H. R. 156

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

4 SEC. 2. FINDINGS.

5 Congress makes the following findings:

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

(2) Although in recent years the National Assembly of Vietnam has on occasion played a role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly remains subject to the direction of the Communist Party of Vietnam and that party maintains control over the selection of candidates in national and local elections.

(3) The Government of Vietnam forbids public challenge to the legitimacy of the one-party state, restricts freedoms of opinion, the press, assembly, and association, and tightly limits access to the Internet and telecommunication. Cyberattacks originating from Vietnam-based servers have disabled dissident websites and the Government of Vietnam introduced new restrictions on public internet shops while continuing to restrict access to numerous overseas and domestic blogs, news sites, and other websites perceived to carry content critical of the Government of Vietnam.

(4) The Government of Vietnam continues to detain, imprison, place under house arrest, convict,
and otherwise restrict individuals for the peaceful
expression of dissenting political or religious views,
including democracy and human rights activists,
independent trade union leaders, non-state-sanctioned publishers, journalists, bloggers, members of
ethnic minorities, and unsanctioned religious groups.

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

(6) The Government of Vietnam continues to
limit freedom of religion, pressure all religious
groups to come under the control of government-
and party-controlled management boards, and re-
strict the operation of independent religious organi-
zations, including the Unified Buddhist Church of
Vietnam and members of unsanctioned Mennonite,
Cao Dai, Theravada Buddhist, and Hoa Hao Bud-
dhist religious groups and independent Protestant
house churches, primarily in the central and north-
ern highlands. Religious leaders who do not conform
to the Government's demands are often harassed,
arrested, imprisoned, or put under house arrest.
(7) As noted in the October 2009 report of the United States Commission on International Religious Freedom, “[T]here continue to be far too many serious abuses and restrictions of religious freedom in the country. Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; and legal protection for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors. In addition, improvements experienced by some religious communities are not experienced by others, including the Unified Buddhist Church of Vietnam (UBCV), independent Hoa Hao, Cao Dai, and Protestant groups, and some ethnic minority Protestants and Buddhists. Also, over the past year, property disputes between the government and the Catholic Church in Hanoi led to detention, threats, harassment, and violence by ‘contract thugs’ against peaceful prayer vigils and religious leaders.”

(8) Despite reported progress in church openings and legal registrations of religious venues, the
Government of Vietnam has halted most religious re-
forms since the Department of State lifted the
“country of particular concern” for religious freedom
violations designation for Vietnam in November
2006.

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

(10) During peaceful Catholic prayer vigils call-
ing for the return of government-confiscated church
properties during 2008 at the Thai Ha Church in
Ha Noi, protestors were dispersed after being har-
assed, some were detained, and some of the church
property was destroyed. Similar incidents happened
at Bau Sen, Loan Ly, and Tam Toa parishes in cen-
tral Vietnam and more recently at Dong Chiem par-
ish in Hanoi, where religious statues and a crucifix
were destroyed and parishioners and clergies were
physically harmed, and at Con Dau parish, where
police forcibly dispersed a Catholic funeral ceremony in May 2010 to a cemetery located on disputed land. Afterwards, police and members of the civilian defense forces arrested and interrogated dozens of Con Dau parishioners, with one parishioner dying from injuries sustained during a beating in July 2010 by civilian defense forces and two women suffered miscarriages resulted from police tortures. Catholics continue to face some restrictions on selection of clergy, the establishment of seminaries and seminary candidates, and restrictions on individual cases of travel and church registration. Dissident clerics such as Father Phan Van Loi and Father Nguyen Van Ly are currently under house arrest.

(11) The Unified Buddhist Church of Vietnam suffers persecution as the Government of Vietnam continues to restrict contacts and movement of senior clergy for refusing to join the state-sponsored Buddhist organizations, the Government restricts expression and assembly, and the Government continues to harass and threaten monks, nuns, and youth leaders of the Unified Buddhist Church of Vietnam. The Supreme Patriarch of Unified Buddhist Church of Vietnam, Thich Quang Do, is currently under house arrest.
(12) The Bat Nha Buddhists monastery in Lam Dong province was attacked by government thugs in October 2009. About 400 monks and nuns were physically abused and forcibly evicted from the monastery.

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

(14) Ethnic minority Hmong in the Northwest Highlands of Vietnam also suffer restrictions, abuses, and persecution by the Government of Vietnam, and although the Government is now allowing some Hmong Protestants to organize and conduct religious activity, some government officials continue to deny or ignore additional applications for registration.

(15) The Government of Vietnam controls all print and electronic media, including access to the Internet, jams the signals of some foreign radio stations, including Radio Free Asia, and has detained and imprisoned individuals who have posted, pub-
lished, sent, or otherwise distributed democracy-re-
lated materials.

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

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

(18) Congress has passed numerous resolutions
condemning human rights violations in Vietnam, in-
dicating that although there has been an expansion
of relations with the Government of Vietnam, it should not be construed as approval of the ongoing and serious violations of fundamental human rights in Vietnam, particularly those enshrined in the International Covenant on Civil and Political Rights, of which Vietnam is a signatory.

(19) Enhancement of relations between the United States and Vietnam has provided an opportunity for a human rights dialogue, but is unlikely to lead to future progress on human rights issues in Vietnam unless the United States makes clear that such progress is an essential prerequisite for further enhancements in the bilateral relationship.

SEC. 3. IMPOSITION OF SANCTIONS ON CERTAIN INDIVIDUALS WHO ARE COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST NATIONALS OF VIETNAM OR THEIR FAMILY MEMBERS.

(a) IN GENERAL.—Except as provided in subsection (d), the President shall impose sanctions described in subsection (c) with respect to each individual on the list required by subsection (b).

(b) LIST OF INDIVIDUALS WHO ARE COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of individuals who are nationals of Vietnam that the President determines are complicit in human rights abuses committed against nationals of Vietnam or their family members, regardless of whether such abuses occurred in Vietnam.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) as new information becomes available and not less frequently than annually.

(3) PUBLIC AVAILABILITY.—The list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider data already obtained by other countries and nongovernmental organizations, including organizations in Vietnam, that monitor the human rights abuses of the Government of Vietnam.
(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

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

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

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

(C) file any application or petition to obtain such admission, entry, or status.

(2) FINANCIAL SANCTIONS.—The President shall impose sanctions authorized pursuant to section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) with respect to an individual whose name appears on the list required by subsection (b)(1), including blocking of the property of, and restricting or prohibiting financial transactions and the exportation and importation of property by, the individual.

(d) EXCEPTIONS TO COMPLY WITH INTERNATIONAL AGREEMENTS.—The President may, by regulation, au-
authorize exceptions to the imposition of sanctions under this section to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international agreements.

(c) Termination of Sanctions.—The provisions of this section shall cease to have force and effect on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Vietnam has—

(1) unconditionally released all political prisoners;

(2) ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Vietnam while engaging in peaceful political activity; and

(3) conducted a transparent investigation into the killings, arrest, and abuse of peaceful political activists in Vietnam and prosecuted those responsible.

(f) Definitions.—In this section:

(1) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—
(A) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

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

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

(3) Immigration Laws; National.—The terms “immigration laws” and “national” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).