

VIETNAM HUMAN RIGHTS ACT OF 2015; AND CONDEMNING  
THE APRIL 2015 TERRORIST ATTACK AT THE GARISSA UNI-  
VERSITY COLLEGE IN GARISSA, KENYA, AND REAFFIRMING  
THE UNITED STATES SUPPORT FOR THE PEOPLE AND GOV-  
ERNMENT OF KENYA, AND FOR OTHER PURPOSES

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MARKUP

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

ON

**H.R. 2140 and H. Res. 213**

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MAY 14, 2015  
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**VIETNAM HUMAN RIGHTS ACT OF 2015; AND CONDEMNING  
THE APRIL 2015 TERRORIST ATTACK AT THE GARISSA  
UNIVERSITY COLLEGE IN GARISSA, KENYA, AND RE-  
AFFIRMING THE UNITED STATES SUPPORT FOR THE PEOP-  
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**THURSDAY, MAY 14, 2015**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:13 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order. Pursuant to notice, we are here to mark up H.R. 2140, Vietnam Human Rights Act of 2015, and H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

The first measure, the Vietnam Human Rights Act, I introduced along with eight co-sponsors. It is a bipartisan bill. It is the fourth time this legislation is making its way through the Congress. Three other times it passed the House, but regrettably was not taken up in the Senate. Our hopes are this year it will be. And the H. Res. 213 was introduced by my good friend and colleague, Ms. Bass, and that, too, is a bipartisan resolution that will make its way to the floor very, very shortly after full committee consideration.

Due to the bipartisan support for these measures, the fact that the subcommittee will reconvene following the markup for a hearing as well as scheduling of other events and floor activity, it is the intent of the Chairman to consider these measures en bloc. I understand that our staffs have been in communication, and Ms. Bass has graciously consented to this. I also that Mr. Bera may also wish to further consult with regard to the Vietnam Human Rights Act in advance of the full committee markup with regard to provisions dealing with labor protections.

All members have copies of these documents before them which were circulated to you on Tuesday, and after we have concluded our expedited consideration, I will be glad to recognize any member, including myself and the ranking member and our distinguished colleagues to my right, for any comments they might want

to make on the pending legislation. All members are given leave to insert remarks into the record should they choose to do so. Seeing that we do have a reporting quorum present, without objection the following are considered as read and will be considered in en bloc: H.R. 2140, Vietnam Human Rights Act of 2015, and H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

[The information referred to follows:]

[~113H1897]

.....  
 (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.

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IN THE HOUSE OF REPRESENTATIVES

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

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**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 namese 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 nonhumanitarian  
8           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.

114TH CONGRESS  
1ST SESSION

## H. RES. 213

Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2015

Ms. BASS (for herself, Ms. WILSON of Florida, Mr. CLAY, Mr. RUSH, Mr. MEEKS, Ms. NORTON, Ms. LEE, Mr. ENGEL, Mr. GRIJALVA, Ms. BROWN of Florida, Mr. DEUTCH, Mr. LOWENTHAL, Ms. FRANKEL of Florida, Mr. SMITH of New Jersey, Mr. RANGEL, Ms. PINGREE, Mr. BUTTERFIELD, Ms. EDWARDS, Ms. MAXINE WATERS of California, Ms. MOORE, Mr. CLEAVER, Mr. HASTINGS, Mr. PAYNE, Mr. MARINO, Mr. VEASEY, Mr. CICILLINE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GRAYSON, and Mr. CLAWSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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## RESOLUTION

Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

Whereas, on April 2, 2015, armed terrorists attacked the Garissa University College in Garissa, Kenya, taking hundreds of students hostage, killing at least 147 people, many of whom were specifically targeted for being non-Muslim, and injuring more than 100 others during an almost 12-hour siege;

Whereas the attack was the deadliest terrorist incident in Kenya since the 1998 bombing of the United States embassy by al Qaeda, and the deadliest attack by al Shabaab since its 2013 attack on the Westgate Mall;

Whereas al Shabaab, a Somali Islamist extremist group with ties to al Qaeda, has claimed responsibility for the attack, declaring that it was in retaliation for the Government of Kenya's participation in the African Union Mission in Somalia (AMISOM);

Whereas al Shabaab was designated a Foreign Terrorist Organization by the United States Government in 2008 and a Specially Designated Global Terrorist entity by the United States Government in 2012;

Whereas several of the attackers were killed, and others connected to the attack were arrested, and the investigation to identify the architect(s) of the attack and efforts to bring them to justice are ongoing;

Whereas Kenya is an important ally and regional security partner, playing a vital role in breaking al Shabaab's stranglehold on Somalia through its participation in AMISOM;

Whereas the Republic of Kenya and the United States have a strong and enduring partnership based on a shared commitment to promote peace and prosperity in East Africa and around the world; and

Whereas Kenya is a culturally rich and ethnically diverse country: Now, therefore, be it

- 1       *Resolved*, That the House of Representatives—
- 2               (1) condemns, in the strongest possible terms,
- 3       the heinous atrocities and terrorist attack that oc-

1 curred at Garissa University College in Garissa,  
2 Kenya, on April 2, 2015;

3 (2) offers its condolences to the families,  
4 friends, and loved ones of those who were killed in  
5 the attack and expresses its hope for the recovery of  
6 the wounded;

7 (3) recognizes the many heroic and selfless acts  
8 by Kenyan citizens, first responders, and the Kenya  
9 Red Cross to rescue those caught in the Garissa  
10 University College attack;

11 (4) condemns al Shabaab's apparent effort to  
12 foment divisions among the Kenyan people along re-  
13 ligious lines;

14 (5) reaffirms United States support for the ef-  
15 forts of the Government and people of Kenya to  
16 combat terrorism, counter extremism, promote toler-  
17 ance, and bring all the perpetrators of the Garissa  
18 University College attack to justice;

19 (6) commends the Government of Kenya's con-  
20 tinued participation in the African Union Mission in  
21 Somalia;

22 (7) urges Kenya to maintain its commitment to  
23 protecting Somali refugees who are fleeing the hor-  
24 rors of al Shabaab; and

1           (8) recognizes Kenya as an important regional  
2 ally and partner of the United States.

Mr. SMITH. The Chair moves that the en bloc items be adopted. All those in favor say aye. All those opposed say no. The ayes have it, and in the opinion of the Chair, the items considered en bloc are adopted. Without objection, the measures as amended are reported favorably to the full committee, and the staff is directed to make technical and conforming changes.

I would note that we now have completed our formal consideration of these measures, and I would recognize members for remarks that they might want to make.

I would like to first speak to the Vietnam Human Rights Act of 2015. Although we have witnessed the release of some political prisoners in Vietnam, we should not be fooled or deceived into believing that the release of a few dissidents somehow represents real progress on human rights in Vietnam. The underlying reality of repression in Vietnam is fundamentally unchanged. The Government of Vietnam continues to hold prisoners of conscience whose so-called crimes are only their attempts to exercise universally-recognized human rights.

Since the State Department removed the Country of Particular Concern designation with respect to religious freedom in Vietnam, the situation there has gotten worse, and I have heard from witnesses at hearings who have spoken of the particularly egregious situation that exists for ethnic and religious minorities. Forced renunciations of faith continue, and people and institutions in a wide range of faiths are harassed by authorities unless they submit to government control and interference.

In order to show that we are serious about protecting human rights, there must be serious consequences for failure to make meaningful and systemic reforms that should take place. Increased commercial ties and military cooperation, frankly, should be off the table unless basic human rights standards are met. Respect for the freedoms of religion, expression, and assembly are a minimum. The U.S. must be unrelenting in its demands for improvement for human rights in Vietnam. If not, the repression will only get worse.

This piece of legislation would institute effective measures toward improving human rights in Vietnam. The bill prohibits any increase in non-humanitarian assistance over 2012 levels, when it was over \$16 million, to the Government of Vietnam unless it makes substantial progress in establishing a democracy and promoting human rights, including respecting freedom of religion and releasing all religious prisoners; respecting rights of freedom of expression, assembly, and association, and releasing all political prisoners, independent journalists, and labor activists; repealing and revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity and nonviolent demonstrations in accordance with international human rights standards; respecting the human rights of members of all ethnic groups; and taking all appropriate steps, including prosecution of government officials to end government complicity in human trafficking.

The bill would not prevent increased funding to the Vietnamese Government for certain humanitarian assistance such as food, medicine, Agent Orange remediation, or activities to combat human trafficking or child labor.



The Vietnam Human Rights Act seeks to bring balance to any future strategic partnerships by ensuring that the United States' interest in human rights, including freedoms of speech, religion, assembly, and association, and the rule of law are an integral part of that bilateral relations.

Its enactment will send an unmistakable message to Hanoi that human rights improvements are fundamental to better relations critically linked to our mutual economic and security interests, and cannot be ignored or bargained away.

I would like to yield to any of my colleagues if they would like to, perhaps, comment on any of the legislation. Mr. Emmer.

Mr. EMMER. Thank you, Mr. Chair, and thanks to Ranking Member Bass for holding this markup on two very important and timely pieces of legislation. In the last few months, I have traveled to both Kenya and Vietnam. House Resolution 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, is vitally important. During my trip I saw firsthand the devastation caused by the gruesome killings in Kenya and the diplomatic and humanitarian crisis it left. From security crises that forced closure of refugee camps, causing displacement across the country, to the cancellation of remittances that people rely on, this attack has caused incredible harm. I fully support the resolution and urge its passage.

Just last week, I was in Vietnam, and as a co-sponsor of H.R. 2140, to promote freedom, human rights, and the rule of law, as part of United States-Vietnam relations. I want to mention that the nation of Vietnam has made tremendous strides in the cause of human rights, from what we observed, and that should not be lost in this conversation. But there is much left to do. During our trip to Vietnam, our delegation conveyed this to our Vietnamese hosts, and to their credit, they agreed. In other words, there is an ongoing dialogue. We must hold them accountable, and especially in the face of a major trade deal, it is absolutely necessary we ensure that any advancement in cooperation is met by continued advancements in human rights. I fully support both of these important bills and yield back.

Mr. SMITH. Thank you so very, very much. Mr. Clawson.

Mr. CLAWSON. Yield back. Very supportive.

Mr. SMITH. I would ask unanimous consent that my comments on the resolution on Kenya be made a part of the record. I want to thank my colleagues for their participation and presence here today. This markup is concluded, and momentarily we will begin the hearing on trafficking.

[Whereupon, at 2:22 p.m., the subcommittee was adjourned.]



# APPENDIX

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MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE MARKUP NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128

**Subcommittee on Africa, Global Health, Global Human Rights, and International  
Organizations**

**Christopher H. Smith (R-NJ), Chairman**

May 14, 2015

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

**DATE:** Thursday, May 14, 2015

**TIME:** 2:00 p.m.

**MARKUP OF:** H.R. 2140, To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations; and

H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

COMMITTEE ON FOREIGN AFFAIRS  
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and MARKUP

Day Thursday Date May 14, 2015 Room 2172 Rayburn

Starting Time 2:13 p.m. Ending Time 2:22 p.m.

Recesses 0 ( to ) ( to ) ( to ) ( to ) ( to ) ( to )

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)

H.R. 2140, To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations.  
H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

COMMITTEE MEMBERS PRESENT:

Rep. Tom Emmer, Rep. Scott DesJarlais, Rep. Curt Clawson

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Statement of Rep. Smith on H. Res. 213, submitted by Rep. Smith

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

H.R. 2140 passed by unanimous consent  
H. Res. 213 passed by unanimous consent

RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

Subject	Yeas	Nays	Present	Not Voting
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TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or  
TIME ADJOURNED 2:32 p.m.

Gregory B. Simpson  
Subcommittee Staff Director

**5/14/15 Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations Markup Summary**

The Chair obtained unanimous consent to consider two measures (previously provided to Members of the Subcommittee) *en bloc*:

- 1) H.R. 2140 (Smith), “To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations;” and
- 2) H. Res. 213 (Bass), “Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes..”

The items considered *en bloc* were agreed to by voice vote. H.R. 2140 and H. Res. 213 were ordered favorably reported to the Full Committee by unanimous consent.

The subcommittee adjourned.



Statement of Rep. Chris Smith  
Markup of H. Res. 213  
May 14, 2015

I want to state my strong support of Ms. Bass' H. Res. 213, which condemns the horrific attack by Islamist radicals from the terror group al-Shabaab, at Garissa University College in Kenya on April 2 of this year. There, roughly 150 mostly Christian students were segregated from other students and butchered on account of their religious faith.

We just heard yesterday at the full committee's hearing about atrocities that are committed against Christians and other religious minorities in Iraq by ISIS, which like al-Shabaab is an Islamist terror group, and how in so many parts of the world Christians and other religious minorities are targeted for their faith. This includes faithful, moderate Muslims who refuse to subscribe to the radical tenets of fanatics such as ISIS and al-Shabaab. The first step in putting an end to these atrocities is recognizing that such atrocities are being committed, and for that reason, I am particularly grateful that Ms. Bass has introduced this resolution, raising her voice and raising awareness of what happened in Garissa.