

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.

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

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 namese 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 Due,
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” violations of religious freedom;

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

12
13 (3) because the Government of Vietnam tightly
14 controls religious institutions and then persecutes
15 those individuals who establish or operate independent religious institutions and genuinely non-governmental organizations, the Secretary of State
16 should—
17
18

19 (A) use all available diplomatic, development, economic assistance, and political tools to
20 ensure that independent religious and civil society organizations can operate freely and without
21 restriction in Vietnam; and
22

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

○