VIETNAM HUMAN RIGHTS ACT OF 2015; AND CONDEMNING THE APRIL 2015 TERRORIST ATTACK AT THE GARISSA UNIVERSITY COLLEGE IN GARISSA, KENYA, AND REAFFIRMING THE UNITED STATES SUPPORT FOR THE PEOPLE AND GOVERNMENT OF KENYA, AND FOR OTHER PURPOSES

MARKUP

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

ON

H.R. 2140 and H. Res. 213

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VIETNAM HUMAN RIGHTS ACT OF 2015; AND CONDEMNING THE APRIL 2015 TERRORIST ATTACK AT THE GARISSA UNIVERSITY COLLEGE IN GARISSA, KENYA, AND REAFFIRMING THE UNITED STATES SUPPORT FOR THE PEOPLE AND GOVERNMENT OF KENYA, AND FOR OTHER PURPOSES

THURSDAY, MAY 14, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:13 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order. Pursuant to notice, we are here to mark up H.R. 2140, Vietnam Human Rights Act of 2015, and H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

The first measure, the Vietnam Human Rights Act, I introduced along with eight co-sponsors. It is a bipartisan bill. It is the fourth time this legislation is making its way through the Congress. Three other times it passed the House, but regrettably was not taken up in the Senate. Our hopes are this year it will be. And the H. Res. 213 was introduced by my good friend and colleague, Ms. Bass, and that, too, is a bipartisan resolution that will make its way to the floor very, very shortly after full committee consideration.

Due to the bipartisan support for these measures, the fact that the subcommittee will reconvene following the markup for a hearing as well as scheduling of other events and floor activity, it is the intent of the Chairman to consider these measures en bloc. I understand that our staffs have been in communication, and Ms. Bass has graciously consented to this. I also that Mr. Bera may also wish to further consult with regard to the Vietnam Human Rights Act in advance of the full committee markup with regard to provisions dealing with labor protections.

All members have copies of these documents before them which were circulated to you on Tuesday, and after we have concluded our expedited consideration, I will be glad to recognize any member, including myself and the ranking member and our distinguished colleagues to my right, for any comments they might want

to make on the pending legislation. All members are given leave to insert remarks into the record should they choose to do so. Seeing that we do have a reporting quorum present, without objection the following are considered as read and will be considered in en bloc: H.R. 2140, Vietnam Human Rights Act of 2015, and H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

[The information referred to follows:]

[~113H1897]

.....

(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself, Ms. LOFGREN, Mr. ROHRABACHER, Mr. CONNOLLY, Ms. LORETTA SANCHEZ of California, Mr. ROYCE, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on _____

A BILL

To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Vietnam Human Rights Act of 2015".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

Sec. 3. Prohibition on increased nonhumanitarian assistance to the Government of Vietnam.
Sec. 4. Easing of restrictions for Vietnam under the Arms Export Control Act.
Sec. 5. United States public diplomacy.
Sec. 6. Religious freedom and human trafficking.
Sec. 7. Annual report.

SEC. 2. FINDINGS AND PURPOSE.

Congress finds the following:

(1) The relationship between the United States and the Socialist Republic of Vietnam has grown substantially since the end of the trade embargo in 1994, with annual trade between the two countries reaching nearly $36,000,000,000 in 2014.

(2) The Government of Vietnam's transition toward greater economic liberalization and trade has not been matched by greater political freedom and substantial improvements in basic human rights for Vietnamese citizens, including freedom of religion, expression, association, and assembly.

(3) The United States Congress agreed to Vietnam becoming an official member of the World Trade Organization in 2006, amidst assurances that the Government of Vietnam was steadily improving its human rights record and would continue to do so.

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

(5) Although in recent years the National Assembly of Vietnam has played an increasingly active role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly remains subject to the direction of the CPV and the CPV maintains control over the selection of candidates in national and local elections.

(6) The Government of Vietnam forbids public challenge to the legitimacy of the one-party state, restricts freedoms of opinion, the press, and association and tightly limits access to the Internet and telecommunication.

(7) Since Vietnam's accession to the WTO on January 11, 2007, the Government of Vietnam arbitrarily arrested and detained numerous individuals for their peaceful advocacy of religious freedom, democracy, and human rights, including Father Nguyen Van Ly, Pastor Nguyen Cong Chinh, Pastor Duong Kim Khai, labor organizers Nguyen Hoang Quoc Hung and Doan Huy Chuong, and bloggers Nguyen Huu Vinh, Nguyen Thi Minh Thuy, and Ta Phong Tan.

(8) The Government of Vietnam continues to detain, imprison, place under house arrest, convict,

or otherwise restrict persons for the peaceful expression of dissenting political or religious views.

(9) The Government of Vietnam continues to detain labor leaders and restricts the right to organize independently.

(10) The Government of Vietnam continues to limit the freedom of religion, restrict the operations of independent religious organizations, force people of faith to renounce their faith, expropriate lands and properties belonging to independent churches, and persecute believers whose religious activities the Government regards as a potential threat to its monopoly on power.

(11) According to the United Nations Special Rapporteur on freedom of religion or of belief, who recently conducted a mission to Vietnam, ''autonomy and activities of independent religious or belief communities, that is, unrecognized communities, remain restricted and unsafe, with the rights to freedom of religion or belief of such communities grossly violated in the face of constant surveillance, intimidation, harassment and persecution''.

(12) Despite reported progress in church openings and legal registrations of religious venues, the Government of Vietnam has halted most positive ac-

tions and increasingly cracked down on independent religious communities since the Department of State lifted the "country of particular concern" (CPC) designation for Vietnam in November 2006.

(13) Unregistered ethnic minority Protestant congregations, particularly Montagnards in the Central Highlands and Hmong in the Northwest Mountainous Regions, suffer severe abuses because of actions by the Government of Vietnam, which have included forced renunciations of faith, arrest and harassment, the withholding of social programs provided for the general population, confiscation and destruction of property, subjection to severe beatings, and reported deaths.

(14) There has been a pattern of violent responses by the Government to peaceful prayer vigils and demonstrations by Catholics for the return of Government-confiscated church properties. Protesters have been harassed, beaten, and detained and church properties have been destroyed. Catholics also continue to face some restrictions on selection of clergy, the establishment of seminaries and seminary candidates, and individual cases of travel and church registration. Catholicism is not recognized in the provinces of Dien Bien, Son La, and Lai Chau.

(15) In May 2010 the village of Con Dau, a Catholic parish in Da Nang, faced escalated violence during a funeral procession as police attempted to prohibit a religious burial in the village cemetery; more than 100 villagers were injured, 62 were arrested, five were tortured, and at least three died. The situation has remained unresolved.

(16) The Unified Buddhist Church of Vietnam (UBCV) suffers persecution as the Government of Vietnam continues to restrict contacts and movement of senior UBCV clergy for refusing to join the state-sponsored Buddhist organization, the Government restricts expression and assembly, and the Government continues to harass and threaten UBCV monks, nuns, and youth leaders.

(17) The Government of Vietnam continues to suppress the activities of other religious adherents, including Cao Dai and Hoa Hao Buddhists who lack official recognition or have chosen not to affiliate with the state-sanctioned groups, including through the use of detention, imprisonment, and strict Government oversight.

(18) Many Montagnards and others are still serving long prison sentences for their involvement in peaceful demonstrations in 2001, 2002, 2004,

and 2008. Montagnards continue to face threats, detention, beatings, forced renunciation of faith, property destruction, restricted movement, and reported deaths at the hands of Government officials.

(19) Ethnic minority Hmong in Northern Vietnam, the Northwest Highlands, and the Central Highlands of Vietnam also suffer restrictions, confiscation of property, abuses, and persecution by the Government of Vietnam. Many of their leaders have been sentenced to prison terms.

(20) The Government of Vietnam restricts Khmer Krom expression, assembly, and association, has confiscated nearly all the Theravada Buddhist temples, controls all Khmer Krom Buddhist religious organizations, prohibits most peaceful protests, and imprisons many Khmer Krom Buddhist monks who worked to preserve the Khmer Krom culture.

(21) People arrested in Vietnam because of their political or religious affiliations and activities often are not accorded due legal process as they lack full access to lawyers of their choice, may experience closed trials, have often been detained for years without trial, and have been subjected to the use of torture to admit crimes they did not commit or to falsely denounce their own leaders.

(22) Vietnam continues to be a source country for the commercial sexual exploitation and forced labor of women and girls, as well as for men and women legally entering into international labor contracts who subsequently face conditions of debt bondage or forced labor, and is a destination country for child trafficking and continues to have internal human trafficking.

(23) There are many reports of Vietnamese officials and employees participating in, facilitating, condoning, or otherwise being complicit in severe forms of human trafficking. Victims of human trafficking who speak out against traffickers in the government-run labor export program receive threats of punishment by government authorities.

(24) United States refugee resettlement programs, including the Humanitarian Resettlement (HR) Program, the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, general resettlement of boat people from refugee camps throughout Southeast Asia, the Amerasian Homecoming Act of 1988, and the Priority One Refugee resettlement category, have helped rescue Vietnamese nationals who have suffered persecution on account of their associations

with the United States or, in many cases, because of such associations by their spouses, parents, or other family members, as well as other Vietnamese nationals who have been persecuted because of race, religion, nationality, political opinion, or membership in a particular social group.

(25) While previous programs have served their purposes well, a significant number of eligible refugees from Vietnam were unfairly denied or excluded, including Amerasians, in some cases by vindictive or corrupt Vietnamese officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria. In addition, the Government of Vietnam has denied passports to persons who the United States has found eligible for refugee admission.

(26) The Government of Vietnam reportedly is detaining tens of thousands of people, with some as young as 12 years old, in government-run drug detention centers and treating them as slave laborers.

(27) In 2012, over 150,000 people signed an online petition calling on the Administration to not expand trade with communist Vietnam at the expense of human rights.

(28) Each year close to a thousand Vietnamese-American advocates from across the country convene in Washington, D.C., to call on the administration to attach human rights conditions to trade and security agreements with Vietnam.

(29) Congress has passed numerous resolutions condemning human rights abuses in Vietnam, indicating that although there has been an expansion of relations with the Government of Vietnam, it should not be construed as approval of the ongoing and serious violations of fundamental human rights in Vietnam.

SEC. 3. PROHIBITION ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIETNAM.

(a) ASSISTANCE.—

(1) IN GENERAL.—Except as provided in subsections (b), the Federal Government may not provide nonhumanitarian assistance to the Government of Vietnam, or to any organization working within Vietnam under an agreement signed with a Government of Vietnam entity, agency, or organization during any fiscal year in an amount that exceeds the amount of such assistance provided for fiscal year 2014 unless—

1 (A) with respect to the limitation for fiscal
2 year 2014, the President determines and cer-
3 tifies to Congress, not later than 30 days after
4 the date of the enactment of this Act, that the
5 requirements of subparagraphs (A) through (G)
6 of paragraph (2) have been met during the 12-
7 month period ending on the date of the certifi-
8 cation; and
9 (B) with respect to the limitation for sub-
10 sequent fiscal years, the President determines
11 and certifies to Congress, in the most recent
12 annual report submitted pursuant to section 7,
13 that the requirements of subparagraphs (A)
14 through (G) of paragraph (2) have been met
15 during the 12-month period covered by the re-
16 port.
17 (2) REQUIREMENTS.—The requirements of this
18 paragraph are the following:
19 (A) The Government of Vietnam has made
20 substantial progress toward releasing all polit-
21 ical and religious prisoners from imprisonment,
22 house arrest, and other forms of detention, in-
23 cluding journalists and bloggers, independent
24 labor union members, democracy and free
25 speech advocates and those detained for engag-

1 ing in religious activity or peaceful protests
2 against religious freedom restrictions.
3 (B) The Government of Vietnam has made
4 substantial progress toward ensuring freedom
5 of expression, particularly ending censorship of
6 the Internet by the government and the repeal-
7 ing of laws that restrict Internet freedom.
8 (C) The Government of Vietnam has made
9 substantial progress toward respecting the right
10 to freedom of religion, including the right to
11 participate in religious activities and institu-
12 tions without interference, harassment, or in-
13 volvement of the Government, for all of Viet-
14 nam's diverse religious communities.
15 (D) The Government of Vietnam has made
16 substantial progress toward Internet freedom, a
17 complete end to censorship, the repeal of laws
18 restricting internet usage and the punishment
19 of anti-state comments online, the blockage of
20 content from dissidents within Vietnam and
21 from abroad, and efforts by pro-government
22 forces to disrupt, hack, and block websites and
23 operations of Vietnamese groups abroad.
24 (E) The Government of Vietnam has made
25 substantial progress toward respecting the right

1 to the freedoms of assembly and association, in-
2 cluding the right to organize labor unions inde-
3 pendent of government oversight and control
4 and the right to participate in nonviolent dem-
5 onstrations, rallies, or civil society organiza-
6 tions, in accordance with international stand-
7 ards and treaties to which Vietnam is a party.
8 (F) Neither any official of the Government
9 of Vietnam nor any agency or entity wholly or
10 partly owned by the Government of Vietnam
11 was complicit in the trafficking in persons and
12 the Government of Vietnam took all necessary
13 and appropriate steps to end any such com-
14 plicity and hold such official, agency, or entity
15 fully accountable for its conduct.
16 (G) The Government of Vietnam has made
17 substantial progress toward allowing Viet-
18 namese nationals free and open access to
19 United States refugee programs.
20 (H) The Government of Vietnam has made
21 substantial progress toward respecting the
22 internationally-guaranteed human rights of
23 members of all ethnic and minority groups.
24 (b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Vietnam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Vietnam of increased nonhumanitarian assistance would promote the purpose of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (1) with respect to—

(A) all United States nonhumanitarian assistance to Vietnam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) NONHUMANITARIAN ASSISTANCE.—The term ''nonhumanitarian assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

1 (i) disaster relief assistance, including
2 any assistance under chapter 9 of part I of
3 that Act;
4 (ii) assistance which involves the pro-
5 vision of food (including monetization of
6 food) or medicine;
7 (iii) assistance for environmental re-
8 mediation of dioxin-contaminated sites and
9 related health activities;
10 (iv) assistance for demining and
11 unexploded ordnance (UXO) remediation,
12 and related health and educational activi-
13 ties;
14 (v) assistance to combat severe forms
15 of trafficking in persons;
16 (vi) assistance to combat diseases;
17 (vii) assistance for refugees;
18 (viii) assistance to combat HIV/AIDS,
19 including any assistance under section
20 104A of that Act; and
21 (ix) assistance to prevent child labor;
22 and
23 (B) sales, or financing on any terms, under
24 the Arms Export Control Act.

(2) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to the provision of nonhumanitarian assistance to the Government of Vietnam for fiscal year 2016 and subsequent fiscal years.

SEC. 4. EASING OF RESTRICTIONS FOR VIETNAM UNDER THE ARMS EXPORT CONTROL ACT.

It is the sense of Congress that it shall be the policy of the United States that further easing of the prohibition on the sale of lethal military equipment to the Government of Vietnam under the Arms Export Control Act shall require the Government of Vietnam to take additional, significant, and sustained steps to advance human rights protections, specifically internationally recognized norms of civil and political rights, through legal reforms, the release of prisoners of conscience, the establishment of independent labor unions, and guarantees to the freedom of religion and expression, including Internet freedom.

SEC. 5. UNITED STATES PUBLIC DIPLOMACY.

(a) RADIO FREE ASIA TRANSMISSIONS TO VIETNAM.—It is the sense of Congress that the United States should take measures to overcome the jamming of Radio Free Asia by the Government of Vietnam and that the Broadcasting Board of Governors should not cut staffing, funding, or broadcast hours for the Vietnamese language services of the Voice of America and Radio Free Asia, which shall be done without reducing any other broadcast language services.

(b) UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIETNAM.—It is the sense of Congress that any programs of educational and cultural exchange between the United States and Vietnam should actively promote progress toward freedom and democracy in Vietnam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs. Cultural programs should recognize and find ways to assist Vietnam's religious and ethnic diversity.

SEC. 6. RELIGIOUS FREEDOM AND HUMAN TRAFFICKING.

(a) COUNTRY OF PARTICULAR CONCERN.—It is the sense of Congress that Vietnam should be designated as

1 a country of particular concern for religious freedom pur-
2 suant to section 402(b) of the International Religious
3 Freedom Act of 1998 (22 U.S.C. 6442(b)).

4 (b) MINIMUM STANDARDS FOR THE ELIMINATION OF
5 HUMAN TRAFFICKING.—It is the sense of Congress that
6 the Government of Vietnam does not fully comply with the
7 minimum standards for the elimination of trafficking and
8 is not making significant efforts to bring itself into compli-
9 ance, and this determination should be reflected in the an-
10 nual report to Congress required pursuant to section
11 110(b) of the Trafficking Victims Protection Act of 2000
12 (22 U.S.C. 7107(b)).

13 **SEC. 7. ANNUAL REPORT.**

14 (a) IN GENERAL.—Not later than six months after
15 the date of the enactment of this Act and every 12 months
16 thereafter, the Secretary of State shall submit to Congress
17 a report on the following:

18 (1) The determination and certification of the
19 President that the requirements of subparagraphs
20 (A) through (H) of section 3(a)(2) have been met,
21 if applicable.

22 (2) If the President has waived the application
23 of section 3(a) pursuant to section 3(b) during the
24 reporting period—

(A) the national interest with respect to which such a waiver was based;

(B) the amount of increased nonhumanitarian assistance provided to the Government of Vietnam; and

(C) a description of the type and amount of commensurate assistance provided pursuant to section 3(b)(1).

(3) Efforts by the United States Government to promote access by the Vietnamese people to Radio Free Asia transmissions.

(4) Efforts to ensure that programs with Vietnam promote the policy set forth in section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(5) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Vietnam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In addition, the Secretary shall

1 include a list of such persons and their families who
2 may qualify for protections under United States ref-
3 ugee programs.
4 (6) A description of the development of the rule
5 of law in Vietnam, including—
6 (A) progress toward the development of in-
7 stitutions of democratic governance;
8 (B) processes by which statutes, regula-
9 tions, rules, and other legal acts of the Govern-
10 ment of Vietnam are developed and become
11 binding within Vietnam;
12 (C) the extent to which statutes, regula-
13 tions, rules, administrative and judicial deci-
14 sions, and other legal acts of the Government of
15 Vietnam are published and are made accessible
16 to the public;
17 (D) the extent to which administrative and
18 judicial decisions are supported by statements
19 of reasons that are based upon written statutes,
20 regulations, rules, and other legal acts of the
21 Government of Vietnam;
22 (E) the extent to which individuals are
23 treated equally under the laws of Vietnam with-
24 out regard to citizenship, race, religion, political
25 opinion, or current or former associations;

1 (F) the extent to which administrative and
2 judicial decisions are independent of political
3 pressure or governmental interference and are
4 reviewed by entities of appellate jurisdiction;
5 and
6 (G) the extent to which laws in Vietnam
7 are written and administered in ways that are
8 consistent with international human rights
9 standards, including the rights enumerated in
10 the International Covenant on Civil and Polit-
11 ical Rights.
12 (b) CONTACTS WITH OTHER ORGANIZATIONS.—In
13 preparing the report under subsection (a), the Secretary
14 shall, as appropriate, seek out and maintain contacts with
15 nongovernmental organizations and human rights advo-
16 cates (including Vietnamese-Americans and human rights
17 advocates in Vietnam), including receiving reports and up-
18 dates from such organizations and evaluating such re-
19 ports. The Secretary shall also seek to consult with the
20 United States Commission on International Religious
21 Freedom for appropriate sections of the report.

IV

114TH CONGRESS
1ST SESSION

H. RES. 213

Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2015

Ms. BASS (for herself, Ms. WILSON of Florida, Mr. CLAY, Mr. RUSH, Mr. MEEKS, Ms. NORTON, Ms. LEE, Mr. ENGEL, Mr. GRIJALVA, Ms. BROWN of Florida, Mr. DEUTCH, Mr. LOWENTHAL, Ms. FRANKEL of Florida, Mr. SMITH of New Jersey, Mr. RANGEL, Ms. PINGREE, Mr. BUTTERFIELD, Ms. EDWARDS, Ms. MAXINE WATERS of California, Ms. MOORE, Mr. CLEAVER, Mr. HASTINGS, Mr. PAYNE, Mr. MARINO, Mr. VEASEY, Mr. CICILLINE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GRAYSON, and Mr. CLAWSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Affairs

---

RESOLUTION

Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

Whereas, on April 2, 2015, armed terrorists attacked the Garissa University College in Garissa, Kenya, taking hundreds of students hostage, killing at least 147 people, many of whom were specifically targeted for being non-Muslim, and injuring more than 100 others during an almost 12-hour siege;

Whereas the attack was the deadliest terrorist incident in Kenya since the 1998 bombing of the United States embassy by al Qaeda, and the deadliest attack by al Shabaab since its 2013 attack on the Westgate Mall;

Whereas al Shabaab, a Somali Islamist extremist group with ties to al Qaeda, has claimed responsibility for the attack, declaring that it was in retaliation for the Government of Kenya's participation in the African Union Mission in Somalia (AMISOM);

Whereas al Shabaab was designated a Foreign Terrorist Organization by the United States Government in 2008 and a Specially Designated Global Terrorist entity by the United States Government in 2012;

Whereas several of the attackers were killed, and others connected to the attack were arrested, and the investigation to identify the architect(s) of the attack and efforts to bring them to justice are ongoing;

Whereas Kenya is an important ally and regional security partner, playing a vital role in breaking al Shabaab's stranglehold on Somalia through its participation in AMISOM;

Whereas the Republic of Kenya and the United States have a strong and enduring partnership based on a shared commitment to promote peace and prosperity in East Africa and around the world; and

Whereas Kenya is a culturally rich and ethnically diverse country: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns, in the strongest possible terms,

3 the heinous atrocities and terrorist attack that oc-

curred at Garissa University College in Garissa, Kenya, on April 2, 2015;

(2) offers its condolences to the families, friends, and loved ones of those who were killed in the attack and expresses its hope for the recovery of the wounded;

(3) recognizes the many heroic and selfless acts by Kenyan citizens, first responders, and the Kenya Red Cross to rescue those caught in the Garissa University College attack;

(4) condemns al Shabaab's apparent effort to foment divisions among the Kenyan people along religious lines;

(5) reaffirms United States support for the efforts of the Government and people of Kenya to combat terrorism, counter extremism, promote tolerance, and bring all the perpetrators of the Garissa University College attack to justice;

(6) commends the Government of Kenya's continued participation in the African Union Mission in Somalia;

(7) urges Kenya to maintain its commitment to protecting Somali refugees who are fleeing the horrors of al Shabaab; and

1 (8) recognizes Kenya as an important regional
2 ally and partner of the United States.

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Mr. SMITH. The Chair moves that the en bloc items be adopted. All those in favor say aye. All those opposed say no. The ayes have it, and in the opinion of the Chair, the items considered en bloc are adopted. Without objection, the measures as amended are reported favorably to the full committee, and the staff is directed to make technical and conforming changes.

I would note that we now have completed our formal consideration of these measures, and I would recognize members for remarks that they might want to make.

I would like to first speak to the Vietnam Human Rights Act of 2015. Although we have witnessed the release of some political prisoners in Vietnam, we should not be fooled or deceived into believing that the release of a few dissidents somehow represents real progress on human rights in Vietnam. The underlying reality of repression in Vietnam is fundamentally unchanged. The Government of Vietnam continues to hold prisoners of conscience whose so-called crimes are only their attempts to exercise universally-recognized human rights.

Since the State Department removed the Country of Particular Concern designation with respect to religious freedom in Vietnam, the situation there has gotten worse, and I have heard from witnesses at hearings who have spoken of the particularly egregious situation that exists for ethnic and religious minorities. Forced renunciations of faith continue, and people and institutions in a wide range of faiths are harassed by authorities unless they submit to government control and interference.

In order to show that we are serious about protecting human rights, there must be serious consequences for failure to make meaningful and systemic reforms that should take place. Increased commercial ties and military cooperation, frankly, should be off the table unless basic human rights standards are met. Respect for the freedoms of religion, expression, and assembly are a minimum. The U.S. must be unrelenting in its demands for improvement for human rights in Vietnam. If not, the repression will only get worse.

This piece of legislation would institute effective measures toward improving human rights in Vietnam. The bill prohibits any increase in non-humanitarian assistance over 2012 levels, when it was over $16 million, to the Government of Vietnam unless it makes substantial progress in establishing a democracy and promoting human rights, including respecting freedom of religion and releasing all religious prisoners; respecting rights of freedom of expression, assembly, and association, and releasing all political prisoners, independent journalists, and labor activists; repealing and revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity and nonviolent demonstrations in accordance with international human rights standards; respecting the human rights of members of all ethnic groups; and taking all appropriate steps, including prosecution of government officials to end government complicity in human trafficking.

The bill would not prevent increased funding to the Vietnamese Government for certain humanitarian assistance such as food, medicine, Agent Orange remediation, or activities to combat human trafficking or child labor.

The Vietnam Human Rights Act seeks to bring balance to any future strategic partnerships by ensuring that the United States' interest in human rights, including freedoms of speech, religion, assembly, and association, and the rule of law are an integral part of that bilateral relations.

Its enactment will send an unmistakable message to Hanoi that human rights improvements are fundamental to better relations critically linked to our mutual economic and security interests, and cannot be ignored or bargained away.

I would like to yield to any of my colleagues if they would like to, perhaps, comment on any of the legislation. Mr. Emmer.

Mr. EMMER. Thank you, Mr. Chair, and thanks to Ranking Member Bass for holding this markup on two very important and timely pieces of legislation. In the last few months, I have traveled to both Kenya and Vietnam. House Resolution 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, is vitally important. During my trip I saw firsthand the devastation caused by the gruesome killings in Kenya and the diplomatic and humanitarian crisis it left. From security crises that forced closure of refugee camps, causing displacement across the country, to the cancellation of remittances that people rely on, this attack has caused incredible harm. I fully support the resolution and urge its passage.

Just last week, I was in Vietnam, and as a co-sponsor of H.R. 2140, to promote freedom, human rights, and the rule of law, as part of United States-Vietnam relations. I want to mention that the nation of Vietnam has made tremendous strides in the cause of human rights, from what we observed, and that should not be lost in this conversation. But there is much left to do. During our trip to Vietnam, our delegation conveyed this to our Vietnamese hosts, and to their credit, they agreed. In other words, there is an ongoing dialogue. We must hold them accountable, and especially in the face of a major trade deal, it is absolutely necessary we ensure that any advancement in cooperation is met by continued advancements in human rights. I fully support both of these important bills and yield back.

Mr. SMITH. Thank you so very, very much. Mr. Clawson.

Mr. CLAWSON. Yield back. Very supportive.

Mr. SMITH. I would ask unanimous consent that my comments on the resolution on Kenya be made a part of the record. I want to thank my colleagues for their participation and presence here today. This markup is concluded, and momentarily we will begin the hearing on trafficking.

[Whereupon, at 2:22 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

May 14, 2015

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Thursday, May 14, 2015

TIME: 2:00 p.m.

MARKUP OF: H.R. 2140, To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations; and

H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, Global Human Rights, and* MARKUP

Day *Thursday* **Date** *May 14, 2015* **Room** *2172 Rayburn*

Starting Time *2:13 p.m.* **Ending Time** *2:22 p.m.*

Recesses [*0*] (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 2140, To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations.
H. Res. 213, Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.

COMMITTEE MEMBERS PRESENT:

Rep. Tom Emmer, Rep. Scott DesJarlais, Rep. Curt Clawson

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Statement of Rep. Smith on H. Res. 213, submitted by Rep. Smith

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

H.R. 2140 passed by unamimous consent
H. Res. 213 passed by unamimous consent

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *2:32 p.m.*

Gregory B. Simpkins
Subcommittee Staff Director

5/14/15 Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations Markup Summary

The Chair obtained unanimous consent to consider two measures (previously provided to Members of the Subcommittee) *en bloc*:

1) H.R. 2140 (Smith), "To promote freedom, human rights, and the rule of law as part of United States-Vietnam relations; " and

2) H. Res. 213 (Bass), "Condemning the April 2015 terrorist attack at the Garissa University College in Garissa, Kenya, and reaffirming the United States support for the people and Government of Kenya, and for other purposes.."

The items considered *en bloc* were agreed to by voice vote. H.R. 2140 and H. Res. 213 were ordered favorably reported to the Full Committee by unanimous consent.

The subcommittee adjourned.

Statement of Rep. Chris Smith
Markup of H. Res. 213
May 14, 2015

I want to state my strong support of Ms. Bass' H. Res. 213, which condemns the horrific attack by Islamist radicals from the terror group al-Shabaab, at Garissa University College in Kenya on April 2 of this year. There, roughly 150 mostly Christian students were segregated from other students and butchered on account of their religious faith.

We just heard yesterday at the full committee's hearing about atrocities that are committed against Christians and other religious minorities in Iraq by ISIS, which like al-Shabaab is an Islamist terror group, and how in so many parts of the world Christians and other religious minorities are targeted for their faith. This includes faithful, moderate Muslims who refuse to subscribe to the radical tenets of fanatics such as ISIS and al-Shabaab. The first step in putting an end to these atrocities is recognizing that such atrocities are being committed, and for that reason, I am particularly grateful that Ms. Bass has introduced this resolution, raising her voice and raising awareness of what happened in Garissa.

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