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To impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. ROYCE introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes.

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.**

4 This Act may be cited as the “Vietnam Human
5 Rights Sanctions Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Vietnam remains a one-party state, ruled
2 and controlled by the Communist Party of Vietnam,
3 which continues to deny the right of citizens to
4 change their government.

5 (2) Although in recent years the National As-
6 sembly of Vietnam has on occasion played a role as
7 a forum for highlighting local concerns, corruption,
8 and inefficiency, the National Assembly remains sub-
9 ject to the direction of the Communist Party of Viet-
10 nam and that party maintains control over the selec-
11 tion of candidates in national and local elections.

12 (3) The Government of Vietnam forbids public
13 challenge to the legitimacy of the one-party state, re-
14 stricts freedoms of opinion, the press, assembly, and
15 association, and tightly limits access to the Internet
16 and telecommunication. Cyberattacks originating
17 from Vietnam-based servers have disabled dissident
18 websites and the Government of Vietnam introduced
19 new restrictions on public internet shops while con-
20 tinuing to restrict access to numerous overseas and
21 domestic blogs, news sites, and other websites per-
22 ceived to carry content critical of the Government of
23 Vietnam.

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

1 and otherwise restrict individuals for the peaceful
2 expression of dissenting political or religious views,
3 including democracy and human rights activists,
4 independent trade union leaders, non-state-sanctioned
5 publishers, journalists, bloggers, members of
6 ethnic minorities, and unsanctioned religious groups.

7 (5) The Government of Vietnam has also failed
8 to improve labor rights, continues to harass, arrest,
9 and imprison workers rights activists, including
10 Doan Huy Chuong, Do Thi Minh Hanh, and
11 Nguyen Hoang Quoc Hung, and restricts the right
12 to organize independently.

13 (6) The Government of Vietnam continues to
14 limit freedom of religion, pressure all religious
15 groups to come under the control of government-
16 and party-controlled management boards, and re-
17 strict the operation of independent religious organi-
18 zations, including the Unified Buddhist Church of
19 Vietnam and members of unsanctioned Mennonite,
20 Cao Dai, Theravada Buddhist, and Hoa Hao Bud-
21 dhist religious groups and independent Protestant
22 house churches, primarily in the central and north-
23 ern highlands. Religious leaders who do not conform
24 to the Government's demands are often harassed,
25 arrested, imprisoned, or put under house arrest.

1 (7) As noted in the October 2009 report of the
2 United States Commission on International Reli-
3 gious Freedom, “[T]here continue to be far too
4 many serious abuses and restrictions of religious
5 freedom in the country. Individuals continue to be
6 imprisoned or detained for reasons related to their
7 religious activity or religious freedom advocacy; po-
8 lice and government officials are not held fully ac-
9 countable for abuses; independent religious activity
10 remains illegal; and legal protection for government-
11 approved religious organizations are both vague and
12 subject to arbitrary or discriminatory interpretations
13 based on political factors. In addition, improvements
14 experienced by some religious communities are not
15 experienced by others, including the Unified Bud-
16 dhist Church of Vietnam (UBCV), independent Hoa
17 Hao, Cao Dai, and Protestant groups, and some eth-
18 nic minority Protestants and Buddhists. Also, over
19 the past year, property disputes between the govern-
20 ment and the Catholic Church in Hanoi led to deten-
21 tion, threats, harassment, and violence by ‘contract
22 thugs’ against peaceful prayer vigils and religious
23 leaders.”.

24 (8) Despite reported progress in church open-
25 ings and legal registrations of religious venues, the

1 Government of Vietnam has halted most religious re-
2 forms since the Department of State lifted the
3 “country of particular concern” for religious freedom
4 violations designation for Vietnam in November
5 2006.

6 (9) Unregistered ethnic minority Protestant
7 congregations suffer severe abuses because of actions
8 by the Government of Vietnam, which have included
9 forced renunciations of faith, pressure to join gov-
10 ernment-recognized religious groups, arrest and har-
11 assment, the withholding of social programs pro-
12 vided for the general population, destruction of
13 churches and pagodas, confiscation and destruction
14 of property, and subjection to severe beatings.

15 (10) During peaceful Catholic prayer vigils call-
16 ing for the return of government-confiscated church
17 properties during 2008 at the Thai Ha Church in
18 Ha Noi, protestors were dispersed after being har-
19 assed, some were detained, and some of the church
20 property was destroyed. Similar incidents happened
21 at Bau Sen, Loan Ly, and Tam Toa parishes in cen-
22 tral Vietnam and more recently at Dong Chiem par-
23 ish in Hanoi, where religious statues and a crucifix
24 were destroyed and parishioners and clergies were
25 physically harmed, and at Con Dau parish, where

1 police forcibly dispersed a Catholic funeral ceremony
2 in May 2010 to a cemetery located on disputed land.
3 Afterwards, police and members of the civilian de-
4 fense forces arrested and interrogated dozens of Con
5 Dau parishioners, with one parishioner dying from
6 injuries sustained during a beating in July 2010 by
7 civilian defense forces and two women suffered mis-
8 carriages resulted from police tortures. Catholics
9 continue to face some restrictions on selection of
10 clergy, the establishment of seminaries and seminary
11 candidates, and restrictions on individual cases of
12 travel and church registration. Dissident clerics such
13 as Father Phan Van Loi and Father Nguyen Van
14 Ly are currently under house arrest.

15 (11) The Unified Buddhist Church of Vietnam
16 suffers persecution as the Government of Vietnam
17 continues to restrict contacts and movement of sen-
18 ior clergy for refusing to join the state-sponsored
19 Buddhist organizations, the Government restricts ex-
20 pression and assembly, and the Government con-
21 tinues to harass and threaten monks, nuns, and
22 youth leaders of the Unified Buddhist Church of
23 Vietnam. The Supreme Patriarch of Unified Bud-
24 dhist Church of Vietnam, Thich Quang Do, is cur-
25 rently under house arrest.

1 (12) The Bat Nha Buddhists monastery in
2 Lam Dong province was attacked by government
3 thugs in October 2009. About 400 monks and nuns
4 were physically abused and forcibly evicted from the
5 monastery.

6 (13) The Government of Vietnam continues to
7 suppress the activities of other religious adherents,
8 including Cao Dai, Hoa Hao, Mennonites, and
9 Montagnard Christians belonging to churches that
10 lack official recognition or have chosen not to affil-
11 iate with the state-sanctioned groups, including
12 through the use of detention and imprisonment.

13 (14) Ethnic minority Hmong in the Northwest
14 Highlands of Vietnam also suffer restrictions,
15 abuses, and persecution by the Government of Viet-
16 nam, and although the Government is now allowing
17 some Hmong Protestants to organize and conduct
18 religious activity, some government officials continue
19 to deny or ignore additional applications for reg-
20 istration.

21 (15) The Government of Vietnam controls all
22 print and electronic media, including access to the
23 Internet, jams the signals of some foreign radio sta-
24 tions, including Radio Free Asia, and has detained
25 and imprisoned individuals who have posted, pub-

1 lished, sent, or otherwise distributed democracy-re-
2 lated materials.

3 (16) People arrested in Vietnam because of
4 their political or religious affiliations and activities
5 and charged with vaguely defined national security
6 crimes are not accorded due process of law. During
7 the pre-trial investigatory phase of their detention,
8 religious and political prisoners are often held in-
9 communicado without access to legal counsel and
10 family members. They are routinely tortured during
11 interrogation to force them to confess to crimes they
12 did not commit or to falsely denounce others. Their
13 trials are usually closed to international press and
14 diplomats and members of the public.

15 (17) Vietnam continues to be a source country
16 for the commercial sexual exploitation and forced
17 labor of women and girls and for men and women
18 legally entering into international labor contracts
19 who subsequently face conditions of debt bondage or
20 forced labor, and is a destination country for child
21 trafficking and continues to have internal human
22 trafficking.

23 (18) Congress has passed numerous resolutions
24 condemning human rights violations in Vietnam, in-
25 dicating that although there has been an expansion

1 of relations with the Government of Vietnam, it
2 should not be construed as approval of the ongoing
3 and serious violations of fundamental human rights
4 in Vietnam, particularly those enshrined in the
5 International Covenant on Civil and Political Rights,
6 of which Vietnam is a signatory.

7 (19) Enhancement of relations between the
8 United States and Vietnam has provided an oppor-
9 tunity for a human rights dialogue, but is unlikely
10 to lead to future progress on human rights issues in
11 Vietnam unless the United States makes clear that
12 such progress is an essential prerequisite for further
13 enhancements in the bilateral relationship.

14 **SEC. 3. IMPOSITION OF SANCTIONS ON CERTAIN INDIVID-**
15 **UALS WHO ARE COMPLICIT IN HUMAN**
16 **RIGHTS ABUSES COMMITTED AGAINST NA-**
17 **TIONALS OF VIETNAM OR THEIR FAMILY**
18 **MEMBERS.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (d), the President shall impose sanctions described in sub-
21 section (c) with respect to each individual on the list re-
22 quired by subsection (b).

23 (b) LIST OF INDIVIDUALS WHO ARE COMPLICIT IN
24 CERTAIN HUMAN RIGHTS ABUSES.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the President
3 shall submit to the appropriate congressional com-
4 mittees a list of individuals who are nationals of
5 Vietnam that the President determines are complicit
6 in human rights abuses committed against nationals
7 of Vietnam or their family members, regardless of
8 whether such abuses occurred in Vietnam.

9 (2) UPDATES OF LIST.—The President shall
10 submit to the appropriate congressional committees
11 an updated list under paragraph (1) as new infor-
12 mation becomes available and not less frequently
13 than annually.

14 (3) PUBLIC AVAILABILITY.—The list required
15 by paragraph (1) shall be made available to the pub-
16 lic and posted on the websites of the Department of
17 the Treasury and the Department of State.

18 (4) CONSIDERATION OF DATA FROM OTHER
19 COUNTRIES AND NONGOVERNMENTAL ORGANIZA-
20 TIONS.—In preparing the list required by paragraph
21 (1), the President shall consider data already ob-
22 tained by other countries and nongovernmental orga-
23 nizations, including organizations in Vietnam, that
24 monitor the human rights abuses of the Government
25 of Vietnam.

1 (c) SANCTIONS DESCRIBED.—The sanctions de-
2 scribed in this subsection are the following:

3 (1) PROHIBITION ON ENTRY AND ADMISSION TO
4 THE UNITED STATES.—An individual whose name
5 appears on the list required by subsection (b)(1)
6 may not—

7 (A) be admitted to, enter, or transit
8 through the United States;

9 (B) receive any lawful immigration status
10 in the United States under the immigration
11 laws, including any relief under the Convention
12 Against Torture; or

13 (C) file any application or petition to ob-
14 tain such admission, entry, or status.

15 (2) FINANCIAL SANCTIONS.—The President
16 shall impose sanctions authorized pursuant to sec-
17 tion 203 of the International Emergency Economic
18 Powers Act (50 U.S.C. 1702) with respect to an in-
19 dividual whose name appears on the list required by
20 subsection (b)(1), including blocking of the property
21 of, and restricting or prohibiting financial trans-
22 actions and the exportation and importation of prop-
23 erty by, the individual.

24 (d) EXCEPTIONS TO COMPLY WITH INTERNATIONAL
25 AGREEMENTS.—The President may, by regulation, au-

1 thorize exceptions to the imposition of sanctions under this
2 section to permit the United States to comply with the
3 Agreement between the United Nations and the United
4 States of America regarding the Headquarters of the
5 United Nations, signed June 26, 1947, and entered into
6 force November 21, 1947, and other applicable inter-
7 national agreements.

8 (e) TERMINATION OF SANCTIONS.—The provisions of
9 this section shall cease to have force and effect on the date
10 on which the President determines and certifies to the ap-
11 propriate congressional committees that the Government
12 of Vietnam has—

13 (1) unconditionally released all political pris-
14 oners;

15 (2) ceased its practices of violence, unlawful de-
16 tention, torture, and abuse of citizens of Vietnam
17 while engaging in peaceful political activity; and

18 (3) conducted a transparent investigation into
19 the killings, arrest, and abuse of peaceful political
20 activists in Vietnam and prosecuted those respon-
21 sible.

22 (f) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on Finance, the Com-
2 mittee on Banking, Housing, and Urban Af-
3 fairs, and the Committee on Foreign Relations
4 of the Senate; and

5 (B) the Committee on Ways and Means,
6 the Committee on Financial Services, and the
7 Committee on Foreign Affairs of the House of
8 Representatives.

9 (2) CONVENTION AGAINST TORTURE.—The
10 term “Convention Against Torture” means the
11 United Nations Convention Against Torture and
12 Other Cruel, Inhuman or Degrading Treatment or
13 Punishment, done at New York on December 10,
14 1984.

15 (3) IMMIGRATION LAWS; NATIONAL.—The
16 terms “immigration laws” and “national” have the
17 meanings given those terms in section 101 of the
18 Immigration and Nationality Act (8 U.S.C. 1101).

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