

Name : HOLLY NGO

Title and organizational affiliation: N/A

House Committee on Foreign Affairs

Date of Committee hearing : June 4, 2013

Chairman Smith and members of the Committee,

Thank you for allowing me to speak on behalf of my family and many other Vietnamese American families that are similarly situated.

My name is Holly Ngo. I escaped from Viet Nam by boat in December 1978 and arrived at a refugee camp in Philippines. I was resettled as a refugee to France in 1979 and stayed in Paris until September 1980. I then joined my family in the US in October 1980 and became US citizen in 1985. I currently live in Garden Grove, California. I am currently working for Avery Dennison in Brea, California as a Senior Peoplesoft technical developer.

My mother Kim Hoang fled Viet Nam by boat in May 1979 and stayed in a refugee camp in Malaysia. She arrived in the US in 1980. She acquired US citizenship in September 1996. My father stayed behind in Viet Nam until 1991. He joined our family in the US in 1991 and became naturalized US citizen in January 2000.

On behalf of our family, I am seeking Congressional intervention in a matter that affects our family and many Vietnamese-Americans.

In 1979, one of our houses was placed under state management because we did not live in the house. In 2003, the government of the Socialist Republic of Vietnam nationalized our land and our house. We are enclosing a notarized copy of the title to our properties in Vietnam. Enclosed is the English translation of the title to our real property in Vietnam. It is worth at least 800,000 USD now.

In 1977 the Vietnamese government forced my family to deposit 2.384 Kg of gold at the national bank. They have not returned that gold, which is worth \$135,882 at the present market value. Enclosed is the receipt of our deposit dated Feb 1, 1977. In other words, the Vietnamese government is unlawfully withholding asset of US citizens with no intention to return it.

My parents also had a second house in Viet Nam. When my father sold it in 1990 to migrate to the US, the government kept 50 % of the sale proceeds because my mother was in the U.S. at that time. They said they kept it for my mother, but they never returned the money to her. It was approximately 5000 USD in 1990.

On Sep 10, 2012, I sent letters to Senator Barbara Boxer, Senator Diane Feinstein, Congresswoman Loretta Sanchez; Ambassador Ron Kirk of the Office of the United States Trade Representative; and Mr. Hongju Koh , Legal Adviser, Department of State to ask them to raise this issue to the Vietnamese government at every possible occasion, encouraging the Vietnamese government to send delegations to meet with our families and our legal counsel to discuss the return of or the fair compensations for the expropriated properties.

I believe that my mother's claims meet all three standard criteria that the Department of State uses to assess the merits of similar claims:

- (1) My mother is a U.S. citizen at the time the claim arose and continuously thereafter to this day.
- (2) The act of expropriation is a violation of international law that is attributable to the foreign government. The government of the Socialist Republic of Vietnam nationalized our real properties through its law in 2003. According to international law the expropriation of alien property is lawful only if prompt, adequate and effective compensation is provided for. In our case, the government of Vietnam has offered no compensation whatsoever.
- (3) My mother's case meets the Department of State's requirement that "the claimant must exhaust local remedies in the relevant country, or demonstrate that doing so would be futile." There is no possible local remedy. On 26 November, 2003, Vietnam's National Assembly promulgated the 2003 Land Law (13/2003/QH11) along with Resolution 23/2003/QH11, Article 1 of which affirms that the Vietnamese government will not entertain any claim for the return of land or residential housing already placed under State administration prior to that date. Any attempts at seeking remedy through local lawyers would constitute waste of time and money.

I have spent the past decade seeking local remedies. The Vietnamese government will not entertain any claim for the return of land or residential housing already placed under State management such as the case of our family.

U.S. law is very clear when a foreign nation expropriates properties of U.S. citizens. The Foreign Assistance Act of 1961, as amended in 1964 (22 USC 2370(e)), stipulates that the President shall suspend all assistance to a country the government

of which has expropriated the properties of U.S. citizens, and the U.S. government shall vote against loans to that government from international financial institutions. Congress is in a position to demand that our State Department applies U.S. laws passed by Congress.

Please forward our case and the cases of so many other Vietnamese Americans to the Legal Adviser for the Department of State and the US Trade Representative and ask them:

- What are their procedures and criteria they would use to assess the merits of our claims against the Vietnamese government?
- What is the threshold to apply The Trade Act of 1974 (19 USC 2462(b)(2)) regarding not granting Generalized System of Preferences (GSP) to governments that have expropriated properties of U.S. citizens?
- What is the threshold to apply the Foreign Assistance Act of 1961, as amended in 1964 (22 USC 2370(e)), regarding the suspension of foreign assistance to governments that have expropriated properties of U.S. citizens?

The Clinton Administration intervened on behalf of and successfully secured over US \$200M in compensation for Americans whose properties had been expropriated by the Socialist Republic of Vietnam. We expect the Obama Administration to show the same treatment towards Americans of Vietnamese origin. We expect equal protection of rights and properties for all Americans. However this has not been the case. I therefore am grateful for this opportunity to appeal to our Congress to do what is right to protect the rights and the properties of U.S. citizens.

Sincerely yours,

HOLLY NGO