

111TH CONGRESS  
2D SESSION

# H. R. 6433

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2010

Mr. CAO (for himself, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. WOLF, and Ms. LORETTA SANCHEZ of California) 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

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## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The relationship between the United States  
4 and the Socialist Republic of Vietnam has grown  
5 substantially since the end of the trade embargo in  
6 1994, with annual trade between the countries  
7 reaching more than \$15,200,000,000 in 2008.

8 (2) The transition of the Government of Viet-  
9 nam toward greater economic activity and trade has  
10 not been matched by greater political freedom and  
11 substantial improvements in basic human rights for  
12 the citizens of Vietnam, including freedom of reli-  
13 gion, expression, association, and assembly.

14 (3) The United States Congress agreed to Viet-  
15 nam becoming an official member of the World  
16 Trade Organization in 2006, amidst assurances that  
17 the Government of Vietnam was steadily improving  
18 its human rights record and would continue to do so.

19 (4) Despite assurances that Vietnam's accession  
20 to the World Trade Organization would be met with  
21 greater respect for human rights, the Government of  
22 Vietnam has continued to strictly regulate some reli-  
23 gious practices and to imprison or put under house  
24 arrest an undetermined number of individuals for  
25 their peaceful advocacy of political views or religious  
26 beliefs, including Father Nguyen Van Ly, Tran

1 Huynh Duy Thuc, Nguyen Tien Trung, Le Thang  
2 Long, Tran Duc Thach, Tran Anh Kim, Pham Van  
3 Troi, Nguyen Xuan Nghia, Nguyen Van Tue,  
4 Nguyen Manh Son, Nguyen Manh Tinh, Ngo  
5 Quynh, Nguyen Kim Nhan, Truong Minh Duc,  
6 Nguyen Van Hai, Vu Hung, Tran Khai Thanh  
7 Thuy, and Pham Thanh Nghien, and human rights  
8 lawyers, Le Cong Dinh, Nguyen Van Dai, and Le  
9 Thi Cong Nhan. Others arrested during 2010 are  
10 being held incommunicado, including Cu Huy Ha  
11 Vu, Pham Minh Hoang, Phan Thanh Hai, and Vi  
12 Duc Hoi.

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

17 (6) Although in recent years the National As-  
18 sembly of Vietnam has on occasion played a role as  
19 a forum for highlighting local concerns, corruption,  
20 and inefficiency, the National Assembly remains sub-  
21 ject to the direction of the Communist Party of Viet-  
22 nam and that party maintains control over the selec-  
23 tion of candidates in national and local elections.

24 (7) The Government of Vietnam forbids public  
25 challenge to the legitimacy of the one-party state, re-

1 stricts freedoms of opinion, the press, assembly, and  
2 association, and tightly limits access to the Internet  
3 and telecommunication. Cyberattacks originating  
4 from Vietnam-based servers have disabled dissident  
5 websites and the Government of Vietnam introduced  
6 new restrictions on public internet shops while con-  
7 tinuing to restrict access to numerous overseas and  
8 domestic blogs, news sites, and other websites per-  
9 ceived to carry content critical of the Government of  
10 Vietnam.

11 (8) The Government of Vietnam continues to  
12 detain, imprison, place under house arrest, convict,  
13 and otherwise restrict individuals for the peaceful  
14 expression of dissenting political or religious views,  
15 including democracy and human rights activists,  
16 independent trade union leaders, non-state-san-  
17 tioned publishers, journalists, bloggers, members of  
18 ethnic minorities, and unsanctioned religious groups.

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

1           (10) The Government of Vietnam continues to  
2           limit freedom of religion, pressure all religious  
3           groups to come under the control of government-  
4           and party-controlled management boards, and re-  
5           strict the operation of independent religious organi-  
6           zations, including the Unified Buddhist Church of  
7           Vietnam and members of unsanctioned Mennonite,  
8           Cao Dai, Theravada Buddhist, and Hoa Hao Bud-  
9           dhist religious groups and independent Protestant  
10          house churches, primarily in the central and north-  
11          ern highlands. Religious leaders who do not conform  
12          to the Government’s demands are often harassed,  
13          arrested, imprisoned, or put under house arrest.

14          (11) As noted in the October 2009 report of the  
15          United States Commission on International Reli-  
16          gious Freedom, “[T]here continue to be far too  
17          many serious abuses and restrictions of religious  
18          freedom in the country. Individuals continue to be  
19          imprisoned or detained for reasons related to their  
20          religious activity or religious freedom advocacy; po-  
21          lice and government officials are not held fully ac-  
22          countable for abuses; independent religious activity  
23          remains illegal; and legal protection for government-  
24          approved religious organizations are both vague and  
25          subject to arbitrary or discriminatory interpretations

1 based on political factors. In addition, improvements  
2 experienced by some religious communities are not  
3 experienced by others, including the Unified Bud-  
4 dhist Church of Vietnam (UBCV), independent Hoa  
5 Hao, Cao Dai, and Protestant groups, and some eth-  
6 nic minority Protestants and Buddhists. Also, over  
7 the past year, property disputes between the govern-  
8 ment and the Catholic Church in Hanoi led to deten-  
9 tion, threats, harassment, and violence by ‘contract  
10 thugs’ against peaceful prayer vigils and religious  
11 leaders.”.

12 (12) Despite reported progress in church open-  
13 ings and legal registrations of religious venues, the  
14 Government of Vietnam has halted most religious re-  
15 forms since the Department of State lifted the  
16 “country of particular concern” for religious freedom  
17 violations designation for Vietnam in November  
18 2006.

19 (13) Unregistered ethnic minority Protestant  
20 congregations suffer severe abuses because of actions  
21 by the Government of Vietnam, which have included  
22 forced renunciations of faith, pressure to join gov-  
23 ernment-recognized religious groups, arrest and har-  
24 assment, the withholding of social programs pro-  
25 vided for the general population, destruction of

1 churches and pagodas, confiscation and destruction  
2 of property, and subjection to severe beatings.

3 (14) During peaceful Catholic prayer vigils call-  
4 ing for the return of government-confiscated church  
5 properties during 2008 at the Thai Ha Church in  
6 Ha Noi, protestors were dispersed after being har-  
7 assed, some were detained, and some of the church  
8 property was destroyed. Similar incidents happened  
9 at Bau Sen, Loan Ly, and Tam Toa parishes in cen-  
10 tral Vietnam and more recently at Dong Chiem par-  
11 ish in Hanoi, where religious statues and a crucifix  
12 were destroyed and parishioners and clergies were  
13 physically harmed, and at Con Dau parish, where  
14 police forcibly dispersed a Catholic funeral ceremony  
15 in May 2010 to a cemetery located on disputed land.  
16 Afterwards, police and members of the civilian de-  
17 fense forces arrested and interrogated dozens of Con  
18 Dau parishioners, with one parishioner dying from  
19 injuries sustained during a beating in July 2010 by  
20 civilian defense forces and two women suffered mis-  
21 carriages resulted from police tortures. Catholics  
22 continue to face some restrictions on selection of  
23 clergy, the establishment of seminaries and seminary  
24 candidates, and restrictions on individual cases of  
25 travel and church registration. Dissident clerics such

1 as Father Phan Van Loi and Father Nguyen Van  
2 Ly are currently under house arrest.

3 (15) The Unified Buddhist Church of Vietnam  
4 suffers persecution as the Government of Vietnam  
5 continues to restrict contacts and movement of sen-  
6 ior clergy for refusing to join the state-sponsored  
7 Buddhist organizations, the Government restricts ex-  
8 pression and assembly, and the Government con-  
9 tinues to harass and threaten monks, nuns, and  
10 youth leaders of the Unified Buddhist Church of  
11 Vietnam. The Supreme Patriarch of Unified Bud-  
12 dhist Church of Vietnam, Thich Quang Do, is cur-  
13 rently under house arrest.

14 (16) The Bat Nha Buddhists monastery in  
15 Lam Dong province was attacked by government  
16 thugs in October 2009. About 400 monks and nuns  
17 were physically abused and forcibly evicted from the  
18 monastery.

19 (17) The Government of Vietnam continues to  
20 suppress the activities of other religious adherents,  
21 including Cao Dai, Hoa Hao, Mennonites, and  
22 Montagnard Christians belonging to churches that  
23 lack official recognition or have chosen not to affil-  
24 iate with the state-sanctioned groups, including  
25 through the use of detention and imprisonment.



1           (18) During Easter weekend in April 2004,  
2 thousands of Montagnard Christians in the Central  
3 Highlands gathered to protest their treatment by the  
4 Government of Vietnam, including the confiscation  
5 of tribal lands and ongoing restrictions on religious  
6 activities. Credible reports indicate that the protests  
7 were met with violent response as many demonstra-  
8 tors were arrested or went into hiding, that many  
9 were injured, and that some were killed. At least  
10 200 of these Montagnard Christians are still serving  
11 long sentences for their involvement in peaceful dem-  
12 onstrations in 2001 and 2004. Government officials  
13 continue to severely restrict movement by the  
14 Montagnards and prohibit them from seeking asy-  
15 lum in Cambodia. Many Montagnards were also im-  
16 prisoned and otherwise mistreated for their involve-  
17 ment in demonstrations in 2008.

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

1           (20) In 2007, the Government of Vietnam ar-  
2 rested and expelled at least 20 ethnic Khmer Bud-  
3 dhist monks in Soc Trang province from the monk-  
4 hood and imprisoned 5 monks in response to a  
5 peaceful religious protest in February 2007. In July  
6 2010, authorities in Tra Vinh arrested and pur-  
7 ported to defrock Khmer Krom Buddhist abbot  
8 Thach Sophon, sentencing him in September to a 9-  
9 month suspended sentence. He remains under house  
10 arrest.

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

18           (22) People arrested in Vietnam because of  
19 their political or religious affiliations and activities  
20 and charged with vaguely defined national security  
21 crimes are not accorded due process of law. During  
22 the pre-trial investigatory phase of their detention,  
23 religious and political prisoners are often held in-  
24 communicado without access to legal counsel and  
25 family members. They are routinely tortured during

1       interrogation to force them to confess to crimes they  
2       did not commit or to falsely denounce others. Their  
3       trials are usually closed to international press and  
4       diplomats and members of the public.

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

13              (24) Labor export companies partly or wholly  
14      owned by the Ministry of Labor, War Invalids and  
15      Social Affairs, and other agencies of the Government  
16      of Vietnam have frequently been identified as par-  
17      ticipants in human trafficking. There are a number  
18      of well-documented cases in which these state enter-  
19      prises have misled workers by promising specific  
20      wages and working conditions, often in the form of  
21      signed contracts, only to require the workers to sign  
22      different contracts immediately before leaving for  
23      their foreign destinations. When workers have pro-  
24      tested debt bondage or slavery-like conditions in the  
25      foreign workplaces to which these Vietnamese state

1 enterprises have sent them, officials of the Ministry  
2 of Labor have traveled from Hanoi to threaten the  
3 trafficking victims with “punishment under the laws  
4 of Vietnam” if they do not cease their protests.  
5 Workers who have returned to Vietnam after being  
6 exploited by their foreign employers have reported  
7 being harassed and intimidated by public security  
8 forces, who typically accuse them of being liars, col-  
9 laborating with reactionary forces overseas, and hav-  
10 ing betrayed their country.

11 (25) United States refugee resettlement pro-  
12 grams, including the Humanitarian Resettlement  
13 Program, the Orderly Departure Program, the Re-  
14 settlement Opportunities for Vietnamese Returnees  
15 Program, general resettlement of boat people from  
16 refugee camps throughout Southeast Asia, the  
17 Amerasian Homecoming Act of 1988, and the pri-  
18 ority one refugee resettlement category have helped  
19 resettle nationals of Vietnam who have suffered per-  
20 secution on account of their associations with the  
21 United States as well as nationals of Vietnam who  
22 have been persecuted because of race, religion, na-  
23 tionality, political opinion, or membership in a par-  
24 ticular social group.

1           (26) While previous programs have served their  
2 purposes well, a significant number of eligible refu-  
3 gees from Vietnam were unfairly denied or excluded,  
4 including Amerasians and Montagnards, in some  
5 cases by vindictive or corrupt officials of Vietnam  
6 who controlled access to the programs, and in others  
7 by United States personnel who imposed unduly re-  
8 strictive interpretations of program criteria. In addi-  
9 tion, the Government of Vietnam has denied pass-  
10 ports to persons whom the United States has found  
11 eligible for refugee admission.

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

21           (28) Enhancement of relations between the  
22 United States and Vietnam has provided an oppor-  
23 tunity for a human rights dialogue, but is unlikely  
24 to lead to future progress on human rights issues in  
25 Vietnam unless the United States makes clear that

1 such progress is an essential prerequisite for further  
2 enhancements in the bilateral relationship.

3 **SEC. 3. IMPOSITION OF SANCTIONS ON CERTAIN INDIVID-**  
4 **UALS WHO ARE COMPLICIT IN HUMAN**  
5 **RIGHTS ABUSES COMMITTED AGAINST NA-**  
6 **TIONALS OF VIETNAM OR THEIR FAMILY**  
7 **MEMBERS.**

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

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

14 (1) IN GENERAL.—Not later than 90 days after  
15 the date of the enactment of this Act, the President  
16 shall submit to the appropriate congressional com-  
17 mittees a list of individuals who are nationals of  
18 Vietnam that the President determines are complicit  
19 in human rights abuses committed against nationals  
20 of Vietnam or their family members, regardless of  
21 whether such abuses occurred in Vietnam.

22 (2) UPDATES OF LIST.—The President shall  
23 submit to the appropriate congressional committees  
24 an updated list under paragraph (1) as new infor-

1 mation becomes available and not less frequently  
2 than annually.

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

7 (4) CONSIDERATION OF DATA FROM OTHER  
8 COUNTRIES AND NONGOVERNMENTAL ORGANIZA-  
9 TIONS.—In preparing the list required by paragraph  
10 (1), the President shall consider data already ob-  
11 tained by other countries and nongovernmental orga-  
12 nizations, including organizations in Vietnam, that  
13 monitor the human rights abuses of the Government  
14 of Vietnam.

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

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

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

23 (B) receive any lawful immigration status  
24 in the United States under the immigration

1 laws, including any relief under the Convention  
2 Against Torture; or

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

5 (2) FINANCIAL SANCTIONS.—The President  
6 shall impose sanctions authorized pursuant to sec-  
7 tion 203 of the International Emergency Economic  
8 Powers Act (50 U.S.C. 1702) with respect to an in-  
9 dividual whose name appears on the list required by  
10 subsection (b)(1), including blocking of the property  
11 of, and restricting or prohibiting financial trans-  
12 actions and the exportation and importation of prop-  
13 erty by, the individual.

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

23 (e) WAIVER.—The President may waive the require-  
24 ment to impose or maintain sanctions with respect to an  
25 individual under subsection (a) or the requirement to in-



1 clude an individual on the list required by subsection (b)  
2 if the President—

3 (1) determines that such a waiver is in the na-  
4 tional interest of the United States; and

5 (2) submits to the appropriate congressional  
6 committees a report describing the reasons for the  
7 determination.

8 (f) 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 (g) 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).

○