

113TH CONGRESS
1ST SESSION

S. 929

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 SENATE OF THE UNITED STATES

MAY 9, 2013

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The relationship between the United States
2 and the Socialist Republic of Vietnam has grown
3 substantially since the end of the trade embargo in
4 1994, with annual trade between the countries
5 reaching more than \$24,800,000,000 in 2012.

6 (2) However, the transition by the Government
7 of Vietnam toward greater economic activity and
8 trade, which has led to increased bilateral engage-
9 ment between the United States and Vietnam, has
10 not been matched by greater political freedom or
11 substantial improvements in basic human rights for
12 the people of Vietnam.

13 (3) Vietnam remains an authoritarian state
14 ruled by the Communist Party of Vietnam, which
15 continues to deny the right of the people of Vietnam
16 to participate in free and fair elections.

17 (4) According to the Department of State's
18 2012 Country Reports on Human Rights Practices,
19 Vietnam's "most significant human rights problems
20 . . . continued to be severe government restrictions
21 on citizens' political rights, particularly their right to
22 change their government; increased measures to
23 limit citizens' civil liberties; and corruption in the ju-
24 dicial system and police".

1 (5) The Country Reports also state that the
2 Government of Vietnam “increasingly limited free-
3 doms of speech and press and suppressed dissent;
4 further restricted Internet freedom; reportedly con-
5 tinued to be involved in attacks against Web sites
6 containing criticism; maintained spying on dissident
7 bloggers; and continued to limit privacy rights and
8 freedoms of assembly, association, and movement”.

9 (6) Furthermore, the Department of State doc-
10 uments that “arbitrary arrest and detention, par-
11 ticularly for political activists, remained a problem”,
12 with the Government of Vietnam sentencing “at
13 least 35 arrested activists during [2012] to a total
14 of 131 years in jail and 27 years of probation for
15 exercising their rights”.

16 (7) At the end of 2012, the Government of
17 Vietnam reportedly held more than 120 political
18 prisoners, and diplomatic sources maintained that 4
19 reeducation centers in Vietnam held approximately
20 4,000 prisoners.

21 (8) On September 24, 2012, 3 prominent Viet-
22 namese bloggers—Nguyen Van Hai (also known as
23 Dieu Cay), Ta Phong Tan, and Phan Thanh Hai
24 (also known as Anh Ba Saigon)—were sentenced to
25 prison based on 3-year-old blog postings criticizing

1 the Government and leaders of Vietnam and the
2 Communist Party of Vietnam.

3 (9) United Nations High Commissioner for
4 Human Rights Navi Pillay responded to the sen-
5 tencing of the bloggers on September 25, 2012, stat-
6 ing that “[t]he harsh prison terms handed down to
7 bloggers exemplify the severe restrictions on freedom
8 of expression in Vietnam” and calling the sentences
9 an “unfortunate development that undermines the
10 commitments Vietnam has made internationally . . .
11 to protect and promote the right to freedom of ex-
12 pression”.

13 (10) On March 21, 2013, Deputy Assistant
14 Secretary of State for Democracy, Human Rights,
15 and Labor Daniel B. Baer testified before the Sub-
16 committee on East Asian and Pacific Affairs of the
17 Committee on Foreign Relations of the Senate that
18 “in Vietnam we’ve been disappointed in recent years
19 to see backsliding, particularly on . . . freedom of ex-
20 pression issues . . . people are being prosecuted for
21 what they say online under really draconian national
22 security laws . . . that is an issue that we continue
23 to raise, both in our human rights dialogue with the
24 Vietnamese as well as in other bilateral engage-
25 ments”.

1 (11) Although the Constitution of Vietnam pro-
2 vides for freedom of religion, the Department of
3 State’s 2012 Country Reports on Human Rights
4 Practices maintains that “Vietnamese who exercise
5 their right to freedom of religion continued to be
6 subject to harassment, differing interpretations and
7 applications of the law, and inconsistent legal protec-
8 tion, especially at provincial and village levels”.

9 (12) Likewise, the United States Commission
10 on International Religious Freedom 2013 Annual
11 Report states that “[r]eligious freedom conditions
12 remain very poor” in Vietnam and the “Vietnamese
13 government continues to imprison individuals for re-
14 ligious activity or religious freedom advocacy” using
15 a “specialized religious police force . . . and vague
16 national security laws to suppress independent Bud-
17 dhist, Protestant, Hoa Hao, and Cao Dai activities,
18 and seeks to stop the growth of ethnic minority
19 Protestantism and Catholicism via discrimination,
20 violence and forced renunciations of their faith”.

21 (13) The 2013 Annual Report notes that in
22 2004 the United States designated Vietnam as a
23 country of particular concern for religious freedom
24 pursuant to section 402(b)(1) of the International
25 Religious Freedom Act of 1998 (22 U.S.C.

1 6442(b)(1)), and that Vietnam responded at that
 2 time by releasing prisoners, prohibiting the policy of
 3 forced renunciations of faith, and expanding protec-
 4 tions for religious groups, and that “[m]ost religious
 5 leaders in Vietnam attributed these positive changes
 6 to the [country of particular concern] designation
 7 and the priority placed on religious freedom con-
 8 cerns in U.S.-Vietnamese bilateral relations”.

9 (14) However, the 2013 Annual Report con-
 10 cludes that since the designation as a country of
 11 particular concern was lifted from Vietnam in 2006,
 12 “religious freedom conditions in Vietnam remain
 13 mixed”, and therefore recommends to the Depart-
 14 ment of State that Vietnam should be redesignated
 15 as a country of particular concern.

16 (15) Deputy Assistant Secretary of State Baer
 17 likewise testified that “[i]n Vietnam the right to reli-
 18 gious freedom, which seemed to be improving several
 19 years ago, has been stagnant for several years”.

20 **SEC. 3. IMPOSITION OF SANCTIONS ON CERTAIN INDIVID-**
 21 **UALS WHO ARE COMPLICIT IN HUMAN**
 22 **RIGHTS ABUSES COMMITTED AGAINST NA-**
 23 **TIONALS OF VIETNAM OR THEIR FAMILY**
 24 **MEMBERS.**

25 (a) DEFINITIONS.—In this section:

1 (1) ADMITTED; ALIEN; IMMIGRATION LAWS; NA-
2 TIONAL; SPOUSE.—The terms “admitted”, “alien”,
3 “immigration laws”, “national”, and “spouse” have
4 the meanings given those terms in section 101 of the
5 Immigration and Nationality Act (8 U.S.C. 1101).

6 (2) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Finance, the Com-
10 mittee on Banking, Housing, and Urban Af-
11 fairs, and the Committee on Foreign Relations
12 of the Senate; and

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

17 (3) CONVENTION AGAINST TORTURE.—The
18 term “Convention against Torture” means the
19 United Nations Convention against Torture and
20 Other Cruel, Inhuman or Degrading Treatment or
21 Punishment, done at New York on December 10,
22 1984.

23 (4) UNITED STATES PERSON.—The term
24 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or of any jurisdiction within
6 the United States, including a foreign branch of
7 such an entity.

8 (b) IMPOSITION OF SANCTIONS.—Except as provided
9 in subsections (e) and (f), the President shall impose the
10 sanctions described in subsection (d) with respect to each
11 individual on the list required by subsection (c)(1).

12 (c) 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 Web sites of the Department
6 of 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 (d) SANCTIONS.—

16 (1) PROHIBITION ON ENTRY AND ADMISSION TO
17 THE UNITED STATES.—An individual on the list re-
18 quired by subsection (c)(1) may not—

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

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

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

3 (2) FINANCIAL SANCTIONS.—The President
4 shall freeze and prohibit all transactions in all prop-
5 erty and interests in property of an individual on the
6 list required by subsection (c)(1) if such property
7 and interests in property are in the United States,
8 come within the United States, or are or come with-
9 in the possession or control of a United States per-
10 son.

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

20 (f) WAIVER.—The President may waive the require-
21 ment to impose or maintain sanctions with respect to an
22 individual under subsection (b) or the requirement to in-
23 clude an individual on the list required by subsection
24 (c)(1) if the President—

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

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

6 (g) TERMINATION OF SANCTIONS.—The provisions of
7 this section shall terminate on the date on which the Presi-
8 dent determines and certifies to the appropriate congres-
9 sional committees that the Government of Vietnam has—

10 (1) unconditionally released all political pris-
11 oners;

12 (2) ceased its practices of violence, unlawful de-
13 tention, torture, and abuse of nationals of Vietnam
14 while those nationals are engaging in peaceful polit-
15 ical activity; and

16 (3) conducted a transparent investigation into
17 the killings, arrest, and abuse of peaceful political
18 activists in Vietnam and prosecuted those respon-
19 sible.

20 **SEC. 4. SENSE OF CONGRESS ON DESIGNATION OF VIET-**
21 **NAM AS A COUNTRY OF PARTICULAR CON-**
22 **CERN WITH RESPECT TO RELIGIOUS FREE-**
23 **DOM.**

24 It is the sense of Congress that—

1 (1) the relationship between the United States
2 and Vietnam cannot progress while the record of the
3 Government of Vietnam with respect to human
4 rights and the rule of law continues to deteriorate;

5 (2) the designation of Vietnam as a country of
6 particular concern for religious freedom pursuant to
7 section 402(b)(1) of the International Religious
8 Freedom Act of 1998 (22 U.S.C. 6442(b)(1)) would
9 be a powerful and effective tool in highlighting
10 abuses of religious freedom in Vietnam and in en-
11 couraging improvement in the respect for human
12 rights in Vietnam; and

13 (3) the Secretary of State should, in accordance
14 with the recommendation of the United States Com-
15 mission on International Religious Freedom, des-
16 ignate Vietnam as a country of particular concern
17 for religious freedom.

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