

115TH CONGRESS
2D SESSION

H. R. 5621

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

APRIL 25, 2018

Mr. SMITH of New Jersey (for himself, Mrs. COMSTOCK, Mr. SHERMAN, Ms. ROS-LEHTINEN, Ms. LOFGREN, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Foreign Affairs

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Vietnam Human Rights Act”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Finding and statement of policy.
- Sec. 3. Actions to encourage repeal of certain laws and administrative decrees and release of political and religious prisoners in Vietnam.
- Sec. 4. International religious freedom.
- Sec. 5. Internet freedom.
- Sec. 6. Annual country reports on human rights practices.
- Sec. 7. United States assistance to support counting of women and girls in Vietnam.
- Sec. 8. Illegal expropriation of properties of United States citizens by the Government of Vietnam.
- Sec. 9. Vietnam Ethnic Minority Development Fund.
- Sec. 10. United States public diplomacy.
- Sec. 11. Sense of Congress on sales of lethal military equipment or services to the Government of Vietnam.
- Sec. 12. Annual reports on United States-Vietnam Human Rights Dialogue meetings.

1 **SEC. 2. FINDING AND STATEMENT OF POLICY.**

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

3 (1) Support for human rights, democratic insti-
 4 tutions, and the rule of law are important tenets of
 5 United States foreign policy and critical to the se-
 6 curing of United States national interests.

7 (2) A government’s treatment of its own people
 8 often indicates how it will behave toward its neigh-
 9 bors and whether it will uphold international or bi-
 10 lateral commitments.

11 (3) Advances globally in good governance, reli-
 12 gious freedom, an independent judiciary, a strong
 13 civil society, constraints on corruption, independent
 14 news media, and internet freedom are crucial ele-
 15 ments in securing the peace, prosperity, and security
 16 of the American people.

1 (4) Free nations are more prosperous, more
2 stable, and more reliable as trade and security part-
3 ners. Even when the United States has economic
4 and security interests with governments that exhibit
5 a pattern of gross violations of internationally-recog-
6 nized human rights, these violations will inhibit the
7 development of a productive and sustainable partner-
8 ships.

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

11 (1) support a strong, prosperous, and inde-
12 pendent Vietnam that promotes and protects human
13 rights, embraces fully the rule of law, and allows an
14 open space for civil society, media, and independent
15 religious institutions and labor unions;

16 (2) strengthen the bilateral relationship with
17 Vietnam while recognizing that continued progress
18 and strategic partnerships will depend on the Gov-
19 ernment of Vietnam’s commitment to abide by its
20 international commitments, adhere to universal
21 standards, and protect the fundamental human
22 rights of the Vietnamese people;

23 (3) hold an annual results-based dialogue fo-
24 cused on human rights issues with senior officials of
25 the Government of Vietnam, informed by prior con-

1 sultation with the Vietnamese-American community,
2 human rights groups, and other experts and non-
3 governmental organizations about issues of concern;

4 (4) embed human rights concerns across the
5 full spectrum of official interactions between the
6 Governments of the United States and Vietnam, in-
7 cluding in all aspects of the United States-Vietnam
8 Comprehensive Partnership, recognizing the rel-
9 evance of human rights improvements in Vietnam
10 for United States national interests and the rel-
11 evance of a “whole of government” approach to
12 human rights promotion that views concrete im-
13 provements as key parts of an ongoing discussions
14 on trade, security, humanitarian cooperation, and
15 economic development;

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

1 (6) evaluate future trade negotiations with the
2 Government of Vietnam in accordance with the cri-
3 teria set forth for country eligibility under sub-
4 sections (b)(2) and (c) of section 502 of the Trade
5 Act of 1974 (19 U.S.C. 2462), relating to the Gen-
6 eralized System of Preferences, and in accordance
7 with the provisions of the Bipartisan Congressional
8 Trade Priorities and Accountability Act of 2015
9 (title I of Public Law 114–26; 19 U.S.C. 4201 et
10 seq.);

11 (7) assess whether there are any foreign per-
12 sons working directly or indirectly for the Govern-
13 ment of Vietnam who, based on credible evidence—

14 (A) are responsible for extrajudicial
15 killings, torture, enforced disappearances, or
16 prolonged detention without trial against indi-
17 viduals in Vietnam who seek—

18 (i) to expose illegal activity carried
19 out by government officials; or

20 (ii) to obtain, exercise, defend, or pro-
21 mote internationally-recognized human
22 rights and freedoms, such as the freedoms
23 of religion, expression, association, and as-
24 sembly, and the rights to a fair trial and
25 democratic elections;

1 (B) acted as agents of or on behalf of a
2 foreign person in a matter relating to an activ-
3 ity described in subparagraph (A);

4 (C) are government officials, or senior as-
5 sociates of any such official, who are respon-
6 sible for, or complicit in, ordering, controlling,
7 or otherwise directing, acts of significant cor-
8 ruption, including the expropriation of private
9 or public assets for personal gain, corruption
10 related to government contracts or the extrac-
11 tion of natural resources, bribery, or the facili-
12 tation or transfer of the proceeds of corruption
13 to foreign jurisdictions; and

14 (D) have materially assisted, sponsored, or
15 provided financial, material, or technological
16 support for, or goods or services in support of,
17 an activity described in subparagraph (C); and

18 (8) impose sanctions with respect to individuals
19 assessed to have engaged in or be complicit in the
20 activities described in paragraph (7) under section
21 1263 of the Global Magnitsky Human Rights Ac-
22 countability Act (subtitle F of title XII of Public
23 Law 114–328; 22 U.S.C. 2656 note).

1 **SEC. 3. ACTIONS TO ENCOURAGE REPEAL OF CERTAIN**
2 **LAWS AND ADMINISTRATIVE DECREES AND**
3 **RELEASE OF POLITICAL AND RELIGIOUS**
4 **PRISONERS IN VIETNAM.**

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

6 (1) Since January 2017 at least 35 human
7 rights activists and bloggers have been arrested in
8 Vietnam. Nineteen of these individuals have already
9 been convicted and sentenced to jail terms and the
10 other 16 individuals have been formally charged and
11 placed in pre-trial detention.

12 (2) These arrests bring the number of Viet-
13 nameese currently detained or imprisoned for political
14 or religious reasons to 171 individuals. These indi-
15 viduals have been sentenced to an estimated 1,000
16 years of imprisonment to be followed by 204 years
17 under house arrest. These individuals include human
18 rights defenders, bloggers, lawyers, religious leaders,
19 trade unionists, land rights activists, political dis-
20 sidents, environmental campaigners, and others ar-
21 rested for exercising their internationally-protected
22 rights, such as the right to freedom of expression, to
23 promote and protect the rights of others.

24 (3) There are also a significant number of reli-
25 gious prisoners affiliated with independent religious
26 communities, including some who have actively en-

1 gaged in the promotion and protection of freedom of
2 religion and others who have been detained simply
3 for professing or practicing their faith outside gov-
4 ernment approved limits.

5 (4) The charges most commonly used against
6 political and religious prisoners include charges
7 under—

8 (A) Article 79 (relating to carrying out ac-
9 tivities aimed at overthrowing the people’s ad-
10 ministration);

11 (B) Article 87 (relating to undermining
12 national unity policy);

13 (C) Article 88 (relating to conducting
14 propaganda against the Government of Viet-
15 nam);

16 (D) Article 89 (relating to disrupting secu-
17 rity);

18 (E) Article 245 (relating to causing public
19 disorder);

20 (F) Article 247 (relating to performing su-
21 perstitious practices);

22 (G) Article 257 (relating to resisting per-
23 sons in the performance of their official duties);

24 and

1 (H) Article 258 (relating to abusing demo-
2 cratic freedoms to infringe upon the interests of
3 the state).

4 (5) In 2013, the Prime Minister of Vietnam
5 issued Decree 72 to further restrict internet freedom
6 in Vietnam.

7 (b) REPEAL OF CERTAIN LAWS AND ADMINISTRA-
8 TIVE DECREES.—The Secretary of State, in discussions
9 with the Government of Vietnam, should—

10 (1) urge the Government of Vietnam to repeal
11 laws and administrative decrees restricting freedom
12 of expression, association, and peaceful assembly in
13 Vietnam, including laws relating to “propaganda
14 against the state” and “taking advantage of demo-
15 cratic freedoms to injure the national unity”; and

16 (2) urge the Government of Vietnam—

17 (A) to stop arresting prodemocracy blog-
18 gers and other individuals who use the internet
19 to criticize the government; and

20 (B) to release those prodemocracy bloggers
21 who are imprisoned.

22 (c) RELEASE OF POLITICAL AND RELIGIOUS PRIS-
23 ONERS.—The Secretary of State, in discussions with the
24 Government of Vietnam, should seek, as a critical condi-
25 tion of stronger United States-Vietnam relations, the im-

1 mediate and unconditional release all political and reli-
2 gious prisoners, including Nguyen Van Dai, Dao Quang
3 Thuc, Tran Thi Xuan, Nguyen Van Tuc, Nguyen Bac
4 Truyen, Pham Van Troi, Pastor Nguyen Trung Ton,
5 Truong Minh Duc, Nguyen Trung Truc, and the Most
6 Venerable Thich Quang Do.

7 (d) STATEMENT OF POLICY.—Officials of the Gov-
8 ernment of Vietnam who are responsible for or complicit
9 in torture, extrajudicial killings, the arbitrary detention of
10 political and religious prisoners, or other gross violations
11 of internationally-recognized human rights should be in-
12 vestigated by the United States and, as warranted, sanc-
13 tions should be imposed consistent with section 1263 of
14 the Global Magnitsky Human Rights Accountability Act
15 (subtitle F of title XII of Public Law 114–328; 22 U.S.C.
16 2656 note).

17 **SEC. 4. INTERNATIONAL RELIGIOUS FREEDOM.**

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

19 (1) The promotion and protection of the univer-
20 sally recognized right to the freedom of religion is a
21 priority of United States foreign policy as stated in
22 section 402 of the International Religious Freedom
23 Act of 1998 (22 U.S.C. 6442) and the Bipartisan
24 Congressional Trade Priorities and Accountability
25 Act of 2015 (title I of Public Law 114–26; 19

1 U.S.C. 4201 et seq.) which requires the Administra-
2 tion to take religious freedom into account when ne-
3 gotiating trade agreements.

4 (2) Countries that protect religious freedom are
5 more prosperous, stable, peaceful and democratic.
6 Thus, the severe restrictions faced by religious
7 groups in Vietnam, such as members of the United
8 Buddhist Church of Vietnam (UBCV), Catholics,
9 and independent Hao Hoa Buddhists, Cao Dai, and
10 Protestants groups, are detrimental to the interests
11 of both the United States and Vietnam.

12 (3) Since 2016, the Government of Vietnam has
13 reportedly stepped up its efforts to force Monta-
14 gnard and Hmong Christians to renounce their
15 faith, expropriate lands and other real properties be-
16 longing to independent religious communities, de-
17 stroy Hoa Hao Buddhist and Cao Dai houses of
18 worship, and arrest and detain religious leaders. Re-
19 ligious leaders and advocates of religious freedom re-
20 main in prison.

21 (b) STATEMENT OF POLICY.—Since the protection of
22 religious freedom is vital to peace, stability, and prosperity
23 and countries with the highest levels of restrictions on reli-
24 gious freedom are often those countries seeking to under-
25 mine United States national interests, it is the policy of

1 the United States to prioritize religious freedom in bilat-
2 eral relations, including with the Government of Vietnam,
3 by fully implementing the provisions of the Frank R. Wolf
4 International Religious Freedom Act (Public Law 114–
5 281) and to strategically employ sanctions and other tools
6 under the International Religious Freedom Act of 1998
7 (22 U.S.C. 6401 et seq.).

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

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

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

1 religious freedom conditions while trade and security
2 cooperation increased; and

3 (3) since the Government of Vietnam tightly
4 controls religious institutions and then persecutes
5 those who establish or operate independent religious
6 institutions and genuinely nongovernmental organi-
7 zations, the Secretary of State should—

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

13 (B) raise these issues in all appropriate
14 statements, dialogues, reports, and negotiations
15 between the United States and Vietnam.

16 **SEC. 5. INTERNET FREEDOM.**

17 (a) FINDING.—Congress finds that Vietnam con-
18 tinues to have one of the world’s most restrictive internet
19 environments, with pervasive filtering of content and the
20 frequent arrests of bloggers and others whose only offense
21 is to advocate online for positions different than those held
22 by the government.

23 (b) STATEMENT OF POLICY.—

1 (1) FINDING.—Congress finds that a free and
2 open internet and the free flow of news and informa-
3 tion—

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

8 (B) are critical to the advancement of both
9 United States economic interests and inter-
10 nationally-recognized human rights globally.

11 (2) STATEMENT OF POLICY.—It is the policy of
12 the United States—

13 (A) to pursue an open and free internet in
14 Vietnam; and

15 (B) to engage all appropriate instruments
16 of United States influence to promote the free
17 flow of news and information in Vietnam, with-
18 out interference or discrimination through the
19 internet and other electronic media.

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

22 (1) the United States should pursue trade poli-
23 cies with Vietnam that expand the information econ-
24 omy in Vietnam by—

1 (A) ensuring the free flow of information
 2 and across the global network;

3 (B) promoting stronger international
 4 transparency rules; and

5 (C) ensuring fair and equal treatment of
 6 online services regardless of country of origin;
 7 and

8 (2) the Office of Internet Freedom within the
 9 Broadcasting Board of Governors and the Internet
 10 Freedom and Business and Human Rights Section
 11 within the Bureau of Democracy, Human Rights,
 12 and Labor of the Department of State should
 13 prioritize—

14 (A) the distribution of anti-censorship cir-
 15 cumvention tools for computers and smart
 16 phones in Vietnam; and

17 (B) projects to ensure the safety and pri-
 18 vacy of bloggers and journalists in Vietnam.

19 **SEC. 6. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
 20 **PRACTICES.**

21 (a) REPORT RELATING TO ECONOMIC ASSIST-
 22 ANCE.—Section 116 of the Foreign Assistance Act of
 23 1961 (22 U.S.C. 2151n) is amended by adding at the end
 24 the following new subsection:

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

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

13 “(B) An assessment of the extent to which gov-
14 ernment authorities in each country have persecuted
15 or otherwise punished an individual or group for the
16 nonviolent expression of political, religious, or ideo-
17 logical opinion or belief via the internet, including
18 electronic mail.

19 “(C) An assessment of the extent to which gov-
20 ernment authorities in each country have sought to
21 inappropriately collect, request, obtain, or disclose
22 personally identifiable information of a person in
23 connection with such person’s nonviolent expression
24 of political, religious, or ideological opinion or belief,

1 including expression that would be protected by the
2 International Covenant on Civil and Political Rights.

3 “(D) An assessment of the extent to which wire
4 communications and electronic communications are
5 monitored without regard to the principles of pri-
6 vacy, human rights, democracy, and rule of law.

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

12 “(3) In this subsection—

13 “(A) the term ‘electronic communication’ has
14 the meaning given such term in section 2510 of title
15 18, United States Code;

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

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

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

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

4 (1) by redesignating the second subsection (i)
5 (relating to child marriage status) as subsection (j);
6 and

7 (2) by adding at the end the following new sub-
8 section:

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

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

21 “(B) An assessment of the extent to which gov-
22 ernment authorities in each country have persecuted
23 or otherwise punished an individual or group for the
24 nonviolent expression of political, religious, or ideo-

1 logical opinion or belief via the internet, including
2 electronic mail.

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

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

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

20 “(3) In this subsection—

21 “(A) the term ‘electronic communication’ has
22 the meaning given such term in section 2510 of title
23 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. UNITED STATES ASSISTANCE TO SUPPORT COUNT-**
11 **ING OF WOMEN AND GIRLS IN VIETNAM.**

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

13 (1) Vietnam remains a “source and, to a lesser
14 extent, a destination country . . . for sex trafficking
15 and forced labor.”.

16 (2) Vietnamese men and women are subject to
17 forced labor in “rehabilitation” centers, detention
18 centers, and prisons and, according to the 2016 An-
19 nual Report on Trafficking in Persons.

20 (3) Vietnamese migrants working in “state-
21 owned, private, or joint-stock companies” live in
22 “situations of exploitation” in the construction, fish-
23 ing, agriculture, mining, logging and manufacturing
24 sectors in other countries.

1 (b) IMPLEMENTATION OF THE GIRLS COUNT ACT OF
2 2015 IN VIETNAM.—

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

4 (A) Vietnam’s male to female sex-ratio dis-
5 parity has increased despite the Vietnamese
6 Government’s ending of its policy limiting mar-
7 ried couples to two children.

8 (B) Experts believe the increase in sex-
9 ratio disparity favoring the birth of boys has
10 enhanced a “missing girls” problem in Vietnam,
11 rooted in a cultural preference for boys and
12 widespread availability of pre-natal ultrasound
13 screening.

14 (C) Sex disparities have critical economic
15 and social ramifications that effect United
16 States interests, exacerbating the vulnerabilities
17 of women to trafficking, child marriage, and re-
18 ducing the ability of women to seek employment
19 and participate in educational opportunities and
20 civil society.

21 (2) AUTHORIZATION.—The Secretary of State
22 is authorized to establish and support programs to—

23 (A) monitor and halt bride and sex traf-
24 ficking of girls and women in Vietnam and

women from other countries in Asia, including
China, as appropriate; and

(B) address Vietnam's growing sex-ratio
disparity through economic support and tech-
nical assistance projects as described in section
4(a) of the Girls Count Act of 2015 (Public
Law 114–24; 22 U.S.C. 2151 note).

**SEC. 8. ILLEGAL EXPROPRIATION OF PROPERTIES OF
UNITED STATES CITIZENS BY THE GOVERN-
MENT OF VIETNAM.**

(a) FINDINGS.—Congress finds the following:

(1) The Government of Vietnam has used prop-
erty expropriation both to target independent
churches and religious communities and to retaliate
against individuals who opposed the Vietnamese
Government or Communist Party or disagreed with
their policies.

(2) In November 2003, Vietnam's National As-
sembly passed Resolution 23/2003/QH11 and Land
Law 13/2003/QH11, which have resulted in the ex-
propriation of properties of Vietnamese Americans,
and ended any possible recourse for United States
citizens to reclaim their properties.

1 (b) STATEMENT OF POLICY.—It shall be the policy
2 of the United States to convey to the Government of Viet-
3 nam that—

4 (1) relevant United States law protects prop-
5 erties of United States citizens against illegal expro-
6 priation by foreign governments; and

7 (2) any decision to grant eligibility to the Gov-
8 ernment of Vietnam under the Generalized System
9 of Preferences under title V of the Trade Act of
10 1974, to provide United States foreign assistance to
11 Vietnam under the Foreign Assistance Act of 1961,
12 and to provide United States support for loans from
13 international financial institutions for Vietnam will
14 be contingent upon whether and the extent to which
15 the Government of Vietnam has illegally expropri-
16 ated properties of United States citizens.

17 **SEC. 9. VIETNAM ETHNIC MINORITY DEVELOPMENT FUND.**

18 (a) FINDINGS.—Congress finds that—

19 (1) ethnic minority groups in Vietnam face both
20 economic pressure, discrimination, and violations of
21 internationally-recognized human rights; and

22 (2) in prior years, Congress has directed that
23 funds made available for Economic Support Fund
24 and technical assistance for Vietnam be used to “ad-
25 dress the needs of affected communities and individ-

1 uals” in ethnic minority communities, targeting spe-
2 cifically those areas and regions with the highest
3 concentration of human rights violations.

4 (b) VIETNAM ETHNIC MINORITY DEVELOPMENT
5 FUND.—

6 (1) IN GENERAL.—The President is authorized
7 to provide assistance to address the unique needs of
8 ethnic minority groups in Vietnam affected by past
9 or current severe human rights violations, including
10 violations of the right to religious freedom, expres-
11 sion, and association.

12 (2) AVAILABILITY OF AMOUNTS.—Amounts
13 made available to carry out chapter 4 of part II of
14 the Foreign Assistance Act of 1961 (22 U.S.C. 2346
15 et seq.) for economic support programs for Vietnam
16 are authorized to be made available to carry out
17 paragraph (1).

18 (3) REFERENCE TO FUND.—Assistance pro-
19 vided under paragraph (1) may be referred to as the
20 “Vietnam Ethnic Minority Development Fund” (in
21 this section referred to as the “Fund”).

22 (c) CONSULTATIONS.—The Secretary of State shall,
23 in identifying ethnic minority groups in Vietnam for pur-
24 poses of subsection (b), consult with relevant nongovern-
25 mental organizations, including—

1 (1) Vietnamese-American and representatives of
2 ethnic minority groups in Vietnam; and

3 (2) the United States Commission on Inter-
4 national Religious Freedom.

5 (d) REPORT.—

6 (1) IN GENERAL.—The Secretary of State, in
7 consultation with the Administrator of the United
8 States Agency for International Development, shall
9 submit to the appropriate congressional committees
10 a report on the implementation of this section, in-
11 cluding a description of—

12 (A) programs, projects, and activities of
13 the Fund; and

14 (B) consultations with nongovernmental
15 organizations and the United States Commis-
16 sion on International Religious Freedom in ac-
17 cordance with subsection (c).

18 (2) INCLUSION IN ANNUAL REPORTS ON
19 UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE
20 MEETINGS.—The report required by paragraph (1)
21 may be submitted to the appropriate congressional
22 committees as part of the report required under sec-
23 tion 702 of the Foreign Relations Authorization Act,
24 Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.
25 2151n note), as amended by section 13 of this Act.

1 **SEC. 10. UNITED STATES PUBLIC DIPLOMACY.**

2 (a) RADIO FREE ASIA TRANSMISSIONS TO VIET-
3 NAM.—It is the sense of Congress that—

4 (1) the United States should take measures to
5 overcome the jamming of Radio Free Asia by the
6 Government of Vietnam; and

7 (2) the Broadcasting Board of Governors
8 should maintain current levels of funding for the Vi-
9 etnamese language services of the Voice of America
10 and Radio Free Asia.

11 (b) UNITED STATES EDUCATIONAL AND CULTURAL
12 EXCHANGE PROGRAMS WITH VIETNAM.—It is the sense
13 of Congress that any programs of educational and cultural
14 exchange between the United States and Vietnam—

15 (1) should actively promote progress toward
16 freedom and democracy in Vietnam by providing op-
17 portunities to Vietnamese nationals from a wide
18 range of occupations and perspectives to see freedom
19 and democracy in action and, also, by ensuring that
20 Vietnamese nationals who have already dem-
21 onstrated a commitment to these values are included
22 in such programs; and

23 (2) should also recognize and find ways to as-
24 sist Vietnam’s religious and ethnic diversity.

1 **SEC. 11. SENSE OF CONGRESS ON SALES OF LETHAL MILI-**
2 **TARY EQUIPMENT OR SERVICES TO THE GOV-**
3 **ERNMENT OF VIETNAM.**

4 It is the sense of Congress that any sale of lethal
5 defense articles or defense services under section 38 of the
6 Arms Export Control Act (22 U.S.C. 2778) to the Govern-
7 ment of Vietnam, other than a sale of such articles or serv-
8 ices with respect to which the President determines is di-
9 rectly related to ensuring United States interests in the
10 free and open navigation of the South China Sea, should
11 be conditioned upon additional, significant, and sustained
12 steps to advance internationally-recognized human rights.

13 **SEC. 12. ANNUAL REPORTS ON UNITED STATES-VIETNAM**
14 **HUMAN RIGHTS DIALOGUE MEETINGS.**

15 Section 702 of the Foreign Relations Authorization
16 Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.
17 2151n note) is amended by adding at the end the fol-
18 lowing:

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

22 “(10) Returning properties of independent reli-
23 gious communities or organizations that have been
24 reportedly expropriated by the Government of Viet-
25 nam or by government-sanctioned religious organiza-
26 tions.

1 “(11) Addressing individual claims by United
2 States citizens whose properties have been expropri-
3 ated by the Government of Vietnam without effec-
4 tive, prompt, and fair compensation.

5 “(12) Implementing section 4 of the Girls
6 Count Act of 2015 (Public Law 114–24; 22 U.S.C.
7 2151 note) and how it has been applied in Vietnam.

8 “(13) Implementing economic development
9 projects funded by the Ethnic Minority Development
10 Fund and progress of each such project.

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

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