

116TH CONGRESS  
1ST SESSION

# H. R. 1383

To advance United States national interests by prioritizing the protection of internationally recognized human rights and development of the rule of law in relations between the United States and Vietnam, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2019

Mr. SMITH of New Jersey (for himself, Ms. LOFGREN, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To advance United States national interests by prioritizing the protection of internationally recognized human rights and development of the rule of law in relations between the United States and Vietnam, 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       (a) SHORT TITLE.—This Act may be cited as the  
5       “Vietnam Human Rights Act”.

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

- Sec. 1. Short title.
- Sec. 2. Statement of policy.
- Sec. 3. Release of political and religious prisoners in Vietnam.
- Sec. 4. Application of Global Magnitsky Human Rights Accountability Act.
- Sec. 5. International religious freedom.
- Sec. 6. Internet freedom.
- Sec. 7. Annual country reports on human rights practices.
- Sec. 8. United States assistance to support counting of women and girls in Vietnam.
- Sec. 9. Illegal expropriation of properties of United States citizens by the Government of Vietnam.
- Sec. 10. Prioritize ethnic minority development in Vietnam.
- Sec. 11. United States public diplomacy.
- Sec. 12. Sense of Congress on sales of lethal military equipment or services to the Government of Vietnam.
- Sec. 13. Annual reports on United States-Vietnam human rights dialogue meetings.
- Sec. 14. Restrictions on nonhumanitarian assistance to the Government of Vietnam.

**1 SEC. 2. STATEMENT OF POLICY.**

2 (a) STATEMENT OF POLICY.—It is the policy of the  
3 United States to—

4 (1) support a strong, prosperous, and inde-  
5 pendent Vietnam that promotes and protects human  
6 rights, embraces fully the rule of law, and allows an  
7 open space for civil society, media, and independent  
8 religious institutions and labor unions;

9 (2) strengthen the bilateral relationship with  
10 Vietnam while recognizing that continued progress  
11 and the success of the United States-Vietnam stra-  
12 tegic partnership will depend on the Government of  
13 Vietnam’s commitment to abide by its international  
14 commitments, adhere to universal standards, and  
15 protect the fundamental human rights of the Viet-  
16 nameese people;

1           (3) hold an annual results-based dialogue fo-  
2           cused on human rights issues with senior officials of  
3           the Government of Vietnam, informed by prior con-  
4           sultation with the Vietnamese-American community,  
5           human rights groups, and other experts and non-  
6           governmental organizations about issues of concern;

7           (4) embed human rights concerns across the  
8           full spectrum of official interactions between the  
9           Government of the United States and the Govern-  
10          ment of Vietnam, including in all aspects of the  
11          United States-Vietnam Comprehensive Partnership,  
12          recognizing the relevance of human rights improve-  
13          ments in Vietnam for United States national inter-  
14          ests and the relevance of a “whole of government”  
15          approach to human rights promotion that views con-  
16          crete improvements as key parts of an ongoing dis-  
17          cussions on trade, security, humanitarian coopera-  
18          tion, and economic development;

19          (5) assess Vietnam’s progress toward respecting  
20          the basic rights of workers, as described in each re-  
21          port required by section 702 of the Foreign Rela-  
22          tions Authorization Act, Fiscal Year 2003 (Public  
23          Law 107–228; 22 U.S.C. 2151n note) and in light  
24          of the commitments specified in the United States-  
25          Vietnam Plan for Enhancement of Trade and Labor

1 Relations, notwithstanding the fact that the Trans  
2 Pacific Partnership did not go into effect;

3 (6) press for ratification of ILO Conventions  
4 No. 87 (Freedom of Association and Protection of  
5 the Right to Organize) and No. 98 (Right to Orga-  
6 nize and Collective Bargaining) and the recognition  
7 of independent labor unions;

8 (7) evaluate future trade negotiations with the  
9 Government of Vietnam in accordance with the cri-  
10 teria set forth for country eligibility under sub-  
11 sections (b)(2) and (c) of section 502 of the Trade  
12 Act of 1974 (19 U.S.C. 2462), relating to the Gen-  
13 eralized System of Preferences, and in accordance  
14 with the provisions of the Bipartisan Congressional  
15 Trade Priorities and Accountability Act of 2015  
16 (title I of Public Law 114–26; 19 U.S.C. 4201 et  
17 seq.);

18 (8) assess whether there are any foreign per-  
19 sons working directly or indirectly for the Govern-  
20 ment of Vietnam who, based on credible evidence—

21 (A) are responsible for extrajudicial  
22 killings, torture, enforced disappearances, or  
23 prolonged detention without trial against indi-  
24 viduals in Vietnam who seek—

1 (i) to expose illegal activity carried  
2 out by government officials; or

3 (ii) to obtain, exercise, defend, or pro-  
4 mote internationally recognized human  
5 rights and freedoms, such as the freedoms  
6 of religion, expression, association, and as-  
7 sembly, and the rights to a fair trial and  
8 democratic elections;

9 (B) acted as agents of or on behalf of a  
10 foreign person in a matter relating to an activ-  
11 ity described in subparagraph (A);

12 (C) are government officials, or senior as-  
13 sociates of any such official, who are respon-  
14 sible for, or complicit in, ordering, controlling,  
15 or otherwise directing, acts of significant cor-  
16 ruption, including the expropriation of private  
17 or public assets for personal gain, corruption  
18 related to government contracts or the extrac-  
19 tion of natural resources, bribery, or the facili-  
20 tation or transfer of the proceeds of corruption  
21 to foreign jurisdictions; or

22 (D) have materially assisted, sponsored, or  
23 provided financial, material, or technological  
24 support for, or goods or services in support of,  
25 an activity described in subparagraph (C).

1 **SEC. 3. RELEASE OF POLITICAL AND RELIGIOUS PRIS-**  
2 **ONERS IN VIETNAM.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Since January 2017 at least 35 human  
5 rights activists and bloggers have been arrested in  
6 Vietnam. Nineteen of these individuals have already  
7 been convicted and sentenced to jail terms and the  
8 other 16 individuals have been formally charged and  
9 placed in pre-trial detention. These individuals have  
10 been sentenced to an estimated 1,000 years of im-  
11 prisonment to be followed by 204 years under house  
12 arrest.

13 (2) There are over 100 Vietnamese currently  
14 detained or imprisoned for political or religious rea-  
15 sons. Prisoners include human rights defenders,  
16 bloggers, lawyers, religious leaders, trade unionists,  
17 land rights activists, political dissidents, environ-  
18 mental campaigners, and others arrested for exer-  
19 cising their internationally guaranteed rights, such  
20 as the right to freedom of expression, to promote  
21 and protect the rights of others.

22 (3) There are also a significant number of reli-  
23 gious prisoners affiliated with independent religious  
24 communities, including some who have actively en-  
25 gaged in the promotion and protection of freedom of  
26 religion and others who have been detained simply

1 for professing or practicing their faith outside gov-  
2 ernment approved limits.

3 (4) The charges most commonly used against  
4 political and religious prisoners include charges  
5 under—

6 (A) Article 79 (relating to carrying out ac-  
7 tivities aimed at overthrowing the people’s ad-  
8 ministration);

9 (B) Article 87 (relating to undermining  
10 national unity policy);

11 (C) Article 88 (relating to conducting  
12 propaganda against the Government of Viet-  
13 nam);

14 (D) Article 89 (relating to disrupting secu-  
15 rity);

16 (E) Article 245 (relating to causing public  
17 disorder);

18 (F) Article 247 (relating to performing su-  
19 perstitious practices);

20 (G) Article 257 (relating to resisting per-  
21 sons in the performance of their official duties);  
22 and

23 (H) Article 258 (relating to abusing demo-  
24 cratic freedoms to infringe upon the interests of  
25 the state).

1           (5) In 2013, the Prime Minister of Vietnam  
2           issued Decree 72 to further restrict internet freedom  
3           in Vietnam.

4           (b) REPEAL OF CERTAIN LAWS AND ADMINISTRA-  
5           TIVE DECREES.—The Secretary of State, in discussions  
6           with the Government of Vietnam, should—

7           (1) urge the Government of Vietnam to repeal  
8           laws and administrative decrees restricting freedom  
9           of expression, association, and peaceful assembly in  
10          Vietnam, including laws relating to “propaganda  
11          against the state” and “taking advantage of demo-  
12          cratic freedoms to injure the national unity”;

13          (2) urge the Government of Vietnam to repeal  
14          articles 109, 116, 117, 118, and 331 of the Penal  
15          Code and bring its penal code in conformity with the  
16          International Covenant on Civil and Political Rights  
17          (ICCPR);

18          (3) urge the Government of Vietnam to revise  
19          the Law on Cyber Security and bring it into compli-  
20          ance with international human rights standards; and

21          (4) urge the Government of Vietnam—

22                  (A) to stop arresting prodemocracy  
23                  bloggers and other individuals who use the  
24                  internet to criticize the government; and



1 (B) to release those prodemocracy bloggers  
2 who are imprisoned.

3 (c) **RELEASE OF POLITICAL AND RELIGIOUS PRIS-**  
4 **ONERS.**—The Secretary of State, in discussions with the  
5 Government of Vietnam, should seek, as a critical condi-  
6 tion of stronger United States-Vietnam relations, the im-  
7 mediate and unconditional release all political and reli-  
8 gious prisoners, including Dao Quang Thuc, Tran Thi  
9 Xuan, Nguyen Van Tuc, Nguyen Bac Truyen, Pham Van  
10 Troi, Pastor Nguyen Trung Ton, Truong Minh Duc,  
11 Nguyen Trung Truc, and the Most Venerable Thich  
12 Quang Do.

13 **SEC. 4. APPLICATION OF GLOBAL MAGNITSKY HUMAN**  
14 **RIGHTS ACCOUNTABILITY ACT.**

15 Officials of the Government of Vietnam who are re-  
16 sponsible for or complicit in torture, extrajudicial killings,  
17 the arbitrary detention of political and religious prisoners,  
18 or other gross violations of internationally recognized  
19 human rights should be, as warranted, sanctioned con-  
20 sistent with section 1263 of the Global Magnitsky Human  
21 Rights Accountability Act (subtitle F of division A of title  
22 XII of the National Defense Authorization Act for Fiscal  
23 Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note)).

24 **SEC. 5. INTERNATIONAL RELIGIOUS FREEDOM.**

25 (a) **FINDINGS.**—Congress finds the following:

1           (1) The promotion and protection of the univer-  
2 sally recognized right to the freedom of religion is a  
3 priority of United States foreign policy as stated in  
4 section 402 of the International Religious Freedom  
5 Act of 1998 (22 U.S.C. 6442) and the Bipartisan  
6 Congressional Trade Priorities and Accountability  
7 Act of 2015 (title I of Public Law 114–26; 19  
8 U.S.C. 4201 et seq.) which requires the Administra-  
9 tion to take religious freedom into account when ne-  
10 gotiating trade agreements.

11           (2) Countries that protect religious freedom are  
12 more prosperous, stable, peaceful and democratic.  
13 Thus, the severe restrictions faced by religious  
14 groups in Vietnam, such as members of the United  
15 Buddhist Church of Vietnam (UBCV), Catholics,  
16 and independent Hoa Hao Buddhists, Cao Dai, and  
17 Protestants groups, are detrimental to the interests  
18 of both the United States and Vietnam.

19           (3) Since 2016, the Government of Vietnam has  
20 reportedly stepped up its efforts to force  
21 Montagnard and Hmong Christians to renounce  
22 their faith, expropriate lands and other real prop-  
23 erties belonging to independent religious commu-  
24 nities, destroy Hoa Hao Buddhist and Cao Dai  
25 houses of worship, and arrest and detain religious

1 leaders. Religious leaders and advocates of religious  
2 freedom remain in prison.

3 (b) STATEMENT OF POLICY.—Since the protection of  
4 religious freedom is vital to peace, stability, and pros-  
5 perity, and countries with the highest levels of restrictions  
6 on religious freedom are often those countries seeking to  
7 undermine United States national interests, it is the policy  
8 of the United States to—

9 (1) prioritize religious freedom in bilateral rela-  
10 tions, including with the Government of Vietnam, by  
11 fully implementing the provisions of the Frank R.  
12 Wolf International Religious Freedom Act (Public  
13 Law 114–281); and

14 (2) strategically employ sanctions and other  
15 tools under the International Religious Freedom Act  
16 of 1998 (22 U.S.C. 6401 et seq.).

17 (c) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19 (1) Vietnam should be designated as a country  
20 of particular concern for religious freedom under  
21 section 402(b) of the International Religious Free-  
22 dom Act of 1998 (22 U.S.C. 6442(b)) because there  
23 are a significant number of individuals imprisoned  
24 for their religious activity or advocacy for religious

1 freedom and for “systematic, egregious, and ongoing”  
2 violations of religious freedom;

3 (2) the President, in making the annual designations  
4 under section 402(b) of such Act, should take into account  
5 the annual report of the United States Commission on  
6 International Religious Freedom under section 203 of such  
7 Act and the Commission’s assessment that the designation  
8 of Vietnam as a country of particular concern for religious  
9 freedom from 2004 to 2006 led to tangible improvements  
10 in religious freedom conditions while trade and security  
11 cooperation increased; and

12 (3) because the Government of Vietnam tightly  
13 controls religious institutions and then persecutes  
14 those individuals who establish or operate independent  
15 religious institutions and genuinely non-governmental  
16 organizations, the Secretary of State should—

17 (A) use all available diplomatic, development,  
18 economic assistance, and political tools to ensure that  
19 independent religious and civil society organizations  
20 can operate freely and without restriction in Vietnam; and

21 (B) raise these issues in all appropriate  
22 statements, dialogues, reports, and negotiations  
23  
24  
25

1           between the United States and Vietnam and in  
2           multi-lateral institutions where the United  
3           States and Vietnam are members.

4 **SEC. 6. INTERNET FREEDOM.**

5           (a) FINDING.—Congress finds that Vietnam con-  
6           tinues to have one of the world’s most restrictive internet  
7           environments, with pervasive filtering of content and the  
8           frequent arrests of bloggers and others whose only offense  
9           is to advocate online for positions different than those held  
10          by the government.

11          (b) STATEMENT OF POLICY.—

12           (1) FINDING.—Congress finds that a free and  
13           open internet and the free flow of news and informa-  
14           tion—

15           (A) are fundamental components of United  
16           States foreign policy because they foster eco-  
17           nomic growth, protect individual liberties, and  
18           advance national security;

19           (B) are critical to the advancement of both  
20           United States economic interests and inter-  
21           nationally recognized human rights globally;  
22           and

23           (C) are severely hindered by Vietnam’s Cy-  
24           bersecurity Law which would allow the Viet-  
25           namese Government to access private data, spy

1 on users, require United States businesses to  
2 turn over personally identifiable information or  
3 block content of users, including outside of  
4 Vietnam, and further restrict already limited  
5 online speech.

6 (2) STATEMENT OF POLICY.—It is the policy of  
7 the United States to—

8 (A) pursue an open and free internet in  
9 Vietnam;

10 (B) engage all appropriate instruments of  
11 United States influence to promote the free  
12 flow of news and information in Vietnam, with-  
13 out interference or discrimination through the  
14 internet and other electronic media; and

15 (C) assist United States businesses in Viet-  
16 nam which are required to store data locally  
17 and disclose user data or block user content at  
18 the request of government authorities in resist-  
19 ing such mandates.

20 (c) SENSE OF CONGRESS.—It is the sense of Con-  
21 gress that—

22 (1) the United States should pursue trade poli-  
23 cies with Vietnam that expand the information econ-  
24 omy in Vietnam by—

1 (A) ensuring the free flow of information  
2 and across the global network;

3 (B) promoting stronger international  
4 transparency rules; and

5 (C) ensuring fair and equal treatment of  
6 online services regardless of country of origin;

7 (2) that Department of State, together with the  
8 Department of Commerce, should assist United  
9 States internet companies to fulfill their stated mis-  
10 sions to promote openness and connectivity by push-  
11 ing back against the Vietnamese Government's re-  
12 quests to remove political speech or the content of  
13 citizen journalists, especially when content is re-  
14 moved from the accounts of users in the United  
15 States; and

16 (3) the Office of Internet Freedom within the  
17 United States Agency for Global Media and the  
18 Internet Freedom and Business and Human Rights  
19 Section within the Bureau of Democracy, Human  
20 Rights, and Labor of the Department of State  
21 should prioritize—

22 (A) the distribution of anti-censorship cir-  
23 cumvention tools for computers and smart  
24 phones in Vietnam; and

1 (B) projects to ensure the safety and pri-  
2 vacy of bloggers and journalists in Vietnam.

3 **SEC. 7. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**  
4 **PRACTICES.**

5 (a) REPORT RELATING TO ECONOMIC ASSIST-  
6 ANCE.—Section 116 of the Foreign Assistance Act of  
7 1961 (22 U.S.C. 2151n) is amended by adding at the end  
8 the following new subsection:

9 “(h)(1) The report required by subsection (d) shall  
10 include an assessment of freedom of expression with re-  
11 spect to electronic information in each foreign country.  
12 Such assessment shall consist of the following:

13 “(A) An assessment of the extent to which gov-  
14 ernment authorities in each country inappropriately  
15 attempt to filter, censor, or otherwise block or re-  
16 move nonviolent expression of political or religious  
17 opinion or belief via the internet, including electronic  
18 mail, as well as a description of the means by which  
19 such authorities attempt to block or remove such ex-  
20 pression.

21 “(B) An assessment of the extent to which gov-  
22 ernment authorities in each country have persecuted  
23 or otherwise punished an individual or group for the  
24 nonviolent expression of political, religious, or ideo-



1 logical opinion or belief via the internet, including  
2 electronic mail.

3 “(C) An assessment of the extent to which gov-  
4 ernment authorities in each country have sought to  
5 inappropriately collect, request, obtain, or disclose  
6 personally identifiable information of a person in  
7 connection with such person’s nonviolent expression  
8 of political, religious, or ideological opinion or belief,  
9 including expression that would be protected by the  
10 International Covenant on Civil and Political Rights.

11 “(D) An assessment of the extent to which wire  
12 communications and electronic communications are  
13 monitored without regard to the principles of pri-  
14 vacy, human rights, democracy, and rule of law.

15 “(2) In compiling data and making assessments for  
16 the purposes of paragraph (1), United States diplomatic  
17 personnel shall consult with human rights organizations,  
18 technology and internet companies, and other appropriate  
19 nongovernmental organizations.

20 “(3) In this subsection—

21 “(A) the term ‘electronic communication’ has  
22 the meaning given such term in section 2510 of title  
23 18, United States Code;

1           “(B) the term ‘internet’ has the meaning given  
2           such term in section 231(e)(3) of the Communica-  
3           tions Act of 1934 (47 U.S.C. 231(e)(3));

4           “(C) the term ‘personally identifiable informa-  
5           tion’ means data in a form that identifies a par-  
6           ticular person; and

7           “(D) the term ‘wire communication’ has the  
8           meaning given such term in section 2510 of title 18,  
9           United States Code.”.

10          (b) REPORT RELATING TO SECURITY ASSISTANCE.—  
11          Section 502B of the Foreign Assistance Act of 1961 (22  
12          U.S.C. 2304) is amended—

13                 (1) by redesignating the second subsection (i)  
14                 (relating to child marriage status) as subsection (j);  
15                 and

16                 (2) by adding at the end the following new sub-  
17                 section:

18                 “(k)(1) The report required by subsection (b) shall  
19                 include an assessment of freedom of expression with re-  
20                 spect to electronic information in each foreign country.  
21                 Such assessment shall consist of the following:

22                         “(A) An assessment of the extent to which gov-  
23                         ernment authorities in each country inappropriately  
24                         attempt to filter, censor, or otherwise block or re-  
25                         move nonviolent expression of political or religious

1 opinion or belief via the internet, including electronic  
2 mail, as well as a description of the means by which  
3 such authorities attempt to block or remove such ex-  
4 pression.

5 “(B) An assessment of the extent to which gov-  
6 ernment authorities in each country have persecuted  
7 or otherwise punished an individual or group for the  
8 nonviolent expression of political, religious, or ideo-  
9 logical opinion or belief via the internet, including  
10 electronic mail.

11 “(C) An assessment of the extent to which gov-  
12 ernment authorities in each country have sought to  
13 inappropriately collect, request, obtain, or disclose  
14 personally identifiable information of a person in  
15 connection with such person’s nonviolent expression  
16 of political, religious, or ideological opinion or belief,  
17 including expression that would be protected by the  
18 International Covenant on Civil and Political Rights.

19 “(D) An assessment of the extent to which wire  
20 communications and electronic communications are  
21 monitored without regard to the principles of pri-  
22 vacy, human rights, democracy, and rule of law.

23 “(2) In compiling data and making assessments for  
24 the purposes of paragraph (1), United States diplomatic  
25 personnel shall consult with human rights organizations,

1 technology and internet companies, and other appropriate  
2 nongovernmental organizations.

3 “(3) In this subsection—

4 “(A) the term ‘electronic communication’ has  
5 the meaning given such term in section 2510 of title  
6 18, United States Code;

7 “(B) the term ‘internet’ has the meaning given  
8 such term in section 231(e)(3) of the Communica-  
9 tions Act of 1934 (47 U.S.C. 231(e)(3));

10 “(C) the term ‘personally identifiable informa-  
11 tion’ means data in a form that identifies a par-  
12 ticular person; and

13 “(D) the term ‘wire communication’ has the  
14 meaning given such term in section 2510 of title 18,  
15 United States Code.”.

16 **SEC. 8. UNITED STATES ASSISTANCE TO SUPPORT COUNT-**  
17 **ING OF WOMEN AND GIRLS IN VIETNAM.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) Vietnam remains a “source and, to a lesser  
20 extent, a destination country . . . for sex trafficking  
21 and forced labor.”.

22 (2) Vietnamese men and women are subject to  
23 forced labor in “rehabilitation” centers, detention  
24 centers, and prisons and, according to the 2016 An-  
25 nual Report on Trafficking in Persons.

1           (3) Vietnamese migrants working in “state-  
2           owned, private, or joint-stock companies” live in  
3           “situations of exploitation” in the construction, fish-  
4           ing, agriculture, mining, logging and manufacturing  
5           sectors in other countries.

6           (b) IMPLEMENTATION OF THE GIRLS COUNT ACT OF  
7           2015 IN VIETNAM.—

8           (1) FINDINGS.—Congress finds the following:

9                   (A) Vietnam’s male to female sex-ratio dis-  
10                  parity has increased despite the Vietnamese  
11                  Government’s ending of its policy limiting mar-  
12                  ried couples to 2 children.

13                  (B) Experts believe sex ratio disparities  
14                  have critical economic and social ramifications  
15                  that effect United States interests, exacerbating  
16                  the vulnerabilities of women to trafficking, child  
17                  marriage, and reducing the ability of women to  
18                  seek employment and participate in educational  
19                  opportunities and civil society.

20           (2) AUTHORIZATION.—The Secretary of State  
21           is authorized to establish and support programs to—

22                   (A) monitor and halt bride and sex traf-  
23                  ficking of girls and women in Vietnam and  
24                  women from other countries in Asia, including  
25                  China, as appropriate; and

1 (B) address Vietnam’s growing sex-ratio  
2 disparity through economic support and tech-  
3 nical assistance projects as described in section  
4 4(a) of the Girls Count Act of 2015 (Public  
5 Law 114–24; 22 U.S.C. 2151 note).

6 **SEC. 9. ILLEGAL EXPROPRIATION OF PROPERTIES OF**  
7 **UNITED STATES CITIZENS BY THE GOVERN-**  
8 **MENT OF VIETNAM.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) The Government of Vietnam has used prop-  
11 erty expropriation both to target independent  
12 churches and religious communities and to retaliate  
13 against individuals who opposed the Vietnamese  
14 Government or Communist Party or disagreed with  
15 their policies.

16 (2) In November 2003, Vietnam’s National As-  
17 sembly passed Resolution 23/2003/QH11 and Land  
18 Law 13/2003/QH11, which have resulted in the ex-  
19 propriation of properties of Vietnamese Americans,  
20 and ended any possible recourse for United States  
21 citizens to reclaim their properties.

22 (b) STATEMENT OF POLICY.—It shall be the policy  
23 of the United States to convey to the Government of Viet-  
24 nam that—

1           (1) relevant United States law protects prop-  
2           erties of United States citizens against illegal expro-  
3           priation by foreign governments; and

4           (2) any decision to grant eligibility to the Gov-  
5           ernment of Vietnam under the Generalized System  
6           of Preferences under title V of the Trade Act of  
7           1974, to provide United States foreign assistance to  
8           Vietnam under the Foreign Assistance Act of 1961,  
9           and to provide United States support for loans from  
10          international financial institutions for Vietnam will  
11          be contingent upon whether and the extent to which  
12          the Government of Vietnam has illegally expropri-  
13          ated properties of United States citizens.

14 **SEC. 10. PRIORITIZE ETHNIC MINORITY DEVELOPMENT IN**  
15 **VIETNAM.**

16 (a) FINDINGS.—Congress finds that—

17           (1) ethnic minority groups in Vietnam face both  
18           economic pressure, discrimination, and violations of  
19           internationally recognized human rights; and

20           (2) in prior years, Congress has directed that  
21           funds made available for Economic Support Fund  
22           and technical assistance for Vietnam be used to “ad-  
23           dress the needs of affected communities and individ-  
24           uals” in ethnic minority communities, targeting spe-

1 cifically those areas and regions with the highest  
2 concentration of human rights violations.

3 (b) PRIORITIZING ETHNIC MINORITY DEVELOP-  
4 MENT.—

5 (1) IN GENERAL.—The President is authorized  
6 to provide assistance to address the unique needs of  
7 ethnic minority groups in Vietnam affected by past  
8 or current severe human rights violations, including  
9 violations of the right to religious freedom, expres-  
10 sion, and association.

11 (2) AVAILABILITY OF AMOUNTS.—Amounts  
12 made available to carry out chapter 4 of part II of  
13 the Foreign Assistance Act of (22 U.S.C. 2346 et  
14 seq.) for economic support programs for Vietnam  
15 are authorized to be made available to carry out  
16 paragraph (1).

17 (c) CONSULTATIONS.—The Secretary of State shall,  
18 in identifying ethnic minority groups in Vietnam for pur-  
19 poses of subsection (b), consult with relevant nongovern-  
20 mental organizations, including—

21 (1) Vietnamese-American and representatives of  
22 ethnic minority groups in Vietnam; and

23 (2) the United States Commission on Inter-  
24 national Religious Freedom.

25 (d) REPORT.—



1           (1) IN GENERAL.—The Secretary of State, in  
2           consultation with the Administrator of the United  
3           States Agency for International Development, shall  
4           submit to the appropriate congressional committees  
5           a report on the implementation of this section, in-  
6           cluding a description of—

7                   (A) programs, projects, and activities to  
8                   carry out subsection (b); and

9                   (B) consultations with nongovernmental  
10                  organizations and the United States Commis-  
11                  sion on International Religious Freedom in ac-  
12                  cordance with subsection (c).

13           (2) INCLUSION IN ANNUAL REPORTS ON  
14           UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE  
15           MEETINGS.—The report required by paragraph (1)  
16           may be submitted to the appropriate congressional  
17           committees as part of the report required under sec-  
18           tion 702 of the Foreign Relations Authorization Act,  
19           Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.  
20           2151n note), as amended by section 13 of this Act.

21 **SEC. 11. UNITED STATES PUBLIC DIPLOMACY.**

22           (a) RADIO FREE ASIA TRANSMISSIONS TO VIET-  
23           NAM.—It is the sense of Congress that—

1           (1) the United States should take measures to  
2 overcome the jamming of Radio Free Asia by the  
3 Government of Vietnam; and

4           (2) the United States Agency for Global Media  
5 should maintain current levels of funding for the Vi-  
6 etnamese language services of the Voice of America  
7 and Radio Free Asia.

8           (b) UNITED STATES EDUCATIONAL AND CULTURAL  
9 EXCHANGE PROGRAMS WITH VIETNAM.—It is the sense  
10 of Congress that any programs of educational and cultural  
11 exchange between the United States and Vietnam—

12           (1) should actively promote progress toward  
13 freedom and democracy in Vietnam by providing op-  
14 portunities to Vietnamese nationals from a wide  
15 range of occupations and perspectives to see freedom  
16 and democracy in action and, also, by ensuring that  
17 Vietnamese nationals who have already dem-  
18 onstrated a commitment to these values are included  
19 in such programs; and

20           (2) should also recognize and find ways to as-  
21 sist Vietnam’s religious and ethnic diversity.

1 **SEC. 12. SENSE OF CONGRESS ON SALES OF LETHAL MILI-**  
2 **TARY EQUIPMENT OR SERVICES TO THE GOV-**  
3 **ERNMENT OF VIETNAM.**

4 It is the sense of Congress that any sale of lethal  
5 defense articles or defense services under section 38 of the  
6 Arms Export Control Act (22 U.S.C. 2778) to the Govern-  
7 ment of Vietnam, other than a sale of such articles or serv-  
8 ices with respect to which the President determines is di-  
9 rectly related to ensuring United States interests in the  
10 free and open navigation of the South China Sea, should  
11 be conditioned upon additional, significant, and sustained  
12 steps to advance internationally recognized human rights.

13 **SEC. 13. ANNUAL REPORTS ON UNITED STATES-VIETNAM**  
14 **HUMAN RIGHTS DIALOGUE MEETINGS.**

15 Section 702 of the Foreign Relations Authorization  
16 Act, Fiscal Year (Public Law 107–228; 22 U.S.C. 2151n  
17 note) is amended by adding at the end the following:

18 “(9) Ending incidents of torture, police beat-  
19 ings, deaths in police custody, and mob or societal  
20 violence targeting religious groups or dissidents.

21 “(10) Returning properties of independent reli-  
22 gious communities or organizations that have been  
23 reportedly expropriated by the Government of Viet-  
24 nam or by government-sanctioned religious organiza-  
25 tions.

1           “(11) Addressing individual claims by United  
2 States citizens whose properties have been expropri-  
3 ated by the Government of Vietnam without effec-  
4 tive, prompt, and fair compensation.

5           “(12) Implementing section 4 of the Girls  
6 Count Act of (Public Law 114–24; 22 U.S.C. 2151  
7 note) and how such section has been applied in Viet-  
8 nam.

9           “(13) Implementing economic development  
10 projects funded by the Ethnic Minority Development  
11 Fund and progress of each such project.

12           “(14) Ensuring internet freedom and specific  
13 efforts to ensure the safety and privacy of Viet-  
14 namese bloggers and journalists on the internet or  
15 other forms of electronic communication.”.

16 **SEC. 14. RESTRICTIONS ON NONHUMANITARIAN ASSIST-**  
17 **ANCE TO THE GOVERNMENT OF VIETNAM.**

18           (a) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that except as provided in subsection (b), the Sec-  
20 retary of State should consider restricting certain assist-  
21 ance to the Government of Vietnam unless—

22           (1) the Government of Vietnam makes substan-  
23 tial progress toward releasing all political and reli-  
24 gious prisoners from imprisonment, house arrest,  
25 and other forms of detention;

1           (2) the Government of Vietnam has made sub-  
2           stantial progress toward—

3                   (A) respecting the right to freedom of reli-  
4                   gion, including the right to participate in reli-  
5                   gious activities and institutions without inter-  
6                   ference, harassment, or involvement of the Gov-  
7                   ernment, for all of Vietnam’s diverse religious  
8                   communities; and

9                   (B) returning estates and properties con-  
10                  fiscated from the churches and religious com-  
11                  munities;

12           (3) the Government of Vietnam has made sub-  
13           stantial progress toward respecting the right to free-  
14           dom of expression, assembly, and association, includ-  
15           ing the release of independent journalists, bloggers,  
16           and democracy and labor activists;

17           (4) the Government of Vietnam has made sub-  
18           stantial progress toward repealing or revising laws  
19           that criminalize peaceful dissent, independent media,  
20           unsanctioned religious activity, and nonviolent dem-  
21           onstrations and rallies, in accordance with inter-  
22           national standards and treaties to which Vietnam is  
23           a party;

24           (5) the Government of Vietnam has made sub-  
25           stantial progress toward allowing Vietnamese nation-

1 als free and open access to United States refugee  
2 programs;

3 (6) the Government of Vietnam has made sub-  
4 stantial progress toward respecting the human rights  
5 of members of all ethnic and minority groups; and

6 (7) neither any official of the Government of  
7 Vietnam nor any agency or entity wholly or partly  
8 owned by the Government of Vietnam was complicit  
9 in a severe form of trafficking in persons, or the  
10 Government of Vietnam took all appropriate steps to  
11 end any such complicity and hold such official, agen-  
12 cy, or entity fully accountable for such conduct.

13 (b) APPLICATION.—The restriction described in sub-  
14 section (a) shall not apply to assistance under the Foreign  
15 Assistance Act of 1961 for the following purposes:

16 (1) Disaster relief assistance, including any as-  
17 sistance under chapter 9 of part I of such Act.

18 (2) Assistance which involves the provision of  
19 food (including monetization of food) or medicine.

20 (3) Assistance for environmental remediation of  
21 dioxin-contaminated sites and related health activi-  
22 ties.

23 (4) Assistance to combat severe forms of traf-  
24 ficking in persons (as such term is defined in section

1       103 of the Trafficking Victims Protection Act of  
2       2000 (22 U.S.C. 7102)).

3               (5) Assistance to combat pandemic diseases.

4               (6) Assistance for refugees.

5               (7) Assistance to combat HIV/AIDS, including  
6       any assistance under section 104A of such Act.

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