhists, Catholics, Protestants, and Falun Gong practitioners”;

Whereas hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in Vietnam's Central Highlands, while, according to Human Rights Watch, in 2010, as many as 70 additional people were detained in the Central Highlands for conducting “illegal” religious services;

Whereas the Unified Buddhist Church of Vietnam is the country's largest religious organization, yet according to the USCIRF, it “has faced decades of harassment and repression for seeking independent status and for appealing to the government to respect religious freedom and related human rights”;

Whereas, in July 2011, Father Nguyen Van Ly, who has been imprisoned numerous times for his religious freedom and human rights advocacy, but had been granted medical parole in March 2010 after suffering several strokes in prison that left him partially paralyzed, was returned to prison to serve the remainder of his eight-year sentence;

Whereas on January 6, 2011, Christian Marchant, a United States diplomat at the United States Embassy in Hanoi, was beaten by Vietnamese police when he went to visit Father Ly, who was then under house arrest;

Whereas, according to the USCIRF report, over a dozen religious leaders are being held under long-term house arrest orders, including Unified Buddhist Church of Vietnam (UBCV) leader Thich Quang Do and other UBCV leaders, Catholic Father Phan Van Loi, Hoa Hao leader Le Quang Liem, Protes-

tants Nguyen Van Dai and Le Thi Cong Nhan, and Mennonite Leader Nguyen Thi Hong;

Whereas Reporters Without Borders' 2011-2012 Press Freedom Index ranks Vietnam last in Southeast Asia with regard to freedom of the press, and 172 out of 179 countries overall;

Whereas, in September 2007, Vietnamese bloggers established the Club of Free Journalists to promote freedom of expression and independent journalism and were quickly faced with harassment, intimidation, and detention by authorities in Vietnam, beginning with the arrest of Nguyen Van Hai in April 2008;

Whereas, on October 30, 2010, while in Hanoi, Vietnam, Secretary of State Hillary Clinton said, “[T]he United States remains concerned about the arrest and conviction of people for peaceful dissent, the attacks on religious groups, the curbs on Internet freedom, including of bloggers. Vietnam has so much potential, and we believe that political reform and respect for human rights are an essential part of realizing that potential.”;

Whereas, on November 10, 2011, Secretary of State Clinton stated, “We support not only open economies but open societies . . . we have made it clear to Vietnam that if we are to develop a strategic partnership, as both nations desire, Vietnam must do more to respect and protect its citizens' rights”; and

Whereas, on February 2, 2012, Assistant Secretary of State Kurt M. Campbell stated that “for the United States and Vietnam to go to the next level it will require some significant steps on the part of Vietnam to address . . . human rights concerns . . . but also more systematic challenges associated with freedom of expression, freedom of organization,” explaining that “progress in these areas will be essential to have the appropriate level of support in the United States that will sustain a deeper engagement between our two countries”: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the commitment of the United States to democracy, human rights, civil liberties, and rule of law, including the universal rights of freedom of assembly, freedom of speech, freedom of religion, and freedom of association;

(2) strongly condemns the ongoing and egregious human rights violations committed by the Government of Vietnam against the Vietnamese people;

(3) urges the President, Secretary of State, and all other appropriate United States Government officials to ensure that relations between the United States and Vietnam continue to include robust discussion on the troubling human rights record of the Government of Vietnam;

(4) encourages the Secretary of State to place Vietnam on the list of “Countries of Particular Concern” with regard to religious freedom pursuant to section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)) in order to highlight abuses of religious freedom in Vietnam and encourage improvement in the respect for human rights in Vietnam; and

(5) urges the President, Secretary of State, and other world leaders to publicly support the human rights of the people of Vietnam and to call on the President of Vietnam to—

(A) release all political and religious prisoners, including all those imprisoned or detained on account of their advocacy for democracy, religious freedom, and other human rights;

(B) revise or repeal ordinances and decrees that limit freedom of expression, assembly, association, or religion; and

(C) implement all necessary legal and political reforms to protect these rights.

SENATE RESOLUTION 542—EX-PRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES GOVERNMENT SHOULD CONTINUE TO SUPPORT DEMOCRACY AND HUMAN RIGHTS IN TAIWAN FOLLOWING THE JANUARY 2012 PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN TAIWAN

Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 542

Whereas, for many years, Taiwan has been a strong and cooperative partner of the United States;

Whereas the 1979 Taiwan Relations Act (22 U.S.C. 3301 et seq.), the cornerstone of United States-Taiwan relations, declares that “the preservation and enhancement of the human rights of all the people of Taiwan are hereby reaffirmed as objectives of the United States”;

Whereas, since the lifting of martial law in 1987, the people of Taiwan have amply demonstrated their desire for democratic governance, as well as their commitment to human rights, civil liberties, and the rule of law;

Whereas, since their first democratic presidential election in 1996, the people of Taiwan have conducted four more presidential elections, as well as successive elections for members of their national legislature, numerous local elections, and two national referendums;

Whereas Taiwan conducted its latest presidential and legislative elections on January 14, 2012;

Whereas, on January 14, 2012, Mr. Ma Ying-jeou, the incumbent and the nominee of the Chinese Nationalist Party (KMT), was re-elected as the President of Taiwan with 51.6 percent of the vote, while in the 113-member legislature the KMT won 64 seats, the Democratic Progressive Party (DPP) won 40 seats, and the People's First Party (PFP), the Taiwan Solidarity Union (TSU), and other non-partisan independent candidates each won 3 seats;

Whereas an international election observation mission made up of 19 observers from 8 countries, invited by the International Committee for Fair Elections in Taiwan (ICFET), observed the January 14, 2012, elections in Taiwan;

Whereas the final report of the mission, made up of observers from Australia, Canada, Denmark, France, Japan, Sweden, the Netherlands, and the United States, was recently presented in Taiwan;

Whereas the final report of the mission included—

(1) a finding that the elections were mostly free but only partly fair;

(2) a finding that the date selected for the election made it more convenient for Taiwan businessmen in China to return for the vote, but made it more difficult for students to return to their home towns to vote, and a recommendation that the household registration system should be changed to allow people to vote where they actually work or study in Taiwan, ending the need to travel long distances to vote;

(3) a finding that vote buying and vote betting remains an issue of concern, and recommendations that stiffer penalties be put in place for candidates who buy votes, such as disqualification from running in future