

ADOPTION OF A RESOLUTION IN SUPPORT OF HOUSE
OF REPRESENTATIVES BILL 4254 (ROYCE), "VIETNAM
HUMAN RIGHTS SANCTIONS ACT"

August 12, 2014

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FINANCIAL IMPACT

No direct impact.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached resolution in support of House of Representatives Bill 4254 to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members; and
- Direct the City Clerk to send the resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Honorable Members of the United States Congress representing the City of Garden Grove.



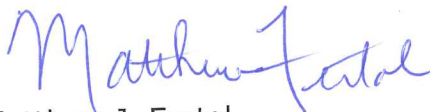
MARIA STIPE

Deputy City Manager

Attachment 1: Resolution

Attachment 2: Bill Text-H.R. 4254, "Vietnam Human Rights Sanctions Act"

Recommended for Approval



Matthew J. Fertil
City Manager

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
IN SUPPORT OF 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

WHEREAS, the Vietnamese-American Community plays an important role in the social, cultural and economic landscape of the County of Orange, State of California, especially in the city of Garden Grove;

WHEREAS, many Vietnamese-American residents of the city of Garden Grove fled Communism in search of freedom;

WHEREAS, for the past four decades the government of the Socialist Republic of Vietnam has denied basic human rights to the people of Vietnam and severely limited their freedom of expression and religion;

WHEREAS, Vietnam's human rights violations have resulted in the incarceration of peaceful dissidents without due process, including those who have been incarcerated simply for calling on their government to take a strong stance in the territorial dispute with China over the Paracel and Spratly Islands;

WHEREAS, H.R. 4254 seeks to impose financial and travel sanctions on individuals and their family members, who are complicit in human rights abuses committed in Vietnam; and

WHEREAS, the sanctions imposed by H.R. 4254 will cease only when the President of the United States determines and certifies to the appropriate congressional committees that the Government of Vietnam has unconditionally released all political prisoners, ceased its human rights abuses, and prosecuted those responsible for such human rights abuses.

NOW, THEREFORE IT BE RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Garden Grove, State of California, supports H.R. 4254, "Vietnam Human Rights Act" and urges the United States Congress to pass this legislation in protection of human rights in Vietnam.

Section 2. The City Clerk is directed to send this Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Honorable Members of the United States Congress representing the City of Garden Grove.

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Section 3. The Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

[~112H156]

.....
(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R. _____

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

Mr. ROYCE introduced the following bill; which was referred to the Committee on _____

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 finds the following:

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

5 (2) According to the Department of State's
6 2012 Country Reports on Human Rights Practices,
7 Vietnam's "most significant human rights problems
8 . . . continued to be severe government restrictions
9 on citizens' political rights, particularly their right to
10 change their government; increased measures to
11 limit citizens' civil liberties; and corruption in the ju-
12 dicial system and police".

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

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