

.....  
(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations.

---

## IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself, Ms. LOFGREN, Mr. ROHRABACHER, Mr. CONNOLLY, Ms. LORETTA SANCHEZ of California, Mr. ROYCE, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

# A BILL

To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Vietnam Human Rights Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.

Sec. 3. Prohibition on increased nonhumanitarian assistance to the Government of Vietnam.

Sec. 4. Easing of restrictions for Vietnam under the Arms Export Control Act.

Sec. 5. United States public diplomacy.

Sec. 6. Religious freedom and human trafficking.

Sec. 7. Annual report.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 Congress finds the following:

3 (1) The relationship between the United States  
4 and the Socialist Republic of Vietnam has grown  
5 substantially since the end of the trade embargo in  
6 1994, with annual trade between the two countries  
7 reaching nearly \$36,000,000,000 in 2014.

8 (2) The Government of Vietnam's transition to-  
9 ward greater economic liberalization and trade has  
10 not been matched by greater political freedom and  
11 substantial improvements in basic human rights for  
12 Vietnamese citizens, including freedom of religion,  
13 expression, association, and assembly.

14 (3) The United States Congress agreed to Viet-  
15 nam becoming an official member of the World  
16 Trade Organization in 2006, amidst assurances that  
17 the Government of Vietnam was steadily improving  
18 its human rights record and would continue to do so.

19 (4) Vietnam remains a one-party state, ruled  
20 and controlled by the Communist Party of Vietnam  
21 (CPV), which continues to deny the right of citizens  
22 to change their Government.

1           (5) Although in recent years the National As-  
2           sembly of Vietnam has played an increasingly active  
3           role as a forum for highlighting local concerns, cor-  
4           ruption, and inefficiency, the National Assembly re-  
5           mains subject to the direction of the CPV and the  
6           CPV maintains control over the selection of can-  
7           didates in national and local elections.

8           (6) The Government of Vietnam forbids public  
9           challenge to the legitimacy of the one-party state, re-  
10          stricts freedoms of opinion, the press, and associa-  
11          tion and tightly limits access to the Internet and  
12          telecommunication.

13          (7) Since Vietnam's accession to the WTO on  
14          January 11, 2007, the Government of Vietnam arbi-  
15          trarily arrested and detained numerous individuals  
16          for their peaceful advocacy of religious freedom, de-  
17          mocracy, and human rights, including Father  
18          Nguyen Van Ly, Pastor Nguyen Cong Chinh, Pastor  
19          Duong Kim Khai, labor organizers Nguyen Hoang  
20          Quoc Hung and Doan Huy Chuong, and bloggers  
21          Nguyen Huu Vinh, Nguyen Thi Minh Thuy, and Ta  
22          Phong Tan.

23          (8) The Government of Vietnam continues to  
24          detain, imprison, place under house arrest, convict,

1 or otherwise restrict persons for the peaceful expres-  
2 sion of dissenting political or religious views.

3 (9) The Government of Vietnam continues to  
4 detain labor leaders and restricts the right to orga-  
5 nize independently.

6 (10) The Government of Vietnam continues to  
7 limit the freedom of religion, restrict the operations  
8 of independent religious organizations, force people  
9 of faith to renounce their faith, expropriate lands  
10 and properties belonging to independent churches,  
11 and persecute believers whose religious activities the  
12 Government regards as a potential threat to its mo-  
13 nopoly on power.

14 (11) According to the United Nations Special  
15 Rapporteur on freedom of religion or of belief, who  
16 recently conducted a mission to Vietnam, “autonomy  
17 and activities of independent religious or belief com-  
18 munities, that is, unrecognized communities, remain  
19 restricted and unsafe, with the rights to freedom of  
20 religion or belief of such communities grossly vio-  
21 lated in the face of constant surveillance, intimidat-  
22 ion, harassment and persecution”.

23 (12) Despite reported progress in church open-  
24 ings and legal registrations of religious venues, the  
25 Government of Vietnam has halted most positive ac-

1 tions and increasingly cracked down on independent  
2 religious communities since the Department of State  
3 lifted the “country of particular concern” (CPC)  
4 designation for Vietnam in November 2006.

5 (13) Unregistered ethnic minority Protestant  
6 congregations, particularly Montagnards in the Cen-  
7 tral Highlands and Hmong in the Northwest Moun-  
8 tainous Regions, suffer severe abuses because of ac-  
9 tions by the Government of Vietnam, which have in-  
10 cluded forced renunciations of faith, arrest and har-  
11 assment, the withholding of social programs pro-  
12 vided for the general population, confiscation and  
13 destruction of property, subjection to severe beat-  
14 ings, and reported deaths.

15 (14) There has been a pattern of violent re-  
16 sponses by the Government to peaceful prayer vigils  
17 and demonstrations by Catholics for the return of  
18 Government-confiscated church properties. Pro-  
19 testers have been harassed, beaten, and detained  
20 and church properties have been destroyed. Catholics  
21 also continue to face some restrictions on selection  
22 of clergy, the establishment of seminaries and semi-  
23 nary candidates, and individual cases of travel and  
24 church registration. Catholicism is not recognized in  
25 the provinces of Dien Bien, Son La, and Lai Chau.

1           (15) In May 2010 the village of Con Dau, a  
2           Catholic parish in Da Nang, faced escalated violence  
3           during a funeral procession as police attempted to  
4           prohibit a religious burial in the village cemetery;  
5           more than 100 villagers were injured, 62 were ar-  
6           rested, five were tortured, and at least three died.  
7           The situation has remained unresolved.

8           (16) The Unified Buddhist Church of Vietnam  
9           (UBCV) suffers persecution as the Government of  
10          Vietnam continues to restrict contacts and move-  
11          ment of senior UBCV clergy for refusing to join the  
12          state-sponsored Buddhist organization, the Govern-  
13          ment restricts expression and assembly, and the  
14          Government continues to harass and threaten UBCV  
15          monks, nuns, and youth leaders.

16          (17) The Government of Vietnam continues to  
17          suppress the activities of other religious adherents,  
18          including Cao Dai and Hoa Hao Buddhists who lack  
19          official recognition or have chosen not to affiliate  
20          with the state-sanctioned groups, including through  
21          the use of detention, imprisonment, and strict Gov-  
22          ernment oversight.

23          (18) Many Montagnards and others are still  
24          serving long prison sentences for their involvement  
25          in peaceful demonstrations in 2001, 2002, 2004,

1 and 2008. Montagnards continue to face threats, de-  
2 tention, beatings, forced renunciation of faith, prop-  
3 erty destruction, restricted movement, and reported  
4 deaths at the hands of Government officials.

5 (19) Ethnic minority Hmong in Northern Viet-  
6 nam, the Northwest Highlands, and the Central  
7 Highlands of Vietnam also suffer restrictions, confis-  
8 cation of property, abuses, and persecution by the  
9 Government of Vietnam. Many of their leaders have  
10 been sentenced to prison terms.

11 (20) The Government of Vietnam restricts  
12 Khmer Krom expression, assembly, and association,  
13 has confiscated nearly all the Theravada Buddhist  
14 temples, controls all Khmer Krom Buddhist religious  
15 organizations, prohibits most peaceful protests, and  
16 imprisons many Khmer Krom Buddhist monks who  
17 worked to preserve the Khmer Krom culture.

18 (21) People arrested in Vietnam because of  
19 their political or religious affiliations and activities  
20 often are not accorded due legal process as they lack  
21 full access to lawyers of their choice, may experience  
22 closed trials, have often been detained for years  
23 without trial, and have been subjected to the use of  
24 torture to admit crimes they did not commit or to  
25 falsely denounce their own leaders.

1           (22) Vietnam continues to be a source country  
2           for the commercial sexual exploitation and forced  
3           labor of women and girls, as well as for men and  
4           women legally entering into international labor con-  
5           tracts who subsequently face conditions of debt  
6           bondage or forced labor, and is a destination country  
7           for child trafficking and continues to have internal  
8           human trafficking.

9           (23) There are many reports of Vietnamese of-  
10          ficials and employees participating in, facilitating,  
11          condoning, or otherwise being complicit in severe  
12          forms of human trafficking. Victims of human traf-  
13          ficking who speak out against traffickers in the gov-  
14          ernment-run labor export program receive threats of  
15          punishment by government authorities.

16          (24) United States refugee resettlement pro-  
17          grams, including the Humanitarian Resettlement  
18          (HR) Program, the Orderly Departure Program  
19          (ODP), Resettlement Opportunities for Vietnamese  
20          Returnees (ROVR) Program, general resettlement of  
21          boat people from refugee camps throughout South-  
22          east Asia, the Amerasian Homecoming Act of 1988,  
23          and the Priority One Refugee resettlement category,  
24          have helped rescue Vietnamese nationals who have  
25          suffered persecution on account of their associations



1 with the United States or, in many cases, because of  
2 such associations by their spouses, parents, or other  
3 family members, as well as other Vietnamese nation-  
4 als who have been persecuted because of race, reli-  
5 gion, nationality, political opinion, or membership in  
6 a particular social group.

7 (25) While previous programs have served their  
8 purposes well, a significant number of eligible refu-  
9 gees from Vietnam were unfairly denied or excluded,  
10 including Amerasians, in some cases by vindictive or  
11 corrupt Vietnamese officials who controlled access to  
12 the programs, and in others by United States per-  
13 sonnel who imposed unduly restrictive interpreta-  
14 tions of program criteria. In addition, the Govern-  
15 ment of Vietnam has denied passports to persons  
16 who the United States has found eligible for refugee  
17 admission.

18 (26) The Government of Vietnam reportedly is  
19 detaining tens of thousands of people, with some as  
20 young as 12 years old, in government-run drug de-  
21 tention centers and treating them as slave laborers.

22 (27) In 2012, over 150,000 people signed an  
23 online petition calling on the Administration to not  
24 expand trade with communist Vietnam at the ex-  
25 pense of human rights.

1           (28) Each year close to a thousand Vietnamese-  
2           American advocates from across the country convene  
3           in Washington, D.C., to call on the administration  
4           to attach human rights conditions to trade and secu-  
5           rity agreements with Vietnam.

6           (29) Congress has passed numerous resolutions  
7           condemning human rights abuses in Vietnam, indi-  
8           cating that although there has been an expansion of  
9           relations with the Government of Vietnam, it should  
10          not be construed as approval of the ongoing and se-  
11          rious violations of fundamental human rights in  
12          Vietnam.

13 **SEC. 3. PROHIBITION ON INCREASED NONHUMANITARIAN**  
14                   **ASSISTANCE TO THE GOVERNMENT OF VIET-**  
15                   **NAM.**

16          (a) ASSISTANCE.—

17           (1) IN GENERAL.—Except as provided in sub-  
18          sections (b), the Federal Government may not pro-  
19          vide nonhumanitarian assistance to the Government  
20          of Vietnam, or to any organization working within  
21          Vietnam under an agreement signed with a Govern-  
22          ment of Vietnam entity, agency, or organization dur-  
23          ing any fiscal year in an amount that exceeds the  
24          amount of such assistance provided for fiscal year  
25          2014 unless—

1 (A) with respect to the limitation for fiscal  
2 year 2014, the President determines and cer-  
3 tifies to Congress, not later than 30 days after  
4 the date of the enactment of this Act, that the  
5 requirements of subparagraphs (A) through (G)  
6 of paragraph (2) have been met during the 12-  
7 month period ending on the date of the certifi-  
8 cation; and

9 (B) with respect to the limitation for sub-  
10 sequent fiscal years, the President determines  
11 and certifies to Congress, in the most recent  
12 annual report submitted pursuant to section 7,  
13 that the requirements of subparagraphs (A)  
14 through (G) of paragraph (2) have been met  
15 during the 12-month period covered by the re-  
16 port.

17 (2) REQUIREMENTS.—The requirements of this  
18 paragraph are the following:

19 (A) The Government of Vietnam has made  
20 substantial progress toward releasing all polit-  
21 ical and religious prisoners from imprisonment,  
22 house arrest, and other forms of detention, in-  
23 cluding journalists and bloggers, independent  
24 labor union members, democracy and free  
25 speech advocates and those detained for engag-

1           ing in religious activity or peaceful protests  
2           against religious freedom restrictions.

3           (B) The Government of Vietnam has made  
4           substantial progress toward ensuring freedom  
5           of expression, particularly ending censorship of  
6           the Internet by the government and the repeal-  
7           ing of laws that restrict Internet freedom.

8           (C) The Government of Vietnam has made  
9           substantial progress toward respecting the right  
10          to freedom of religion, including the right to  
11          participate in religious activities and institu-  
12          tions without interference, harassment, or in-  
13          volvement of the Government, for all of Viet-  
14          nam's diverse religious communities.

15          (D) The Government of Vietnam has made  
16          substantial progress toward Internet freedom, a  
17          complete end to censorship, the repeal of laws  
18          restricting internet usage and the punishment  
19          of anti-state comments online, the blockage of  
20          content from dissidents within Vietnam and  
21          from abroad, and efforts by pro-government  
22          forces to disrupt, hack, and block websites and  
23          operations of Vietnamese groups abroad.

24          (E) The Government of Vietnam has made  
25          substantial progress toward respecting the right

1 to the freedoms of assembly and association, in-  
2 cluding the right to organize labor unions inde-  
3 pendent of government oversight and control  
4 and the right to participate in nonviolent dem-  
5 onstrations, rallies, or civil society organiza-  
6 tions, in accordance with international stand-  
7 ards and treaties to which Vietnam is a party.

8 (F) Neither any official of the Government  
9 of Vietnam nor any agency or entity wholly or  
10 partly owned by the Government of Vietnam  
11 was complicit in the trafficking in persons and  
12 the Government of Vietnam took all necessary  
13 and appropriate steps to end any such com-  
14 plicity and hold such official, agency, or entity  
15 fully accountable for its conduct.

16 (G) The Government of Vietnam has made  
17 substantial progress toward allowing Viet-  
18 nameese nationals free and open access to  
19 United States refugee programs.

20 (H) The Government of Vietnam has made  
21 substantial progress toward respecting the  
22 internationally-guaranteed human rights of  
23 members of all ethnic and minority groups.

24 (b) EXCEPTION.—

1           (1) CONTINUATION OF ASSISTANCE IN THE NA-  
2           TIONAL INTEREST.—Notwithstanding the failure of  
3           the Government of Vietnam to meet the require-  
4           ments of subsection (a)(2), the President may waive  
5           the application of subsection (a) for any fiscal year  
6           if the President determines that the provision to the  
7           Government of Vietnam of increased nonhumani-  
8           tarian assistance would promote the purpose of this  
9           Act or is otherwise in the national interest of the  
10          United States.

11          (2) EXERCISE OF WAIVER AUTHORITY.—The  
12          President may exercise the authority under para-  
13          graph (1) with respect to—

14                 (A) all United States nonhumanitarian as-  
15                 sistance to Vietnam; or

16                 (B) one or more programs, projects, or ac-  
17                 tivities of such assistance.

18          (c) DEFINITIONS.—In this section:

19                 (1) NONHUMANITARIAN ASSISTANCE.—The  
20                 term “nonhumanitarian assistance” means—

21                         (A) any assistance under the Foreign As-  
22                         sistance Act of 1961 (including programs under  
23                         title IV of chapter 2 of part I of that Act, relat-  
24                         ing to the Overseas Private Investment Cor-  
25                         poration), other than—

1 (i) disaster relief assistance, including  
2 any assistance under chapter 9 of part I of  
3 that Act;

4 (ii) assistance which involves the pro-  
5 vision of food (including monetization of  
6 food) or medicine;

7 (iii) assistance for environmental re-  
8 mediation of dioxin-contaminated sites and  
9 related health activities;

10 (iv) assistance for demining and  
11 unexploded ordnance (UXO) remediation,  
12 and related health and educational activi-  
13 ties;

14 (v) assistance to combat severe forms  
15 of trafficking in persons;

16 (vi) assistance to combat diseases;

17 (vii) assistance for refugees;

18 (viii) assistance to combat HIV/AIDS,  
19 including any assistance under section  
20 104A of that Act; and

21 (ix) assistance to prevent child labor;

22 and

23 (B) sales, or financing on any terms, under  
24 the Arms Export Control Act.

1           (2) SEVERE FORM OF TRAFFICKING IN PER-  
2           SONS.—The term “severe form of trafficking in per-  
3           sons” means any activity described in section 103(8)  
4           of the Trafficking Victims Protection Act of 2000  
5           (Public Law 106–386 (114 Stat. 1470); 22 U.S.C.  
6           7102(8)).

7           (d) EFFECTIVE DATE.—This section shall take effect  
8           on the date of the enactment of this Act and shall apply  
9           with respect to the provision of nonhumanitarian assist-  
10          ance to the Government of Vietnam for fiscal year 2016  
11          and subsequent fiscal years.

12       **SEC. 4. EASING OF RESTRICTIONS FOR VIETNAM UNDER**  
13                               **THE ARMS EXPORT CONTROL ACT.**

14          It is the sense of Congress that it shall be the policy  
15          of the United States that further easing of the prohibition  
16          on the sale of lethal military equipment to the Government  
17          of Vietnam under the Arms Export Control Act shall re-  
18          quire the Government of Vietnam to take additional, sig-  
19          nificant, and sustained steps to advance human rights pro-  
20          tections, specifically internationally recognized norms of  
21          civil and political rights, through legal reforms, the release  
22          of prisoners of conscience, the establishment of inde-  
23          pendent labor unions, and guarantees to the freedom of  
24          religion and expression, including Internet freedom.



1 **SEC. 5. UNITED STATES PUBLIC DIPLOMACY.**

2 (a) RADIO FREE ASIA TRANSMISSIONS TO VIET-  
3 NAM.—It is the sense of Congress that the United States  
4 should take measures to overcome the jamming of Radio  
5 Free Asia by the Government of Vietnam and that the  
6 Broadcasting Board of Governors should not cut staffing,  
7 funding, or broadcast hours for the Vietnamese language  
8 services of the Voice of America and Radio Free Asia,  
9 which shall be done without reducing any other broadcast  
10 language services.

11 (b) UNITED STATES EDUCATIONAL AND CULTURAL  
12 EXCHANGE PROGRAMS WITH VIETNAM.—It is the sense  
13 of Congress that any programs of educational and cultural  
14 exchange between the United States and Vietnam should  
15 actively promote progress toward freedom and democracy  
16 in Vietnam by providing opportunities to Vietnamese na-  
17 tionals from a wide range of occupations and perspectives  
18 to see freedom and democracy in action and, also, by en-  
19 suring that Vietnamese nationals who have already dem-  
20 onstrated a commitment to these values are included in  
21 such programs. Cultural programs should recognize and  
22 find ways to assist Vietnam's religious and ethnic diver-  
23 sity.

24 **SEC. 6. RELIGIOUS FREEDOM AND HUMAN TRAFFICKING.**

25 (a) COUNTRY OF PARTICULAR CONCERN.—It is the  
26 sense of Congress that Vietnam should be designated as

1 a country of particular concern for religious freedom pur-  
2 suant to section 402(b) of the International Religious  
3 Freedom Act of 1998 (22 U.S.C. 6442(b)).

4 (b) **MINIMUM STANDARDS FOR THE ELIMINATION OF**  
5 **HUMAN TRAFFICKING.**—It is the sense of Congress that  
6 the Government of Vietnam does not fully comply with the  
7 minimum standards for the elimination of trafficking and  
8 is not making significant efforts to bring itself into compli-  
9 ance, and this determination should be reflected in the an-  
10 nual report to Congress required pursuant to section  
11 110(b) of the Trafficking Victims Protection Act of 2000  
12 (22 U.S.C. 7107(b)).

13 **SEC. 7. ANNUAL REPORT.**

14 (a) **IN GENERAL.**—Not later than six months after  
15 the date of the enactment of this Act and every 12 months  
16 thereafter, the Secretary of State shall submit to Congress  
17 a report on the following:

18 (1) The determination and certification of the  
19 President that the requirements of subparagraphs  
20 (A) through (H) of section 3(a)(2) have been met,  
21 if applicable.

22 (2) If the President has waived the application  
23 of section 3(a) pursuant to section 3(b) during the  
24 reporting period—

1 (A) the national interest with respect to  
2 which such a waiver was based;

3 (B) the amount of increased nonhumanitarian assistance provided to the Government of  
4 Vietnam; and  
5

6 (C) a description of the type and amount  
7 of commensurate assistance provided pursuant  
8 to section 3(b)(1).

9 (3) Efforts by the United States Government to  
10 promote access by the Vietnamese people to Radio  
11 Free Asia transmissions.

12 (4) Efforts to ensure that programs with Viet-  
13 nam promote the policy set forth in section 102 of  
14 the Human Rights, Refugee, and Other Foreign Pol-  
15 icy Provisions Act of 1996 regarding participation in  
16 programs of educational and cultural exchange.

17 (5) Lists of persons believed to be imprisoned,  
18 detained, or placed under house arrest, tortured, or  
19 otherwise persecuted by the Government of Vietnam  
20 due to their pursuit of internationally recognized  
21 human rights. In compiling such lists, the Secretary  
22 shall exercise appropriate discretion, including con-  
23 cerns regarding the safety and security of, and ben-  
24 efit to, the persons who may be included on the lists  
25 and their families. In addition, the Secretary shall

1 include a list of such persons and their families who  
2 may qualify for protections under United States ref-  
3 ugee programs.

4 (6) A description of the development of the rule  
5 of law in Vietnam, including—

6 (A) progress toward the development of in-  
7 stitutions of democratic governance;

8 (B) processes by which statutes, regula-  
9 tions, rules, and other legal acts of the Govern-  
10 ment of Vietnam are developed and become  
11 binding within Vietnam;

12 (C) the extent to which statutes, regula-  
13 tions, rules, administrative and judicial deci-  
14 sions, and other legal acts of the Government of  
15 Vietnam are published and are made accessible  
16 to the public;

17 (D) the extent to which administrative and  
18 judicial decisions are supported by statements  
19 of reasons that are based upon written statutes,  
20 regulations, rules, and other legal acts of the  
21 Government of Vietnam;

22 (E) the extent to which individuals are  
23 treated equally under the laws of Vietnam with-  
24 out regard to citizenship, race, religion, political  
25 opinion, or current or former associations;

1 (F) the extent to which administrative and  
2 judicial decisions are independent of political  
3 pressure or governmental interference and are  
4 reviewed by entities of appellate jurisdiction;  
5 and

6 (G) the extent to which laws in Vietnam  
7 are written and administered in ways that are  
8 consistent with international human rights  
9 standards, including the rights enumerated in  
10 the International Covenant on Civil and Polit-  
11 ical Rights.

12 (b) CONTACTS WITH OTHER ORGANIZATIONS.—In  
13 preparing the report under subsection (a), the Secretary  
14 shall, as appropriate, seek out and maintain contacts with  
15 nongovernmental organizations and human rights advo-  
16 cates (including Vietnamese-Americans and human rights  
17 advocates in Vietnam), including receiving reports and up-  
18 dates from such organizations and evaluating such re-  
19 ports. The Secretary shall also seek to consult with the  
20 United States Commission on International Religious  
21 Freedom for appropriate sections of the report.