

113TH CONGRESS
2D SESSION

H. R. 4254

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

MARCH 14, 2014

Mr. ROYCE (for himself, Mr. LOWENTHAL, 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

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 finds the following:

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

7 (2) According to the Department of State's
8 2012 Country Reports on Human Rights Practices,
9 Vietnam's "most significant human rights problems
10 . . . continued to be severe government restrictions
11 on citizens' political rights, particularly their right to
12 change their government; increased measures to
13 limit citizens' civil liberties; and corruption in the ju-
14 dicial system and police".

15 (3) Furthermore, the Department of State doc-
16 uments that "arbitrary arrest and detention, par-
17 ticularly for political activists, remained a problem",
18 with the Government of Vietnam sentencing "at
19 least 35 arrested activists during [2012] to a total
20 of 131 years in jail and 27 years of probation for
21 exercising their rights".

22 (4) The Government of Vietnam forbids public
23 challenge to the legitimacy of the one-party state, re-
24 stricts freedoms of opinion, the press, assembly, and
25 association, and tightly limits access to the Internet
26 and telecommunication.

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

14 (6) Enhancement of relations between the
15 United States and Vietnam has provided an oppor-
16 tunity for a human rights dialogue, but is unlikely
17 to lead to future progress on human rights issues in
18 Vietnam unless the United States makes clear that
19 such progress is an essential prerequisite for further
20 enhancements in the bilateral relationship.

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

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

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

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

20 (2) UPDATES OF LIST.—The President shall
21 submit to the appropriate congressional committees
22 an updated list under paragraph (1) as new infor-
23 mation becomes available and not less frequently
24 than annually.

25 (3) PUBLIC AVAILABILITY.—The list required
26 by paragraph (1) shall be made available to the pub-

1 lic and posted on the Web sites of the Department
2 of the Treasury and the Department of State.

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

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

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

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

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

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

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

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

19 (e) TERMINATION OF SANCTIONS.—The provisions of
20 this section shall cease to have force and effect on the date
21 on which the President determines and certifies to the ap-
22 propriate congressional committees that the Government
23 of Vietnam has—

24 (1) unconditionally released all political pris-
25 oners;

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

4 (3) conducted a transparent investigation into
5 the killings, arrest, and abuse of peaceful political
6 activists in Vietnam and prosecuted those respon-
7 sible.

8 (f) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Finance, the Com-
13 mittee on Banking, Housing, and Urban Af-
14 fairs, and the Committee on Foreign Relations
15 of the Senate; and

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

20 (2) CONVENTION AGAINST TORTURE.—The
21 term “Convention Against Torture” means the
22 United Nations Convention Against Torture and
23 Other Cruel, Inhuman or Degrading Treatment or
24 Punishment, done at New York on December 10,
25 1984.

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

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