

117TH CONGRESS
1ST SESSION

H. R. 3001

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

MAY 4, 2021

Mr. SMITH of New Jersey (for himself, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. KIM of California, Mrs. STEEL, and Mr. CORREA) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Statement of policy.
- Sec. 3. Assistance for political and religious prisoners in Vietnam.
- Sec. 4. Sanctions with respect to human rights violations in Vietnam.
- Sec. 5. Actions to combat online censorship and surveillance in Vietnam.
- Sec. 6. Annual country reports on human rights practices.
- Sec. 7. Prohibition on funding for the Ministry of Public Security of the Government of Vietnam.
- Sec. 8. International religious freedom.
- Sec. 9. United States assistance to support counting of women and girls in Vietnam.
- Sec. 10. Annual reports on United States-Vietnam human rights dialogue meetings.
- Sec. 11. Restrictions on nonhumanitarian assistance to the Government of Vietnam.
- Sec. 12. Definitions.

3 **SEC. 2. STATEMENT OF POLICY.**

4 It is the policy of the United States to—

5 (1) prioritize as a matter of strategic impor-
 6 tance the Government of Vietnam’s violations of uni-
 7 versally recognized human rights, fundamental free-
 8 doms, and the rule of law to ensure the long-term
 9 sustainability of the United States-Vietnam strategic
 10 partnership;

11 (2) embed human rights concerns across the
 12 full spectrum of official interactions between the
 13 Government of the United States and the Govern-
 14 ment of Vietnam and convey during diplomatic en-
 15 gagements that concrete human rights improvements
 16 are key parts of any discussions on trade, security,
 17 humanitarian cooperation, and economic develop-
 18 ment;

1 (3) assess Vietnam’s progress toward respecting
2 the basic rights of workers, as described in each re-
3 port required by section 702 of the Foreign Rela-
4 tions Authorization Act, Fiscal Year 2003 (Public
5 Law 107–228; 22 U.S.C. 2151n note) and in light
6 of the commitments specified in the United States-
7 Vietnam Plan for Enhancement of Trade and Labor
8 Relations, notwithstanding the fact that the Trans
9 Pacific Partnership did not go into effect;

10 (4) press for ratification of ILO Conventions
11 No. 87 (Freedom of Association and Protection of
12 the Right to Organize) and No. 98 (Right to Orga-
13 nize and Collective Bargaining) and the recognition
14 of independent labor unions; and

15 (5) evaluate future trade negotiations with the
16 Government of Vietnam in accordance with the cri-
17 teria set forth for country eligibility under sub-
18 sections (b)(2) and (c) of section 502 of the Trade
19 Act of 1974 (19 U.S.C. 2462), relating to the Gen-
20 eralized System of Preferences, and in accordance
21 with the provisions of the Bipartisan Congressional
22 Trade Priorities and Accountability Act of 2015
23 (title I of Public Law 114–26; 19 U.S.C. 4201 et
24 seq.).

1 **SEC. 3. ASSISTANCE FOR POLITICAL AND RELIGIOUS PRIS-**
2 **ONERS IN VIETNAM.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) There are over 170 Vietnamese political and
5 religious prisoners currently detained in Vietnam,
6 nearly half of whom were arrested due to expression
7 or activities online.

8 (2) Prisoners include human rights defenders,
9 bloggers, lawyers, religious leaders, trade unionists,
10 land rights activists, political dissidents, environ-
11 mental campaigners, and others arrested for exer-
12 cising their internationally guaranteed rights or to
13 promote and protect the rights of others.

14 (b) ASSISTANCE.—

15 (1) IN GENERAL.—The Secretary of State shall
16 provide assistance to individuals in Vietnam and ap-
17 propriate civil society organizations outside Vietnam
18 that work to secure the release of political and reli-
19 gious prisoners in Vietnam, and to current and
20 former political and religious prisoners in Vietnam.

21 (2) ACTIVITIES.—Assistance required by this
22 subsection shall include the following activities:

23 (A) Support for the documentation of
24 human rights violations with respect to political
25 and religious prisoners.

1 (B) Support for advocacy to raise aware-
2 ness of issues relating to political and religious
3 prisoners.

4 (C) Support for efforts to repeal or amend
5 laws or regulations used to detain individuals
6 seeking to exercise internationally recognized
7 human rights.

8 (D) Support, including travel costs, legal
9 fees, and other appropriate expenses, for fami-
10 lies of religious and political prisoners.

11 (E) Support for health, including mental
12 health, and post-incarceration assistance in
13 gaining access to education and employment op-
14 portunities or other forms of reparation to en-
15 able former political and religious prisoners to
16 resume a normal life.

17 (c) DISCUSSIONS.—As part of a “whole of govern-
18 ment” approach to human rights improvements in Viet-
19 nam, the Secretary of State and other United States offi-
20 cials, in discussions with the Government of Vietnam,
21 should seek, as a critical condition of stronger United
22 States-Vietnam relations, the repeal of laws and regula-
23 tions used to detain political and religious prisoners and
24 the immediate and unconditional release of all political
25 and religious prisoners.

1 **SEC. 4. SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIO-**
2 **LATIONS IN VIETNAM.**

3 (a) STATEMENT OF POLICY.—It is the policy of the
4 United States to regularly assess reporting from intel-
5 ligence, diplomatic, open source, congressional, and non-
6 governmental organization sources to identify and impose
7 travel and financial restrictions on officials of the Govern-
8 ment of Vietnam and other foreign persons working di-
9 rectly or indirectly for the Government of Vietnam who,
10 based on credible evidence—

11 (1) are—

12 (A) responsible for, ordered, or are
13 complicit in the arbitrary detention, torture, en-
14 forced disappearances of individuals in Vietnam
15 seeking to obtain, exercise, defend, or promote
16 internationally recognized human rights; or

17 (B) responsible for, ordered, or are
18 complicit in acts of significant corruption, in-
19 cluding the expropriation of private or public
20 assets for personal gain, corruption related to
21 government contracts or the extraction of nat-
22 ural resources, bribery, or the facilitation or
23 transfer of the proceeds of corruption to foreign
24 jurisdictions;

25 (2) are responsible for surveillance, censorship,
26 or detention of individuals in Vietnam for exercising

1 the right to the freedom of expression online or
2 those responsible for forcing United States compa-
3 nies to censor or reveal personally identifiable infor-
4 mation of any individual exercising this right; or

5 (3) are responsible for particularly severe viola-
6 tions of religious freedom (as such term is defined
7 in section 3 of the International Religious Freedom
8 Act of 1998 (22 U.S.C. 6402).

9 (b) SANCTIONS.—

10 (1) GLOBAL MAGNITSKY HUMAN RIGHTS AC-
11 COUNTABILITY ACT.—The President should impose
12 sanctions under the Global Magnitsky Human
13 Rights Accountability Act (22 U.S.C. 2656 note)
14 with respect to any person described in subsection
15 (a)(1).

16 (2) DEPARTMENT OF STATE, FOREIGN OPER-
17 ATIONS, AND RELATED PROGRAMS APPROPRIATIONS
18 ACT, 2019.—The Secretary of State should impose
19 sanctions described in section 7031(c)(1)(A) of the
20 Department of State, Foreign Operations, and Re-
21 lated Programs Appropriations Act, 2019 (division
22 F of the Consolidated Appropriations Act, 2019;
23 Public Law 116–6) with respect to any person de-
24 scribed in subsection (a)(2).

1 (3) IMMIGRATION AND NATIONALITY ACT.—The
2 Secretary of State should impose the sanctions de-
3 scribed in section 212(a)(2)(G) of the Immigration
4 and Nationality Act (8 U.S.C. 1182(a)(2)(G)) to
5 any foreign person described in subsection (a)(3).

6 (c) REPORT.—

7 (1) IN GENERAL.—The Secretary of State shall
8 submit to the appropriate congressional committees
9 a report on sanctions imposed on persons described
10 in subsection (a) under the provisions of law de-
11 scribed in subsection (b), including information on—

12 (A) the number of times sanctions were
13 imposed on such persons under such provisions
14 of law;

15 (B) the reasons for imposing such sanc-
16 tions; and

17 (C) where appropriate, an identification of
18 the sanctioned persons.

19 (2) INCLUSION.—The report required by this
20 subsection shall be submitted as part of the report
21 required section 702 of the Foreign Relations Au-
22 thorization Act, Fiscal Year 2003 (Public Law 107–
23 228; 22 U.S.C. 2151n note) (as amended by section
24 10 of this Act).

1 **SEC. 5. ACTIONS TO COMBAT ONLINE CENSORSHIP AND**
2 **SURVEILLANCE IN VIETNAM.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Vietnam continues to have one of the
5 world’s most restrictive internet environments, with
6 pervasive filtering of content and the frequent ar-
7 rests of bloggers and others whose only offense is to
8 advocate online for positions different than those
9 held by the government.

10 (2) Since 2013, the Government of Vietnam has
11 issued laws and decrees, including a cybersecurity
12 law, that increased its ability to surveil its citizens
13 without judicial oversight or recourse. The cyberse-
14 curity law has been used to charge Vietnamese citi-
15 zens with vague crimes of “negating revolutionary
16 achievements” and distributing “misleading informa-
17 tion among the people”. Vietnam’s Penal Code and
18 Decree 15 have also been used to render many legiti-
19 mate online activities illegal, leading to the arrest
20 and detentions of political prisoners.

21 (3) The Government of Vietnam uses the cyber-
22 security law to require United States companies to
23 store information in Vietnam, censor social media
24 posts on demand, and to turn over sensitive personal
25 information about users. Companies such as
26 Facebook and Google comply with these requests, in-

1 cluding through the censorship of social media con-
2 tent of United States citizens and permanent resi-
3 dent aliens.

4 (4) United States companies Facebook and
5 YouTube have been instrumental in this crackdown,
6 complying with Vietnam’s request to censor and
7 “geoblock” content determined to violate local Viet-
8 namese law, which often contradicts international
9 law and Vietnam’s treaty obligations.

10 (5) In the first half of 2020, Facebook in-
11 creased its content restrictions in Vietnam by 983
12 percent, a dramatic increase from the second half of
13 2019.

14 (6) Facebook complied with 90 percent of Viet-
15 nam’s censorship requests in 2020 and YouTube
16 with 95 percent of such requests, a fact the Govern-
17 ment of Vietnam noted with satisfaction.

18 (7) The local legal provisions that directly en-
19 abled Facebook and YouTube’s censorship, Articles
20 117 and 331 of Vietnam’s Penal Code, also were
21 used to imprison most of the 27 prisoners of con-
22 science who were jailed in 2020.

23 (8) A free and open internet and the free flow
24 of news and information—

1 (A) are fundamental components of United
2 States foreign policy because they foster eco-
3 nomic growth, protect individual liberties, and
4 advance national security;

5 (B) are critical to the advancement of both
6 United States economic interests and inter-
7 nationally recognized human rights globally;
8 and

9 (C) are severely hindered by Vietnam's cy-
10 bersecurity law which would allow the Govern-
11 ment of Vietnam to access private data, spy on
12 users, require United States businesses to turn
13 over personally identifiable information or block
14 content of users, including outside of Vietnam,
15 and further restrict already limited online
16 speech.

17 (b) STATEMENT OF POLICY.—It is the policy of the
18 United States to—

19 (1) pursue an open and free internet in Viet-
20 nam as an issue promoting United States economic
21 interests and advancing internationally recognized
22 human rights;

23 (2) engage all appropriate United States Gov-
24 ernment agencies to promote the free flow of news
25 and information in Vietnam;

1 (3) use all appropriate United States diplomatic
2 instruments to pressure the Government of Vietnam
3 to halt requests to force social media companies to
4 block accounts and content of individuals whose con-
5 tent the Government disapproves;

6 (4) use all available diplomatic instruments
7 available to pursue trade policies with Vietnam that
8 expand internet freedom and the information econ-
9 omy in Vietnam by—

10 (A) ensuring the free flow of information
11 across the global network;

12 (B) promoting stronger international
13 transparency rules; and

14 (C) ensuring fair and equal treatment of
15 online services regardless of country of origin;
16 and

17 (5) require companies with contracts with the
18 United States Government that accede to requests of
19 the Government of Vietnam to engage in censorship
20 or to reveal sensitive personal information to report
21 such requests to the Department of State at the
22 time such requests occur and to report the nature of
23 such requests and the companies' responses publicly.

24 (c) ACTIONS.—The Office of Internet Freedom of the
25 United States Agency for Global Media and the Internet

1 Freedom and Business and Human Rights Section in the
2 Bureau of Democracy, Human Rights, and Labor of the
3 Department of State shall take such actions as may be
4 necessary to—

5 (1) prioritize the immediate distribution of cen-
6 sorship circumvention tools for computers and smart
7 phones in Vietnam; and

8 (2) prioritize projects to ensure the safety and
9 privacy of bloggers and journalists and human rights
10 defenders in Vietnam.

11 (d) REPORT.—The Secretary of State, in consultation
12 with the Secretary of Commerce and the United States
13 Trade Representative, shall submit to the appropriate con-
14 gressional committees a report that outlines a strategy
15 to—

16 (1) promote internet freedom and the free flow
17 of news and information in Vietnam; and

18 (2) promote efforts to assist United States
19 internet companies to fulfill their stated missions to
20 promote openness, transparency, and connectivity by
21 opposing requests by the Government of Vietnam to
22 remove political speech or content of journalists, es-
23 pecially when content is removed from the accounts
24 of users in the United States.

1 **SEC. 6. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
2 **PRACTICES.**

3 (a) REPORT RELATING TO ECONOMIC ASSIST-
4 ANCE.—Section 116 of the Foreign Assistance Act of
5 1961 (22 U.S.C. 2151n) is amended by adding at the end
6 the following new subsection:

7 “(h)(1) The report required by subsection (d) shall
8 include an assessment of freedom of expression with re-
9 spect to electronic information in each foreign country.
10 Such assessment shall consist of the following:

11 “(A) An assessment of the extent to which gov-
12 ernment authorities in each country inappropriately
13 attempt to filter, censor, or otherwise block or re-
14 move nonviolent expression of political or religious
15 opinion or belief via the internet, including electronic
16 mail, as well as a description of the means by which
17 such authorities attempt to block or remove such ex-
18 pression.

19 “(B) An assessment of the extent to which gov-
20 ernment authorities in each country have persecuted
21 or otherwise punished an individual or group for the
22 nonviolent expression of political, religious, or ideo-
23 logical opinion or belief via the internet, including
24 electronic mail.

25 “(C) An assessment of the extent to which gov-
26 ernment authorities in each country have sought to

1 inappropriately collect, request, obtain, or disclose
2 personally identifiable information of a person in
3 connection with such person’s nonviolent expression
4 of political, religious, or ideological opinion or belief,
5 including expression that would be protected by the
6 International Covenant on Civil and Political Rights.

7 “(D) An assessment of the extent to which wire
8 communications and electronic communications are
9 monitored without regard to the principles of pri-
10 vacy, human rights, democracy, and rule of law.

11 “(2) In compiling data and making assessments for
12 the purposes of paragraph (1), United States diplomatic
13 personnel shall consult with human rights organizations,
14 technology and internet companies, and other appropriate
15 nongovernmental organizations.

16 “(3) In this subsection—

17 “(A) the term ‘electronic communication’ has
18 the meaning given such term in section 2510 of title
19 18, United States Code;

20 “(B) the term ‘internet’ has the meaning given
21 such term in section 231(e)(3) of the Communica-
22 tions Act of 1934 (47 U.S.C. 231(e)(3));

23 “(C) the term ‘personally identifiable informa-
24 tion’ means data in a form that identifies a par-
25 ticular person; and

1 “(D) the term ‘wire communication’ has the
2 meaning given such term in section 2510 of title 18,
3 United States Code.”.

4 (b) REPORT RELATING TO SECURITY ASSISTANCE.—
5 Section 502B of the Foreign Assistance Act of 1961 (22
6 U.S.C. 2304) is amended—

7 (1) by redesignating the second subsection (i)
8 (relating to child marriage status) as subsection (j);
9 and

10 (2) by adding at the end the following new sub-
11 section:

12 “(k)(1) The report required by subsection (b) shall
13 include an assessment of freedom of expression with re-
14 spect to electronic information in each foreign country.
15 Such assessment shall consist of the following:

16 “(A) An assessment of the extent to which gov-
17 ernment authorities in each country inappropriately
18 attempt to filter, censor, or otherwise block or re-
19 move nonviolent expression of political or religious
20 opinion or belief via the internet, including electronic
21 mail, as well as a description of the means by which
22 such authorities attempt to block or remove such ex-
23 pression.

24 “(B) An assessment of the extent to which gov-
25 ernment authorities in each country have persecuted

1 or otherwise punished an individual or group for the
2 nonviolent expression of political, religious, or ideo-
3 logical opinion or belief via the internet, including
4 electronic mail.

5 “(C) An assessment of the extent to which gov-
6 ernment authorities in each country have sought to
7 inappropriately collect, request, obtain, or disclose
8 personally identifiable information of a person in
9 connection with such person’s nonviolent expression
10 of political, religious, or ideological opinion or belief,
11 including expression that would be protected by the
12 International Covenant on Civil and Political Rights.

13 “(D) An assessment of the extent to which wire
14 communications and electronic communications are
15 monitored without regard to the principles of pri-
16 vacy, human rights, democracy, and rule of law.

17 “(2) In compiling data and making assessments for
18 the purposes of paragraph (1), United States diplomatic
19 personnel shall consult with human rights organizations,
20 technology and internet companies, and other appropriate
21 nongovernmental organizations.

22 “(3) In this subsection—

23 “(A) the term ‘electronic communication’ has
24 the meaning given such term in section 2510 of title
25 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 **SEC. 7. PROHIBITION ON FUNDING FOR THE MINISTRY OF**
11 **PUBLIC SECURITY OF THE GOVERNMENT OF**
12 **VIETNAM.**

13 (a) FINDINGS.—Congress finds the following: —

14 (1) The Vietnam-based group APT 32, or
15 OceanLotus Group, is one of the most active cyber
16 espionage units in the world and has, since 2014,
17 carried out intrusions into private sector companies
18 and attempted to both surveil and steal the sensitive
19 personal information of Vietnamese dissidents living
20 outside of Vietnam as well as foreign governments.

21 (2) APT 32 consistently acts in the interests of
22 the Government of Vietnam, hacking individuals in
23 Germany, China, Cambodia, and the Philippines and
24 taking over the websites of Vietnamese Catholics

1 and hacking, news services, industrial plants, steel
2 companies, and other entities.

3 (3) The military of Vietnam operates a group
4 of 10,000 “cybertroops”, named Force 47, whose
5 members intimidate and harass Vietnamese citizens
6 online who speak out against government policies or
7 otherwise peacefully exercise their human rights in a
8 way determined by the Government of Vietnam as
9 unacceptable.

10 (b) PROHIBITION.—Consistent with section 620M of
11 the Foreign Assistance Act of 1961 (22 U.S.C. 2378d),
12 no assistance may be furnished under the Foreign Assist-
13 ance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms
14 Export Control Act (22 U.S.C. 2751 et seq.) to assist,
15 directly or indirectly, any unit of the Ministry of Public
16 Security of the Government of Vietnam or any other unit
17 of the Government of Vietnam engaged in cyber-espionage
18 activities.

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than 75 days after
21 the date of the enactment of this Act, the Secretary
22 of State, in consultation with the Director of Na-
23 tional Intelligence and the Director of the Federal
24 Bureau of Investigations, shall submit to the appro-
25 priate congressional committees a report on the

1 extraterritorial activities of entities affiliated with or
2 employed by the Government of Vietnam to engage
3 in cyber espionage or surveil and harass Vietnamese
4 dissidents living outside of Vietnam who are critical
5 of policies of the Government of Vietnam or who ad-
6 vocate for internationally recognized human rights.

7 (2) MATTERS TO BE INCLUDED.—The report
8 required by this subsection shall include information
9 on the steps taken by the United States Government
10 to address cyber espionage from Vietnam and the
11 protection of United States companies and United
12 States citizens and permanent resident aliens.

13 (3) FORM.—The report required by this sub-
14 section shall be submitted in unclassified form, by
15 may include a classified annex with respect to infor-
16 mation that is sensitive to United States national se-
17 curity interests, as determined by the Secretary. The
18 public element of the report may be issued as part
19 of testimony by the Secretary of State before the
20 House Foreign Affairs Committee or the Senate
21 Foreign Relations Committee.

22 (4) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—In this subsection, the term “appropriate
24 congressional committees” means—

1 (A) the Committee on Foreign Affairs, the
2 Committee on Homeland Security, and the Per-
3 manent Select Committee on Intelligence of the
4 House of Representatives; and

5 (B) the Committee on Foreign Relations,
6 the Committee on Homeland Security and Gov-
7 ernmental Affairs, and the Select Committee on
8 Intelligence of the Senate.

9 **SEC. 8. INTERNATIONAL RELIGIOUS FREEDOM.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) The promotion and protection of the univer-
12 sally recognized right to the freedom of religion is a
13 priority of United States foreign policy as stated in
14 section 402 of the International Religious Freedom
15 Act of 1998 (22 U.S.C. 6442) and the Bipartisan
16 Congressional Trade Priorities and Accountability
17 Act of 2015 (title I of Public Law 114–26; 19
18 U.S.C. 4201 et seq.) which requires the Administra-
19 tion to take religious freedom into account when ne-
20 gotiating trade agreements.

21 (2) Countries that protect religious freedom are
22 more prosperous, stable, peaceful and democratic.
23 Thus, the severe restrictions faced by religious
24 groups in Vietnam, such as members of the United
25 Buddhist Church of Vietnam (UBCV), Catholics,

1 and independent Hoa Hao Buddhists, Cao Dai, and
2 Protestants groups, are detrimental to the interests
3 of both the United States and Vietnam.

4 (3) The Government of Vietnam has reportedly
5 stepped up its efforts to force Montagnard and
6 Hmong Christians to renounce their faith, expro-
7 pate lands and other real properties belonging to
8 independent religious communities, destroy Hoa Hao
9 Buddhist and Cao Dai houses of worship, and arrest
10 and detain religious leaders. Religious leaders and
11 advocates of religious freedom remain in prison.

12 (b) STATEMENT OF POLICY.—Since the protection of
13 religious freedom is vital to peace, stability, and pros-
14 perity, and countries with the highest levels of restrictions
15 on religious freedom are often those countries seeking to
16 undermine United States national interests or ignore
17 international legal norms and standards, it is the policy
18 of the United States to—

19 (1) prioritize religious freedom in bilateral rela-
20 tions, including with the Government of Vietnam, by
21 fully implementing the provisions of the Frank R.
22 Wolf International Religious Freedom Act (Public
23 Law 114–281); and

1 (2) strategically employ sanctions and other
2 tools under the International Religious Freedom Act
3 of 1998 (22 U.S.C. 6401 et seq.).

4 (c) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) Vietnam should be designated as a country
7 of particular concern for religious freedom under
8 section 402(b) of the International Religious Free-
9 dom Act of 1998 (22 U.S.C. 6442(b)) because there
10 are a significant number of individuals imprisoned
11 for their religious activity or advocacy for religious
12 freedom and for “systematic, egregious, and ongoing”
13 violations of religious freedom;

14 (2) the President, in making the annual des-
15 ignations under section 402(b) of such Act, should
16 take into account the annual report of the United
17 States Commission on International Religious Free-
18 dom under section 203 of such Act and the Commis-
19 sion’s assessment that the designation of Vietnam as
20 a country of particular concern for religious freedom
21 from 2004 to 2006 led to tangible improvements in
22 religious freedom conditions while trade and security
23 cooperation increased; and

24 (3) because the Government of Vietnam tightly
25 controls religious institutions and then persecutes

1 those individuals who establish or operate inde-
2 pendent religious institutions and genuinely non-
3 governmental organizations, the Secretary of State
4 should—

5 (A) use all available diplomatic, develop-
6 ment, economic assistance, and political tools to
7 ensure that independent religious and civil soci-
8 ety organizations can operate freely and without
9 restriction in Vietnam; and

10 (B) raise these issues in all appropriate
11 statements, dialogues, reports, and negotiations
12 between the United States and Vietnam and in
13 multi-lateral institutions where the United
14 States and Vietnam are members.

15 **SEC. 9. UNITED STATES ASSISTANCE TO SUPPORT COUNT-**
16 **ING OF WOMEN AND GIRLS IN VIETNAM.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) Vietnam remains a “source and, to a lesser
19 extent, a destination country . . . for sex trafficking
20 and forced labor.”.

21 (2) Vietnamese men and women are subject to
22 forced labor in “rehabilitation” centers, detention
23 centers, and prisons and, according to the 2016 An-
24 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 pro-
3 grams described in section 4(a) of the Girls
4 Count Act of 2015 (Public Law 114–24; 22
5 U.S.C. 2151 note).

6 **SEC. 10. ANNUAL REPORTS ON UNITED STATES-VIETNAM**
7 **HUMAN RIGHTS DIALOGUE MEETINGS.**

8 Section 702 of the Foreign Relations Authorization
9 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.
10 2151n note) is amended by adding at the end the fol-
11 lowing:

12 “(9) Ending incidents of torture, police beat-
13 ings, deaths in police custody, and mob or societal
14 violence targeting religious groups or dissidents.

15 “(10) Returning properties of independent reli-
16 gious communities or organizations that have been
17 reportedly expropriated by the Government of Viet-
18 nam or by government-sanctioned religious organiza-
19 tions.

20 “(11) Addressing individual claims by United
21 States citizens whose properties have been expropri-
22 ated by the Government of Vietnam without effec-
23 tive, prompt, and fair compensation.

24 “(12) Implementing section 4 of the Girls
25 Count Act of (Public Law 114–24; 22 U.S.C. 2151

1 note) and how such section has been applied in Viet-
2 nam.

3 “(13) Ensuring internet freedom and specific
4 efforts to ensure the safety and privacy of Viet-
5 namese bloggers and journalists on the internet or
6 other forms of electronic communication.”.

7 **SEC. 11. RESTRICTIONS ON NONHUMANITARIAN ASSIST-**
8 **ANCE TO THE GOVERNMENT OF VIETNAM.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that, except as provided in subsection (b), the Sec-
11 retary of State should consider restricting certain assist-
12 ance to the Government of Vietnam unless—

13 (1) the Government of Vietnam makes substan-
14 tial progress toward releasing all political and reli-
15 gious prisoners from imprisonment, house arrest,
16 and other forms of detention;

17 (2) the Government of Vietnam has made sub-
18 stantial progress toward—

19 (A) respecting the right to freedom of reli-
20 gion, including the right to participate in reli-
21 gious activities and institutions without inter-
22 ference, harassment, or involvement of the Gov-
23 ernment, for all of Vietnam’s diverse religious
24 communities; and

1 (B) returning estates and properties con-
2 fiscated from the churches and religious com-
3 munities;

4 (3) the Government of Vietnam has made sub-
5 stantial progress toward respecting the right to in-
6 person and online freedom of expression, assembly,
7 and association, including the release of independent
8 journalists, bloggers, and democracy and labor activ-
9 ists;

10 (4) the Government of Vietnam has made sub-
11 stantial progress toward repealing or revising laws
12 that criminalize peaceful dissent, independent media,
13 unsanctioned religious activity, and nonviolent dem-
14 onstrations and rallies, in accordance with inter-
15 national standards and treaties to which Vietnam is
16 a party;

17 (5) the Government of Vietnam has made sub-
18 stantial progress toward allowing Vietnamese nation-
19 als free and open access to United States refugee
20 programs;

21 (6) the Government of Vietnam has made sub-
22 stantial progress toward respecting the human rights
23 of members of all ethnic and minority groups; and

24 (7) neither any official of the Government of
25 Vietnam nor any agency or entity wholly or partly

1 owned by the Government of Vietnam was complicit
2 in a severe form of trafficking in persons, or the
3 Government of Vietnam took all appropriate steps to
4 end any such complicity and hold such official, agen-
5 cy, or entity fully accountable for such conduct.

6 (b) EXCEPTION.—The restriction described in sub-
7 section (a) should not apply to assistance under the For-
8 eign Assistance Act of 1961 for the following purposes:

9 (1) Disaster relief assistance, including any as-
10 sistance under chapter 9 of part I of such Act (22
11 U.S.C. 2292 et seq.).

12 (2) Assistance which involves the provision of
13 food (including monetization of food) or medicine.

14 (3) Assistance for environmental remediation of
15 dioxin-contaminated sites and related health activi-
16 ties.

17 (4) Assistance to combat severe forms of traf-
18 ficking in persons (as such term is defined in section
19 103 of the Trafficking Victims Protection Act of
20 2000 (22 U.S.C. 7102)).

21 (5) Assistance to combat pandemic diseases.

22 (6) Assistance for refugees.

23 (7) Assistance to combat HIV/AIDS, including
24 any assistance under section 104A of such Act (22
25 U.S.C. 2151b–2).

1 **SEC. 12. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—Except as otherwise provided, the term “ap-
5 propriate congressional committees” means the
6 Committee on Foreign Affairs of the House of Rep-
7 resentatives and the Committee on Foreign Rela-
8 tions of the Senate.

9 (2) INTERNET.—The term “internet” has the
10 meaning given such term in section 231(e)(3) of the
11 Communications Act of 1934 (47 U.S.C. 231(e)(3)).

12 (3) PERSONALLY IDENTIFIABLE INFORMA-
13 TION.—The term “personally identifiable informa-
14 tion” means data in a form that identifies a par-
15 ticular person.

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