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# U.S. RELATIONS WITH VIETNAM

## HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA AND THE PACIFIC

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

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# U.S. RELATIONS WITH VIETNAM

**WEDNESDAY, JUNE 5, 2013**

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:02 p.m., in room 2172, Rayburn House Office Building, Hon. Steve Chabot (chairman of the subcommittee) presiding.

Mr. CHABOT. The committee will come to order.

Good afternoon. We welcome everyone here today, both my colleagues and our distinguished witnesses this afternoon and the folks who have taken the time to sit through this testimony.

I would also like to extend a special greeting to Chairman Royce and Chairman Smith, who will be here shortly to join us this afternoon.

It has been a very busy couple of days for issues regarding Vietnam here in Congress. Yesterday, nearly 800 Vietnamese-Americans came to Capitol Hill for the Vietnamese-American Advocacy Day to meet with their representatives and discuss the most pressing issues facing the U.S.-Vietnam relationship. I had the honor and pleasure to address about 350 people in the auditorium of the Capitol Visitor Center yesterday morning, and that was a great opportunity to meet quite a few people.

I extend a special welcome to those of you who are here in the audience today.

I also ask unanimous consent that the gentleman from California, Mr. Lowenthal, be permitted to sit in this afternoon and be recognized after all other members of the subcommittee have been recognized for questions.

Without objection, so ordered.

Today's hearing, I think, is particularly timely, not only because of yesterday's advocacy day celebrating and recognizing the importance of Vietnamese-Americans as part of the greater fabric of this country, but also because the state of the U.S.-Vietnam relationship is at a critical juncture.

Vietnam is a country that, over the course of the past 2 decades, has made great strides in reforming its economy and accelerating its growth. In 2018, Vietnam will be formally recognized as a market economy and, by 2020, it hopes to reach industrialized country status. This is tremendous, especially since many of us in this room remember the war-torn country it was some 38 years ago, especially my colleague, our ranking member, Mr. Faleomavaega. He

served during the Vietnam War. We thank him for his service to our country.

In addition, the U.S. is now Vietnam's largest trading partner and one of its top foreign investors. Vietnam's participation in the Trans-Pacific Partnership (TPP) negotiations is considered a big step in recognizing Vietnam's growing influence in the Asia-Pacific region, even if it is becoming more and more uncertain whether Hanoi can meet the agreement's standards.

Nevertheless, economic relations seem to be only one of the more important components driving the administration's efforts to broaden engagement in other areas. It is unfortunate that USTR refused our invitation to join today's hearing, because trade is a key aspect of this bilateral relationship and many of the office's ongoing efforts are contingent upon progress on other areas, notably human rights. Hopefully, our witnesses from the State Department can relay any concerns that we express this afternoon.

As we have witnessed Vietnam's economic role in Asia evolve, its overall strategic and geopolitical importance has grown in parallel. Vietnam's interest in forming closer ties with the U.S. in response to China's assertiveness in the South China Sea has commenced a new chapter in U.S.-Vietnam relations.

At this critical stage, where the relationship faces an array of opportunities, there is also a long list of challenges that are hard to ignore, namely the entirety of Vietnam's human rights record. Credible reports from organizations here in Washington, international advocacy groups, and people inside Vietnam indicate that the human rights abuses in Vietnam are continuing, have broadened, and are probably even getting worse.

Members of the subcommittee staff visited Vietnam earlier this year to investigate the human rights conditions, among other things, inside Vietnam, during which they heard directly from a variety of individuals who validated those concerns about human rights. In the last few weeks, we have seen Vietnam's Government crack down on dissent by arresting blogger Truong Duy Nhat for allegedly abusing democratic freedoms with acts against the state; beating and detaining numerous people attending a human rights picnic on May 5th who gathered to peacefully discuss human rights issues at that park; detaining 20 individuals just this past weekend for protesting the recent ramming of a Vietnamese trawler by Chinese Navy vessels; harshly sentencing two young Vietnamese bloggers last month; and preventing blogger and RWB-Google 2013 Netizen of the Year, Huynh Ngoc Chenh, from traveling to the U.S.

These examples give us plenty of reasons to think that the number of religious leaders, bloggers, and politically active people being abused, harassed, detained, convicted, and oftentimes sent to jail for violations of Vietnam's authoritarian penal code are growing.

The question today is whether Vietnam is doing enough to warrant the current level of assistance and cooperation that it receives from the U.S. Even the State Department's 2012 Human Rights Report paints a picture that this may not be acceptable.

As the human rights condition in Vietnam deteriorates, enhancing security cooperation and assistance becomes problematic. Why does the Fiscal Year 2014 State Department budget request for Vietnam increase the levels of IMET (International Military and

Education Training) and FMF (Foreign Military Financing) assistance, while decreasing assistance in other areas? These increases need to be justified.

Fundamentally, Vietnam disagrees with the basic definition of human rights and what it means to protect the basic rights of its people. I consider it ever more difficult to verify that U.S. taxpayer dollars are being appropriately utilized in these areas.

I hope that today's witnesses will discuss the outcomes of the Human Rights Dialogue held in April and what promises or commitments, if any, Vietnam made. At the same time, I hope that you can elaborate on how the administration is pressuring Vietnam to take action and detail what the administration plans to do if human rights abuses continue at the current rate.

Lastly, I think it is important to emphasize that a successful and mutually beneficial U.S.-Vietnam relationship across all issue areas is really what most of us here want to see. Until Vietnam implements the proper reforms and demonstrates its commitment to upholding the basic rights of its citizens, it will be difficult to justify enhancing our relationship further.

For example, if and when TPP negotiations reach a final agreement, it must be approved by Congress. Vietnam's participation will likely face considerable scrutiny because of the magnitude of its human rights abuses. This is a message that Vietnam must understand.

I know Mr. Faleomavaega has a number of constituents from the Close Up Foundation who are with us this afternoon, so I am going to grant him a couple of extra minutes for his statement. Following his statement I will recognize Chairman Royce for 5 minutes and Chairman Smith of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations also for 5 minutes. Following their remarks we will recognize any additional members who wish to speak for 1 minute. Then we will proceed with our witnesses' testimony, questions from us, and then we will adjourn.

I now yield to my friend from America Samoa, the distinguished ranking member of this committee, Eni Faleomavaega, for making his opening remarks.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I, too, would like to offer my personal welcome to Secretary Yun and Secretary Baer, representing our State Department here for this hearing this afternoon.

Mr. Chairman, 7 years ago, President George W. Bush visited Vietnam, at which time he stated, and I quote, "History has a long march to it. Societies change, and relationships can constantly be altered to the good." I believe President Bush's remarks should be the theme of today's hearing. As a Vietnam veteran, I truly believe it is time for the U.S. to play fair.

In December of last year, I met with Vietnam's Prime Minister and also with the Vice President of the National Assembly, Madam Tong Thi Phong, with the Foreign Minister, the vice chair of the Committee on Religious Affairs, and many other high-ranking officials. With surety, Mr. Chairman, I know that Vietnam's leaders are fully committed to advancing U.S.-Vietnam relations and promoting human rights.

Vietnam is a party to almost all core international rights treaties, and so are many other nations who may not necessarily be democratic and are members of the United Nations. Vietnam is in every respect engaged in the Human Rights Dialogue with the European Union, Australia, Norway, Switzerland, and even the United States.

Vietnam is working to improve its human rights record by strengthening its legal system, its economy, and its social and cultural rights. Vietnam welcomes international assistance for the implementation of human rights policies.

But unlike its critics, Mr. Chairman, Vietnam has no hired guns to get its message out. Vietnam does not have a community of U.S. campaign contributors to solidify congressional support for the progress it is making. So while I believe in free speech and human rights, I also believe we should pull the curtain back a little and see things for what they really are.

How sincere are Vietnam's critics? If the critics are sincere, let them call for the United States to clean up the mess we left behind in Vietnam.

Between 1961 to 1971, for over 10 years, the United States military sprayed an estimated 11 million to 12 million gallons of Agent Orange in Vietnam, exposing tens of thousands of innocent civilians, including men, women, and children, to one of the most deadliest chemical compounds ever known to man, dioxin—a toxic contaminant known to be one of the deadliest. Today, the U.S. Government continues to deny any legal liability and questions Vietnam's assertions about the problems associated with Agent Orange. And I haven't even begun to address the serious problems of the thousands of our own men and women in the military who were also exposed to this deadly toxic substance.

Mr. Chairman, as a Vietnam veteran who may have been also exposed to Agent Orange during that period, and as a Polynesian Pacific Islander, I am deeply committed to doing all I can to help the people of Vietnam. Just like the Vietnamese, Pacific Islanders still suffer the lingering effects of genetic abnormalities that have resulted from their legacies of war. Specifically, United States, French, and British nuclear testing programs caused tremendous harm to these islands and to thousands of Pacific Islanders who were exposed to nuclear contamination.

For example, from 1946 to 1958, the United States conducted 67 nuclear tests in the Republic of the Marshall Islands. The number and intensity of these tests were equal to 7,000 Hiroshima bombs, atomic bombs, or to the dropping of 1.6 Hiroshima bombs every day for a 12-year period. The nuclear test code-named Bravo, a 15-megaton hydrogen bomb, was detonated in March 1954 in the Bikini Atoll in the Marshall Islands, which was equivalent to 1,300 times the power of the Hiroshima bomb that we dropped in World War II. Acknowledged as the greatest nuclear explosion ever detonated, the Bravo test vaporized 6 islands and created a mushroom cloud 25 miles in diameter.

Because people were living in these Pacific islands during the time of the United States nuclear testing program, the people of the Republic of the Marshall Islands were exposed to severe radiation poisoning. Even today, 64 years after the U.S. nuclear testing

program began, the people of the Rongelap Atoll are still exiled from their own land due to the radioactive fallout. Many women still give birth to what some label as "jelly babies," or deformed babies born with no bones, no eyes, no heads, no limbs, no legs.

In 2007, after becoming the chairman of the Asia-Pacific Subcommittee, I visited Vietnam. I visited the hospitals, met with the veterans, the children, and government leaders. I saw jelly babies in bottles. And I saw no critics from Capitol Hill calling for the United States to do the right thing by the people and the Government of Vietnam.

For the record, Mr. Chairman, after every war, America has always helped countries rebuild, for which I am always grateful. According to the Congressional Research Service, after Japan attacked the United States, U.S. assistance to Japan from 1946 to 1952 was about $15.2 billion in 2005 dollars. To Germany, from 1946 to 1952, the United States provided a total of $29.3 billion. From 2003 to 2006, the United States appropriated $35.7 billion for Iraq reconstruction.

My question, Mr. Chairman: Why aren't we helping Vietnam? Why are we doing everything we can to push Vietnam away? Vietnam is of strategic importance to the United States, yet we have only had renewed diplomatic relations since 1995. President Clinton and President George W. Bush both visited Vietnam, and I encourage President Obama to do the same.

I especially thank the U.S. companies like Procter & Gamble, Ford, General Electric, Lockheed Martin, Exxon, Honeywell, just to name a few, that invest in Vietnam and, in so doing, demonstrate that relationships can be altered for the good.

I also commend Vietnam for its fast-track progress for the registration of religious groups and publication of bilingual bibles.

To clarify many of the matters before us today, I am including a more detailed statement from the Embassy of the Socialist Republic of Vietnam in the United States.

On a personal note, Mr. Chairman, I will continue to do all I can to set the record straight for those who are unaware of Vietnam's remarkable achievements.

Mr. Chairman, I deeply appreciate the extra minute, I wanted to introduce to you and our colleagues our young students here from the Close Up Foundation. I am so proud and honored to have them in our presence. They worked for months in raising what money they were able to do to come all the way from my little district to visit our Nation's capital, our young students here from the Close Up Foundation.

Can you stand up, please?

[Applause.]

Mr. FALEOMAVAEGA. Now, I know because we are pressed for time, Mr. Chairman. I was going to ask them to sing us a song, but I know that that won't be possible, so maybe another time.

Thank you, Mr. Chairman. I appreciate it.

Mr. CHABOT. Thank you very much, Mr. Faleomavaega.

We would now like to recognize the gentleman from New Jersey, Chairman Smith, who is the subcommittee chairman on Africa, Global Health, Global Human Rights, and International Organizations, for 5 minutes.

Mr. SMITH. Mr. Chairman, thank you very much for your courtesy and for your leadership in convening this very important hearing today on human rights in Vietnam and the trade and other agreements that we have with them.

Yesterday, Mr. Chairman, I actually chaired my 14th congressional hearing exclusively focused on human rights abuses committed by the Government of Vietnam, with an emphasis on confiscated properties of U.S. citizens and with some emphasis on religious persecution.

The Vietnamese dictatorship is in a race to the bottom with the Governments of North Korea, China, and Sudan concerning human rights abuses. As Deputy Assistant Secretary Dan Baer will testify today, some isolated positive steps are not enough to reverse the years-long trend of deterioration.

Human Rights Watch's John Sifton testified yesterday at my hearing and said that the trendlines show a worsening situation. He points out that, in the first few months of 2013, more people have been convicted in political trials as in the whole of the last year. He also pointed out that, on May 16th, two women bloggers—one of them, her name, Nguyen Phuong Uyen, got 6 years, 6 years, sentenced for conducting propaganda against the state. Another woman got 8 years.

On May 26th, police arrested a blogger and charged him with abusing democracy and infringing upon the interests of the state. Mr. Chairman, what democracy? Talk about Orwellian statements being made by a government. This is not a democracy, it is a dictatorship. Our hopes and prayers are that someday the people's rights will be represented and it will be a democracy, but it has not matriculated from a dictatorship to a democracy. And these kinds of actions further underscore that that is not in the process of happening.

On May 28th, eight ethnic Montagnards were convicted of undermining national security, and most of them got sentences of some 7 to 11 years.

And on May 5th—and you referenced this, Mr. Chairman, in your statement—these human rights picnics at which these young bloggers, idealists, are out there saying and reading the Universal Declaration of Human Rights and other human rights documents, were broken up. And, of course, they, too, are now facing retaliation.

I would point out to my colleagues that there are many people—I have been to Vietnam a number of times. The Venerable Thich Quang Do is still under pagoda arrest. They have made illegal the Unified Buddhist Church of Vietnam and set up a shell of an organization to replace it. So all of these Buddhist leaders, including the Venerable Thich Quang Do, remain isolated, arrested, or under house arrest or, in his case, pagoda arrest.

Father Ly—we thought there was a break, maybe some opening after the bilateral agreement. That has not happened.

My friend, Mr. Faleomavaega, said it is time to see things for what they are. That is precisely what John Sifton said from Human Rights Watch. It is time for the U.S. Government to see things for what they are. There was hope a few years ago that attempting a military strategic dialogue with Vietnam, with opening

trade negotiations in the context of the Trans-Pacific Partnership, might serve as an incentive for Vietnam to make changes and perhaps soften its authoritarian edge. It now appears, he goes on to say, that this hope was misplaced. Vietnamese authorities have not unclenched their fists.

I would ask that our distinguished friends who are here from the administration, specifically, if they would endorse and hopefully back fully the Human Rights in Vietnam Act of 2013, a bipartisan piece of legislation that establishes very tangible benchmarks and says, we stand with the oppressed, not with the oppressor. And we are talking about releasing religious prisoners, substantial progress on freedom of religion, assembly, and association. We are talking about peaceful dissent, access to U.S. refugee programs, ethnic minorities, and the issue of trafficking.

Right now—and I say this with respect to our witnesses today—the administration could send an absolutely clear and unmistakable message to the Government of Vietnam in Hanoi: Impose CPC. There is no doubt that religious freedom has deteriorated. I held all the hearings and had the markup that moved Frank Wolf's bill, the International Religious Freedom Act, back in 1998. There is no doubt that Vietnam ought to be classified as a Country of Particular Concern.

And, in like manner, I was the prime sponsor of the Trafficking Victims Protection Act. There is no doubt, whether it be on labor or sex trafficking, in my view, that Vietnam has earned the dubious distinction of being a Tier III country because of its labor trafficking, in particular, and, to a lesser extent, because of its sex trafficking. And that could be done administratively, just applying the facts as a backdrop to the law that is already on the books. I would hope that they would do that.

And I yield back and thank the chair for yielding such time to me.

Mr. CHABOT. The gentleman's time has expired.

The gentleman from California, Mr. Bera, is recognized for 1 minute.

Mr. BERA. Thank you, Chairman, for calling this hearing, and Ranking Member.

Obviously, the relationship between the United States and Vietnam is changing rapidly. You know, we can celebrate the rapid assimilation and ascent of the Vietnamese-American community, you know, both in my home State of California but then throughout this country, and the contributions that they have made.

It is good to see that we are normalizing relationships and, you know, increasing our economic ties between the countries. Obviously, that does come with responsibilities as Vietnam joins the global economic community, and those responsibilities do come with the necessity to treat its citizens with basic human rights. That change is going to be gradual, but whatever we can do to help facilitate that as we normalize relationships.

In addition, you know, we have talked within this committee and the broader committee on the importance of the South China Sea and the challenges that we face there as China starts to exert its influence there, but the importance of middle countries like Viet-

nam, as well as, you know, the partnership between India and Vietnam.

So, you know, I look forward to hearing the testimony of the witnesses, getting your analysis on how we move forward in this relationship. And, again, I think there are huge possibilities here.

Mr. CHABOT. Thank you. The gentleman's time has expired.

The gentleman from Pennsylvania, Mr. Perry, who is the vice chairman of this subcommittee, is recognized for 1 minute.

Mr. PERRY. Thank you, Mr. Chairman.

It pleases me that this hearing is being convened today to bring attention to the nexus of human rights and trade negotiations with Vietnam, as the conclusion of the Trans-Pacific Partnership looms in the near future.

Vietnam, once a Stalinist state, has, since the collapse of the Soviet bloc, undergone a series of economic reforms, including the suspension of central planning, decollectivization of agriculture, removal of restrictions on private trade and enterprise, and the promotion of foreign trade and Western investment.

However, some legacies of the Stalinism remain deeply entrenched. The ruling Vietnamese Communist Party, VCP, still claims to adhere to Marxism, Leninism, and rejects any meaningful political reform. The structure of the one-party totalitarian state is essentially the same, despite superficial modifications to align laws and institutions more closely with international norms.

I believe we should be creative in considering new ways to pressure Vietnam on human rights issues in the wake of the worsening crackdown on dissent in the last year.

And I yield back.

Mr. CHABOT. The gentleman yields back his time.

The gentleman from California, Mr. Sherman, is recognized for 1 minute.

Mr. SHERMAN. Thank you, Mr. Chairman.

I would like to focus on human rights. Dr. Baer, thank you so much for your work at DRL. I hear good things.

I also want to thank the Vietnamese community of the San Fernando Valley for keeping me informed on human rights issues in Vietnam.

I want to particularly focus on Le Quoc Quan, who has worked for the National Democratic Institute and the National Endowment for Democracy as a fellow and has found himself in prison pretty much as a result of that. And I want to commend to my colleagues a letter being organized by Loretta Sanchez to protest his incarceration.

Likewise, there are the two students, Nguyen Phuong Uyen and Dinh Nguyen Kha, who are in prison right now for circulating a patriotic leaflet urging that Vietnam protect its sovereignty from its big neighbor to the north.

And, finally, Mr. Yun, I hope that our diplomats, who report to you ultimately, are going to—visiting as many human rights detainees as possible, visiting the trials, and exposing this to the world, while at the same time emphasizing its importance to the United States.

I yield back.

Mr. CHABOT. The gentleman's time has expired.

The gentleman from California, Mr. Rohrabacher, who is chairman of the Europe, Eurasia, and Emerging Threats Subcommittee, is recognized 1 minute.

Mr. ROHRABACHER. Thank you very much.

And I just have a few thoughts which have been brought to mind by my good friend Mr. Eni Faleomavaega's statements.

And I recognize and appreciate very much that Mr. Faleomavaega is a combat veteran from Vietnam and he has paid the price. And while some of us, like myself—actually, I was in Vietnam for a while, but I was not in the military and certainly didn't face combat as Mr. Faleomavaega did.

But I don't think the United States has anything to apologize for in terms of what we have tried to do for the people of Vietnam. Fifty thousand Americans died there, and we gave a huge amount of treasure and blood, and we failed. It was a failure. Now is our time to make sure that we, all these decades later, that we can work together with the people of Vietnam and succeed where we failed in the past.

And success will be when the Marxist dictatorship, the corrupt gangsters that were installed after we left, no longer hold the people of Vietnam in their iron grip. And I just would say that we need to work for that day, and that would be something that would—hopefully what we could do for the people of Vietnam.

And, Mr. Chairman, thank you for holding this hearing. I am looking forward to going through some more details about the trade agreement that we are looking for.

But whatever we do should not in any way strengthen the dictators' hands around the necks of the people of Vietnam. But, instead, we should make sure everything we do economically helps lead the people of Vietnam, empowering them, so perhaps they at long last can enjoy the freedom that they sacrificed for, as well.

Thank you very much.

Mr. CHABOT. Thank you. The gentleman's time has expired.

The gentlelady from Hawaii, Ms. Gabbard, is recognized for 1 minute.

Ms. GABBARD. Thank you, Mr. Chairman and Ranking Member Faleomavaega, for holding this very important hearing.

And thank you to Mr. Yun and Dr. Baer for your presence and your insights here today, as well.

There is no question that our strategic and economic engagements with Vietnam have been a good example of showing what we can overcome when we have a difficult past and how to turn that negative into a positive and have a very productive relationship going forward.

In my State of Hawaii, we have numerous ties to Vietnam—strategic, economic, cultural, as well as familial ties with the very large Vietnamese community in my State of Hawaii. And I think it is important for us to focus on continuing to build an even stronger partnership with the entire Southeast Asia region, but also recognize that, as we do that, it is our responsibility to find creative ways to ensure that we are addressing with the Vietnamese Government the human rights challenges and obstacles that we continue to see and we continue to face.

In November 2011, we were very proud in Hawaii to host the Asia-Pacific Economic Cooperation, which Vietnam is a member of, and it was a very productive conversation. And I am proud also to have heard Defense Secretary Hagel on Saturday invite the ASEAN countries, of which Vietnam is also a member, to a meeting next year in Hawaii, which will be another great opportunity to engage with our friends across the Pacific in a very productive way going forward.

So I appreciate your being here and look forward to the conversation.

Thank you.

Mr. CHABOT. Thank you very much. The gentlelady's time has expired.

I would now like to introduce the panel this afternoon. It is a very distinguished panel.

We will begin with Joseph Y. Yun. Joseph Yun is currently Acting Assistant Secretary in the Bureau of East Asian and Pacific Affairs for the Department of State. He previously held the position of Principal Deputy Assistant Secretary.

Mr. Yun joined the Foreign Service in 1985 and has served in the Republic of Korea, Thailand, France, Indonesia, and Hong Kong. He is a career member of the Senior Foreign Service, class of Minister-Counselor. Before joining the Foreign Service, Mr. Yun was a senior economist for Data Resources, Incorporated, in Lexington, Massachusetts.

We welcome you here once again this afternoon, Mr. Yun.

We also have Daniel B. Baer, who was sworn in as Deputy Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor on November 23, 2009. His portfolio includes the Office of East Asian and Pacific Affairs and the Office of Multilateral and Global Affairs.

Prior to joining the Department of State, Dr. Baer was an assistant professor of strategy, economics, ethics, and public policy at Georgetown University's McDonough School of Business, where he taught business ethics to MBA and undergraduate students there. From 2004 to 2007, Dr. Baer worked at the Boston Consulting Group, where he was a project leader and provided strategic advice to leaders in the corporate, government, and nonprofit sectors.

We welcome you both here this afternoon.

I am sure you are both familiar with the 5-minute rule. A yellow light will come on when you have 1 minute to wrap up; then the red light comes on. We would appreciate it if you would wrap up by that point.

Mr. Yun, you are recognized for 5 minutes.

**STATEMENT OF MR. JOSEPH Y. YUN, ACTING ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. YUN. Thank you very much, Mr. Chairman, Mr. Faleomavaega, and members of the subcommittee. Thank you for the opportunity to appear before you today to testify on the U.S. relationship with Vietnam.

It is also a great pleasure to be here with my friend and colleague, Dan Baer from our Democracy, Human Rights, and Labor

Bureau. Dan, of course, has been leading our Human Rights Dialogue with Vietnam, and he will discuss human rights issues with you at some length.

I will offer the administration's perspective on our overall relationship with Vietnam, which has become an important emerging partner for the United States.

With your permission, Mr. Chairman, I would like to submit a more detailed version of this testimony for the record.

Mr. CHABOT. Without objection, so ordered.

Mr. YUN. Thank you.

Our policy goals in Vietnam reflect the growing breadth of our relationship. We seek to promote the following in Vietnam: A market oriented economy that welcomes U.S. exports and investment; cooperation in advancing regional peace and security; and for Vietnam to increase respect for human rights, including freedom of religion, embrace of good governance, and rule of law.

In many ways, we have made enormous advances since we normalized diplomatic relations in 1995. Back then, United States two-way trade with Vietnam was just $451 million. Today, we conduct close to $25 billion in two-way trade a year, and Vietnam has attracted more than $10 billion in U.S. direct investment.

The centerpiece of our economic agenda with Vietnam is the Trans-Pacific Partnership, a 21st-century regional free trade agreement that will economically integrate Vietnam with countries on both sides of the Asia-Pacific region.

In addition to joining the TPP negotiations, Vietnam has high ambitions to grow a high-tech, knowledge-based economy. We believe the TPP will become a key vehicle for encouraging Vietnam to address labor rights. We emphasize to Vietnam's leaders that building a vibrant, innovative economy requires allowing people the freedom to think and to create.

Much of the innovation in Vietnam's economy comes from Vietnamese-Americans, who have invested hundreds of millions of dollars in Vietnam. Every year, more Vietnamese-Americans return to do business and visit family and friends.

There certainly are difficulties there. Too often, Vietnamese security services view with distrust overseas Vietnamese who want their homeland to become more open, more democratic, and more prosperous. We have urged the Government of Vietnam to improve its own outreach to Vietnamese-Americans and to address the community's human rights concerns, which the U.S. Government shares.

Distrust has also been part of our bilateral relations because of our difficult past, but both sides have moved to address war-legacy issues in a manner that has built confidence and goodwill. For over 2 decades now, Vietnam has facilitated operations to recover the remains of American servicemembers missing from the Vietnam War. We are also committed to helping Vietnam address the problems of unexploded ordnance and dioxin contamination at the former U.S. air base in Da Nang.

Our cooperation in regional issues has deepened considerably. Since its highly successful chairmanship of the Association of Southeast Asian Nations, ASEAN, in 2010, Vietnam has solidified its position as a regional leader. We have worked together in

ASEAN and other multilateral fora to encourage discussion of maritime security, humanitarian assistance, and disaster relief issues facing the region.

The United States also supports the efforts of Vietnam and other ASEAN members to negotiate with China a Code of Conduct in the South China Sea and to resolve disputes through diplomatic and other peaceful means in accordance with international law.

On the diplomatic side of the relationship, the United States and Vietnam are cooperating closely on regional and global security issues. We are also enhancing military-to-military exchanges and conducting joint training in search and rescue and disaster relief.

The United States welcomes Vietnam's plans to deploy its first troops overseas in support of U.N. peacekeeping missions in 2014. To help with this effort, the U.S. is providing broad-based professional military education to the Vietnamese military to help them prepare for these missions.

Our forward-looking relationship with Vietnam manifests itself most clearly in people-to-people relationships. There are over 15,000 Vietnamese students now studying in the United States, which makes Vietnam the eighth-largest sender of foreign students to our country. This is a dramatic change from 1995, when only 800 Vietnamese students were studying here.

While we have an ambitious agenda with Vietnam, I would underscore that the issue of human rights permeates our entire policy approach to Vietnam and that we have emphasized that progress in human rights is critical to make progress in all other areas of relationship.

Mr. Chairman, we firmly believe open debate and free expression are essential to achieving a stable and prosperous future for Vietnam. We respect Vietnam's independence and sovereignty, and we believe that allowing all of Vietnamese people to have a voice in determining their future is critical to achieving their full potential.

Thank you, Mr. Chairman. I look forward to your questions.

Mr. CHABOT. Thank you very much, Mr. Yun.

[The prepared statement of Mr. Yun follows:]

**Testimony of Joseph Y.Yun**
**Acting Assistant Secretary of State**
**Bureau of East Asian and Pacific Affairs**
**U.S. Department of State**

**Before the**

**House Committee on Foreign Affairs**
**Subcommittee on Asia and the Pacific**

**June 5, 2013**

**U.S. Relations with Vietnam**

Mr. Chairman, Mr. Faleomaveaga, and Members of the Subcommittee, thank you very much for inviting me here today to testify on the United States' relationship with Vietnam. It is also a pleasure to testify together with my colleague Deputy Assistant Secretary Dan Baer from our Democracy, Human Rights, and Labor Bureau. Deputy Assistant Secretary Baer will discuss the human rights situation in Vietnam in detail. In my testimony I will provide an overview of our economic, security, military-to-military, and people-to-people relationship with Vietnam. Our bilateral relationship with Vietnam is developing into an important emerging partnership. Today, we are building on our common interest in a stable, secure, and prosperous Asia-Pacific. Our efforts in Vietnam focus on promoting a market-oriented economy that welcomes U.S. exports and investment; advancing regional peace and security; increasing respect for human rights, religious freedom, good governance and rule of law; and promoting human welfare and health.

I would like to emphasize that our concern for human rights factors into all aspects of our policy approach and engagement with Vietnam. We believe that greater respect for human rights on the part of the Government of Vietnam would help ensure that country's future economic, social, and political development and allow us to strengthen our bilateral relationship. We have underscored with the Vietnamese leadership that the American people will not support a dramatic upgrading of our bilateral ties without demonstrable progress on human rights.

It is useful to consider how far we have come in our bilateral relationship since our two countries normalized diplomatic relations in 1995. Eighteen years ago, United States two-way trade with Vietnam was just $450 million, which was barely a rounding error in our global trade. With the completion of our bilateral trade agreement in 2001, our economic relationship took off. Today, we conduct close to $25 billion in two-way trade with Vietnam per year, and Vietnam has attracted more than $10 billion in U.S. direct investment – a significant benefit to both countries. The decision of Vietnam's leaders in

the 1980s to scrap Soviet-style state planning and integrate Vietnam into the global trading system has paid rich dividends for Vietnamese economic growth and development. It is true that Vietnam continues to grapple with problems of corruption, inefficient state-owned enterprises, and an unequal distribution of wealth, but it is important to acknowledge Vietnam's achievements in poverty reduction, particularly over the last two decades. I believe U.S. economic engagement has played a significant role in this ongoing transformation.

It is important to highlight the vital role that Vietnamese-Americans are playing in Vietnam's development. We see the Vietnamese-American community as an essential partner in strengthening the bilateral relationship, and the Department of State values our continuing dialogue with this key constituency. As part of this ongoing effort, our Ambassador to Vietnam, David Shear, is visiting California this week and will hold town hall events in both Orange County and San Jose to hear the concerns of Vietnamese-Americans and to discuss our policy toward Vietnam.

Vietnamese-American owned businesses have invested hundreds of millions of dollars in Vietnam, and an increasing number of Vietnamese-Americans have gone to work in Vietnam, many as executives in multi-national companies with operations in the country. The approximately $7 billion in remittances sent back to Vietnam from the United States each year provides capital for new businesses and boosts consumption. The influence of Vietnamese-Americans goes beyond business and includes important cultural, educational, and family links. This contact is extremely beneficial, and we want to encourage more, especially among younger generations. There certainly are difficulties and lingering suspicions, which are a legacy of the Vietnam War. Too often overseas Vietnamese who want their homeland to become more open, democratic, and prosperous are viewed with distrust by Vietnam's security services. We have urged the Government of Vietnam to improve its outreach to Vietnamese-Americans and to address the community's human rights concerns, which are shared by the Administration.

The centerpiece of our economic agenda with Vietnam is the Trans-Pacific Partnership (TPP), a 21st-century regional free trade agreement that will economically integrate Vietnam with countries on both sides of the Asia-Pacific region. To derive the economic benefits of being part of the premier trade and investment grouping in the region, Vietnam will need to open its goods and services markets and meet high standards across a broad range of areas, including intellectual property rights protection, transparency and openness in government procurement practices, disciplines on preferential treatment toward state-owned enterprises free flow of information for promoting the digital economy, strong labor protections for workers, to name a few. Completing the agreement will be a challenge, but the rewards will be considerable – preliminary analysis suggests Vietnam will be one of the biggest beneficiaries of the TPP. U.S. technical assistance continues to support the Government of Vietnam in addressing the broad range of new trade and investment issues under negotiation in the TPP and

maintains momentum for Vietnam's market reforms, modernization, and integration. In addition to joining the TPP, Vietnam has high ambitions to grow a high-tech and knowledge-based economy, but draft rules to control the internet and regulate foreign broadcast content run counter to this goal. We regularly engage Vietnamese officials to emphasize that building a vibrant, innovative economy requires allowing people the freedom to think, create, and take full advantage of the trade and investment ecosystem that TPP will afford.

Our cooperation on regional issues has deepened considerably. Since its highly successful chairmanship of the Association of Southeast Asian Nations (ASEAN) in 2010, Vietnam has solidified its position as a regional leader. We have worked together in ASEAN and other multilateral fora to encourage discussion of maritime security, humanitarian assistance, and disaster relief issues facing the region. The United States also supports the efforts by Vietnam and other ASEAN members to negotiate with China a Code of Conduct in the South China Sea and to resolve disputes through diplomatic or other peaceful means and in accordance with international law, including as reflected in the UN Law of the Sea Convention. We realize that the region's prosperity is based on continued stability, particularly in the South China Sea, and we support regional efforts to manage these disputes without the use of force or coercion. In addition, we work together to advance development in the Mekong sub-region through the Lower Mekong Initiative (LMI).

On the diplomatic side of the relationship, the United States and Vietnam are cooperating more closely on regional and global security issues. Vietnam and the United States share a common interest in maintaining peace and security in Southeast Asia and, more broadly, in the Asia Pacific. We appreciate Vietnam's commitment to non-proliferation, including its ratification of the International Atomic Energy Agency's Additional Protocol last year and completion of the removal of highly enriched uranium from the Da Lat nuclear research reactor. Vietnam sits along vital shipping routes, and the United States is working with Vietnam to enhance its maritime domain awareness and strengthen its maritime police force so that Hanoi can become an even stronger and more effective partner in countering narcotics smuggling, piracy, and covert shipments related to weapons of mass destruction. We are enhancing military-to-military exchanges and conducting joint trainings in search and rescue and disaster relief. The United States welcomes Vietnam's plans to deploy its first troops overseas in support of United Nations peacekeeping missions by 2014. To help with this effort, the United States is providing broad-based professional military education to the Vietnamese military to help them prepare for these missions.

While we intend to pursue closer security ties with Vietnam, there remain limits on our military-to-military relationship related to human rights. In 2007, the U.S. government modified the embargo on defense sales to Vietnam to allow for the sale of non-lethal military equipment on a case-by-case basis. We will continue to support Vietnam's

efforts to modernize its military within the non-lethal realm to support the security priorities I have outlined above. However, we have made clear to Vietnam's defense and civilian leaders that for the United States to consider lifting the remaining restrictions on defense equipment exports, including on lethal weapons, there needs to be continued demonstrable, sustained improvement in the human rights situation in the country.

We have a difficult history, but both sides have moved to resolve war legacy issues in a way that has built considerable trust and goodwill. For over two decades now, Vietnam has facilitated operations to recover the remains of American service members missing from the Vietnam War. This cooperation started in the 1980s and has in many ways served as an icebreaker and confidence-builder that led to the normalization of diplomatic relations in 1995. As of April this year, 693 sets of remains have been recovered from sites inside Vietnam and returned to families for burial in the United States. Vietnam has also steadily lifted restrictions on sensitive areas once off-limits to our recovery teams.

We are committed to helping Vietnam resolve the problem of unexploded ordnance (UXO). Since 1998 the Department of State, with the support of Congress, has provided over $35 million to assist with clearance and public education programs aimed at reducing injury and deaths. Our shared goal is to reduce UXO-related casualties in Vietnam. We also fund programs to help victims of explosive remnants of war with vocational training, provision of professionally made prosthetics, and other assistance.

Of all the issues associated with the war, addressing dioxin contamination is the most challenging. Last August, USAID broke ground on its project to remediate the dioxin hotspot at the former U.S. airbase in Danang. This project is one of the most expensive and complex remediation efforts the U.S. government has ever conducted overseas. Completing the Danang project will require the continued support of Congress and close cooperation with our Vietnamese partners. The United States hopes that in the near future we can work with the Vietnamese to put Agent Orange-related issues behind us.

Our forward-looking relationship with Vietnam manifests itself most clearly in our blossoming people-to-people relationships. We believe building these connections through exchange opportunities, cultural enrichment, and educational ties is key to establishing a broader partnership with Vietnam's people, 60 percent of whom were born after 1975. There are over 15,000 Vietnamese students studying in the United States this year, which makes Vietnam the eighth-largest sender of foreign students to U.S. schools. This is a dramatic change from 1995, when only 800 Vietnamese students were studying here. We also work closely with the Government of Vietnam and other partners on domestic education reform to strengthen English language proficiency and other skills that will produce the human capital necessary for Vietnam to participate more effectively in the global economy. Finally, our Fulbright program celebrated its 20th anniversary in 2012 and counts Foreign Minister Pham Binh Minh, Deputy Prime Minister Nguyen Thien Nhan, and Vietnamese Ambassador to the United States Nguyen Quoc Cuong

among its alumni. Fulbright and our other exchange programs build trust and mutual understanding, contributing to the full range of our strategic goals by boosting our ties with Vietnam's leaders and future leaders in all sectors of society.

We have an ambitious agenda with Vietnam, one that includes promoting free trade and economic reform, building cooperation to maintain peace and security in Southeast Asia, continuing to address war legacy issues, and strengthening our education and cultural links. In this testimony, I have tried to highlight that human rights is not a single stove-piped issue; rather it is an issue that permeates our entire policy approach and engagement with Vietnam. Simply put, our relationship will not reach its full potential until Vietnam does more to protect the human rights of its citizens and abide by its commitments under the Universal Declaration of Human Rights.

Deputy Assistant Secretary Dan Baer will provide more detail on our human rights diplomacy with Vietnam, but I would like to underscore that we are working hard with Vietnamese officials to reverse a trend over the last several years of increasing arrests and ever-harsher sentences, particularly for bloggers. Thus far in 2013, Vietnam has taken some positive steps on human rights, including releasing lawyer Le Cong Dinh (albeit with restrictions) and hosting a visit by Amnesty International in February. We hope to see more releases and outreach to human rights NGOs this year. On religious freedom, we were encouraged that Communist Party General Secretary Nguyen Phu Trong met with Pope Benedict during Trong's visit to the Vatican in January. We also hope that Vietnam can accelerate the registration of religious groups, particularly in the Central Highlands and Northwest Highlands.

This year we have witnessed a very lively debate by individuals from all sectors of Vietnamese society as Vietnam amends its constitution. The United States respects Vietnam's independence and sovereignty, and we believe that all of the Vietnamese people should have a voice in determining Vietnam's future. We urge Vietnam's leaders to provide an environment in which Vietnamese from all walks of life can peacefully and freely express their political views and have them taken into account. Such open debate and expression is essential to Vietnam's achieving the stable and prosperous future it richly deserves.

Thank you, Mr. Chairman. I welcome any questions you may have.

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Mr. CHABOT. Dr. Baer, you are recognized for 5 minutes.

**STATEMENT OF DANIEL B. BAER, PH.D., DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE**

Mr. BAER. Thank you very much, Mr. Chairman and members of the committee, for holding this very important hearing and for your concern about the human rights situation in Vietnam. We share that concern.

And I, too, would like to submit a longer statement for the record.

Mr. CHABOT. Without objection, so ordered.

Mr. BAER. The Department of State recently submitted to Congress both the annual country reports on human rights practices and the report on international religious freedom. These two reports, prepared by my bureau with collaboration from colleagues at posts around the world, provide a detailed snapshot of the facts underlying our concerns relating to human rights in Vietnam.

In April, I led a delegation to Vietnam that included representatives from the White House and the Department of Homeland Security for the U.S.-Vietnam Human Rights Dialogue. We emphasized that 2013 represents an opportunity for the Government of Vietnam to choose to improve its human rights record and laid out some of the urgent areas for work.

We acknowledge positive steps such as the release, albeit with restrictions, of activist Le Cong Dinh, facilitation of a visit by an international human rights organization, and a modest uptick in church registrations in the highlands. We welcome discussions between the government and the Vatican and also what appears to be potential positive movement for the human rights of LGBT persons.

We watch with great interest the flood of public comments about the draft constitution and are encouraged by the government's decision to extend the comment period. It is now incumbent upon the authorities to give the comments serious review and to incorporate citizens' concerns into the revised text of the Constitution.

But these steps are not enough to reverse a years-long trend of deterioration, as Congressman Smith noted, nor have the isolated positive steps formed a consistent pattern. In increasing numbers, bloggers continue to be harassed and jailed for peaceful online speech, and activists live under a continual cloud, activists such as Nguyen Van Dai and Pham Hong Son, who authorities blocked from meeting with me in Hanoi.

The human rights situation reflects a systemic lack of fairness that has implications for every aspect of our relationship. Let me outline quickly a few of our concerns.

Many of Vietnam's more than 120 political prisoners are in jail for exercising their right to freedom of expression. Cu Huy Ha Vu, whose wife I met with in Hanoi, criticized publicly the corruption associated with bauxite mining and was sentenced to 7 years. Ta Phong Tan is in prison for writing online about police corruption. Nguyen Van Hai, or Dieu Cay, peacefully expressed his views online and protested his country's policies toward China and is now serving a 12-year sentence.

The state has deemed these individuals a threat, a national security concern—a charge clearly unfounded when you sit down and have a conversation with individuals such as Father Ly, whom I was able to meet in prison.

Do Thi Minh Hanh, Doan Huy Chuong, and Nguyen Hoang Quoc Hung were arrested in February 2010 for distributing pamphlets and calling for democratic freedoms. The U.N. Working Group on Arbitrary Detention has advised their release.

Development of a modern, successful, and fair country requires the free flow of information, yet Vietnam seeks to control information, even as that control is increasingly slipping. We are very concerned about Vietnam's Internet policies of blocking, hacking, surveillance, and its detention of bloggers. Draft regulations on Internet content management seek to restrict the flow of information even further.

Nonetheless, Vietnam's Internet penetration continues to grow, and the country has seen a blossoming of blogs that continue to attract the interest of large numbers of reform-minded Vietnamese, including Dan Luan and Thong Tan Xa Vang Ang. Other reform-minded Web sites, such as Ang Ba Sam, have been targeted with hacking and disabling.

A frequent refrain I hear whenever I visit Vietnam is the need for better implementation of laws that are on the books. Constitutionally, citizens have the right to free speech, freedom of religious belief, and other human rights. But we all know, for example, that many members of Christian, Buddhist, and other groups face harassment and are required to, but then not allowed to, register. The new Decree 92, which came into effect in January, could be implemented in a way that further restricts, rather than promotes, religious freedom guaranteed in the Constitution.

Vietnamese law guarantees access to a lawyer and guarantees defense lawyers equal standing with the prosecutor. Reality, though, plays out differently. I have heard repeatedly from the lawyers of political prisoners who are not permitted to access case files, who are given unequal accommodations in courtrooms, are not allowed to use computers, and are not allowed time to defend their clients.

Some laws also clearly need to change, laws that run counter to international human rights norms such Articles 79 and 88, which are used to detain political activists critical of the state.

In closing, I would note that, over the 18-plus years since normalization, ties between Vietnam and the U.S. have improved through trade, travel, and cultural connections. Those on both sides of the ocean have benefited, in particular, Vietnamese living in Vietnam, where the standard of living has increased as the population becomes better off and more educated.

As we talk about human rights, we should all remember that our concerns are really echoes of the concerns being voiced and discussed by millions of people inside Vietnam. They get it. They know the status quo won't do. They see that, although Vietnam has become a more prosperous country, without progress on human rights, there are limits to what Vietnam can achieve. We want to reinforce them, and we want to work closely with members of the

committee to push Vietnam to improve its protections for human rights.

Again, thank you for holding this hearing, and I look forward to working with you and taking your questions.

Mr. CHABOT. Thank you very much.

[The prepared statement of Mr. Baer follows:]

**Testimony of DAS Dan Baer Before the House Foreign Affairs Committee**
**U.S.-Vietnam Bilateral Relations**
**Wednesday, June 5, 2013; 2:00 pm**

Mr. Chairman and Members of the Committee, thank you for holding this important hearing to focus attention on the bilateral relations between the United States and Vietnam. We appreciate the Committee's concern about the human rights situation in Vietnam, and are pressing the government for needed reforms.

The Department of State recently submitted to Congress both the annual *Country Reports on Human Rights Practices* and the *Report on International Religious Freedom*. These two reports prepared by the Bureau of Democracy, Human Rights and Labor with collaboration of colleagues at posts around the world, provide a detailed snapshot of our concerns relating to the human rights climate in Vietnam. I commend those reports to the Committee for greater detail on the human rights situation in Vietnam.

In April I led an interagency delegation to Vietnam that included representatives from the White House and the Department of Homeland Security for the U.S.-Vietnam Human Rights Dialogue. Throughout the course of my four-day visit, we emphasized the importance of human rights and pointed out that 2013 represents an opportunity for the government of Vietnam to choose to improve its human rights record and respect the human rights enshrined in the Universal Declaration of Human Rights.

We acknowledged positive steps such as the release (albeit with restrictions) of activist Le Cong Dinh, facilitating the visit of a senior representative from an international human rights organization, and accelerating church registrations in the Highlands. We welcomed discussions between the government and the Vatican that could improve relations, and also what appears to be potential positive movement for the human rights of LGBT persons. We are watching closely and with great interest the flood of public comments about the draft Constitution and are encouraged by the government's decision to extend the comment period. It is now incumbent upon authorities to give those comments considered and fair review and to incorporate this grassroots voice of the people into the revised text of the Constitution.

But these steps are not enough to reverse a years-long trend of deterioration, as evidenced by the cases detailed in our Human Rights Report. Nor have the isolated positive steps formed a consistent pattern. In increasing numbers, bloggers continue to be harassed and jailed for peaceful online speech and activists live under a continual cloud – activists such as Nguyen Van Dai and Pham Hong Son, whom authorities prevented from meeting with me in Hanoi.

Our concern about the human rights situation touches every aspect of the relationship. Those concerns, at their core, exemplify the lack of fairness we see. Let me outline a few of those concerns.

Many of Vietnam's more than 120 political prisoners are in jail for exercising their right to freedom of expression. Cu Huy Ha Vu, whose wife I met with in Hanoi, criticized publicly the corruption associated with bauxite mining and was sentenced to seven years in prison. Ta Phong

Tan is in prison for writing online about police corruption. Nguyen Van Hai, or Dieu Cay, peacefully expressed his views online and protested his country's policy towards China and is now serving a 12-year sentence. The state has deemed these individuals a threat, a national security concern – a charge clearly unfounded when you sit down and have a conversation with individuals such as Father Ly, whom I was able to meet in prison. Do Thi Minh Hanh, Doan Huy Chuong, and Nguyen Hoang Quoc Hung were arrested in February 2010 for distributing pamphlets calling for democratic freedoms and the right to assembly. The UN Human Rights Council Working Group on Arbitrary Detention, during its 65th session, determined that "the deprivation of liberty of Mr. Nguyen, Ms. Do and Mr. Doan is arbitrary" and stated that the adequate remedy would be the release of these three individuals. When the government arbitrarily dictates the line between what is a threat against the state and what is not – and when that line is ever shifting, then there is an inherent unfairness that undermines development.

Development of a modern, successful, and fair country also requires the free flow of information. This creates a synergy of ideas and inspires innovation. Yet Vietnam seeks to control information, even as that control is increasingly slipping out of its hands. We are very concerned about Vietnam's Internet policies of blocking, hacking, surveillance, and its detention of bloggers. Draft regulations on Internet content management, seek to restrict the flow of information further. Nonetheless, Vietnam's Internet penetration continues to grow, and the country has seen a blossoming of blogs that continue to attract the interest of large numbers of reform-minded Vietnamese – including Dan Luan [PRON: Zuhn Loo-ahn] and Thong Tan Xa Vang Anh [PRON: Tong Tun Sah Vang Anh]. Other websites, such as Anh Ba Sam, which hosted sophisticated commentary on Constitutional reform and advocated for elimination national security exceptions to its human rights protections, have been targeted with hacking and disabling.

A frequent refrain I hear whenever I visit Vietnam is the need for better implementation of the laws that are on the books. Constitutionally, citizens have the right to free speech, freedom of religious belief, and other human rights. Despite these written protections for religious freedom, we all know members of Christian, Buddhist, and other groups face harassment and are not consistently allowed to register. While we have seen some positive steps in this area, there is still a lack of fundamental fairness. The new Decree 92, which came into effect in January but has yet to be implemented, could be implemented in a manner that further restricts, rather than promotes, religious freedom. Vietnamese laws guarantee access to a lawyer and guarantee defense lawyers' equal standing with the procuracy. Reality, though, plays out differently. I have heard repeatedly from the lawyers of political prisoners who are not permitted access to case files, who are given unequal accommodations in courtrooms, are not allowed to use computers or tablets, and are not allowed to adequately defend their clients. And then there are laws that run counter to international human rights norms such as Articles 79 and 88, which are used to detain political activists critical of the state. Such imbalances in the rule of law undermine Vietnam's development and undercut its potential.

Since normalization over 18 years ago, the ties between Vietnam and the United States have improved – through trade, travel, and the cultural connections that have been reinforced. The relationship has benefitted those on both sides of the ocean, but in particular, it has benefitted the

Vietnamese living in Vietnam, where the standard of living has increased as the population becomes better off, more educated, and savvier about the world and the opportunities available.

Although Vietnam has become a more prosperous country, Vietnamese citizens still do not enjoy fully their universally recognized human rights and fundamental freedoms. Without progress on human rights, there are limits to the levels of development Vietnam can achieve.

That is why we want to work closely with Members of the Committee to push Vietnam to improve its protection of human rights – to govern more fairly – because we care about those denied human rights, and it is the right thing to do. The people of Vietnam deserve a system that provides rule of law, with equality for all before the law. The rules should be transparent and accessible to everyone, not arbitrary.

Again, thank you for holding this hearing to discuss further the U.S.-Vietnam bilateral relationship. I look forward to working with the members of the Committee, and will now be happy to take your questions.

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Mr. CHABOT. Now we will ask questions, and I will begin with myself.

Historically, Vietnam and China have had an uneasy relationship, quite complicated, hot and cold. As the colossal neighbor to its north, Chinese influence has been very strong, yet China's growing aggressiveness in the South China Sea and threats to Vietnam's territorial claims and harassment of Vietnamese fishing trawlers has pushed Vietnam to reevaluate its strategic position.

Despite Vietnam's efforts to reach out and develop closer ties with the U.S., even embracing our role as a Pacific power, Vietnam remains cautious about stirring up tensions with China or calling out China for its actions. This past weekend, Vietnamese police detained over 20 people protesting Chinese naval vessels ramming Vietnamese fishing trawlers.

I would ask both panel members this afternoon to discuss this dynamic and why Vietnam is cracking down on protests but, at the same time, sends its Prime Minister to the Shangri-La Dialogue for the keynote address, during which he clearly lays out Hanoi's concerns about its northern neighbor's provocative behavior.

How is the administration using various aspects of cooperation to leverage Vietnam's troubled relationship with China, while at the same time pressuring Vietnam to be more respectful of human rights?

So I would ask both Mr. Yun and Dr. Baer to respond.

Mr. YUN. Thank you very much, Mr. Chairman.

I think it was in a different setting last time we discussed the difficult historical issues that the area has. And I would say this is another difficult historical issue between China and Vietnam going back generations, if not centuries or more. And they have had, of course, a history of war with each other. And, of course, China is in reality its giant neighbor, and that always brings caution and wanting to, you know, at once assert and play safely.

With regards to Vietnam's strategic position, how they want to deal with China, I would say they are in very close contact with the ASEANs—that is the Association of Southeast Asian Nations—and to try to get ASEANs unified on issues such as the South China Sea. And I think that was what they were referring to.

With regards to their crackdown on demonstrations, again, it is still, as my colleague Dan spelled out and as Representative Smith mentioned, very much a controlled state. So there is a limit to what they will do before it gets out of hand.

I would note that, at the same time, when they arrested some demonstrators on this particular instance, they let the LGBT demonstration go on. So, you know.

Mr. CHABOT. Mr. Baer, I have one more question I wanted to get in. However, I think Mr. Yun very effectively answered that question, so let me give you a different one.

At yesterday's hearing on continuing repression by the Vietnamese Government, the witnesses alleged that they and other U.S. citizens of Vietnamese origin have been victims of property confiscation by the Vietnamese Government after they became U.S. citizens. Many of them wrote to the Legal Adviser's Office at the Department of State to request intervention but were told to retain

lawyers in Vietnam and resolve their claims according to domestic law in the local jurisdiction.

However, in 2003, the Vietnamese National Assembly passed a resolution declaring that the Vietnamese Government would no longer entertain any claim for the return of land or residential housing already placed under state management, making any attempts at seeking local remedy futile.

Would you comment on that and what can be done about that? What would you suggest?

Mr. BAER. Thank you very much.

I am aware of these concerns. I would like to ask your permission to consult with the Department's legal counsel and respond to you in a written response——

Mr. CHABOT. Okay.

Mr. BAER [continuing]. To take that question back.

Mr. CHABOT. All right. That would be fine.

Mr. Yun, would you want to comment on that?

Mr. YUN. I think——

Mr. CHABOT. On the topic overall.

Mr. YUN. Yeah, on the topic overall, these land confiscation issues, land issues, it is unfortunately becoming fairly common, not just in Southeast Asia but elsewhere. And I think, again, the rule-of-law issues are very important here.

On this particular case, I think we will consult with our legal affairs bureau and get you a proper answer, sir.

Mr. CHABOT. All right. Thank you.

In the short time I have left, I would just note that the same issue had come up with respect to Cambodia recently. We met with some of the leadership there, and this is an ongoing problem in Cambodia, as well.

And my time has now expired, and I will recognize the gentleman from Samoa, Mr. Faleomavaega, for 5 minutes.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I just want to ask a quick question of Secretary Yun.

We have come a long way in terms of trying to establish a better relationship with our Vietnamese-American community and with that of the officials of the Government of Vietnam.

Can you elaborate a little further on that? You say that many of our Vietnamese-American community members are investing in Vietnam? How many have visited their home country since? Have there been any estimates of the size of our Vietnamese-American community? Is it about 2.5 million? Any estimates in terms of how this relates?

Mr. YUN. I will look for an estimate of how many have gone back. But, certainly, as you know, I have visited Vietnam many times over the past few years. It is fairly routine for me to go there. When I meet the business community, among them will be Vietnamese-Americans.

Mr. FALEOMAVAEGA. As I have stated earlier and in previous hearings that we have had, I just want to say, Mr. Chairman, that I recognize with utmost respect our colleague from New Jersey, with whom we have worked so well and who is a great advocate and defender of human rights. To Chairman Smith, I do attribute all this to his hard work and always trying to make sure that

human rights are meted out properly everywhere that we go, and especially in representing our country.

And I wanted to ask Secretary Baer, is there some kind of a gold standard that the State Department has established to say that this is how we apply human rights on a more equitable and fair basis? Like, for example, are we applying the same standards as we do in Saudi Arabia, countries in the Middle East that are not democratic? Are we putting Vietnam in a different sphere in terms of the criticisms?

I am not here to defend Vietnam. I am just asking, what standard are we applying? And if we are applying a standard, are we doing it evenly and fairly as we do in Vietnam or any other nondemocratic country?

Mr. BAER. Thank you, Mr. Faleomavaega.

The standard that we seek to apply are internationally recognized human rights norms, many of which are encoded into international law. The best articulation of the sum of them is probably the Universal Declaration of Human Rights. And since——

Mr. FALEOMAVAEGA. And of the 192 nations that make up the United Nations, how many are nondemocratic countries?

Mr. BAER. I don't know, but I would say that the best, or one of the most available analyses of that is—I am happy to provide it—Freedom House does an analysis every year of countries that are partly free, mostly free, or not free. And that is——

Mr. FALEOMAVAEGA. My question is perception. I remember years ago when we visited with President Zemin of China and we were talking about human rights violations there. President Zemin turned around and said, "You know, I have a very different perception and different issue of what human rights are. My responsibility as President of the People's Republic of China is that if I am not providing food, clothing, and raiment for that person there in China, I am violating his human rights." This is an entirely different perception of how we look at things. And this is what I am very concerned about.

I remember years ago the Prime Minister of Samoa was outraged with the annual report that the State Department puts out on human rights violations, some country here and country there. The fact that made him so outraged was that nobody—nobody from the State Department ever bothered to come to the country and review the questions that they had about prisoners and all of this.

How do we go about collecting the so-called facts—are they really facts? Are they opinions? How do you say that this is the standard that everybody should be following?

I am just saying, if we are applying the same standard in Vietnam as we do in Saudi Arabia or in other countries that are not democratic, then you have a case here.

Mr. BAER. I believe that if you go back and read the Country Report on Human Rights Practices for the countries that you have mentioned—Saudi Arabia, China, other countries—you will find that, indeed, the standard we use is the standard laid out in the Universal Declaration of Human Rights and other documents, the International Covenant on Civil and Political Rights, and that the sections of the report go through and factually account for the situation in each country. There——

Mr. FALEOMAVAEGA. I have 10 more seconds. Just one real quick, and maybe you will have to submit this in writing.

How do you determine human rights, in terms of the rendition operations that we carried out during the Iraq war? Would you consider that as a violation of human rights, of just whooshing people off for the operations that we did secretly, renditions, taking people out of their countries without any due process?

Mr. BAER. I will submit an answer in writing, but——

Mr. FALEOMAVAEGA. Could you, please?

Mr. BAER [continuing]. Briefly, I would say that universal human rights apply to everyone, including ourselves.

Mr. FALEOMAVAEGA. Okay.

Mr. Chairman, thank you.

Mr. CHABOT. Thank you. The gentleman's time has expired.

The chair will now recognize the chairman of the full Foreign Affairs Committee, the gentleman from California, Mr. Royce, for 5 minutes, either to make a statement or ask questions or whatever he would prefer to do.

Mr. ROYCE. Thank you, Mr. Chairman, very much for doing this.

My concern is that, in 2013, you had 40 dissidents arrested in the first 6 weeks, a show trial, and long sentences. And this was more cases than all of last year in Vietnam.

And sometimes when we are talking about these cases, I think our mistake is to not look at the details of the magnitude of human rights violations that occur and over such a trivial issue. Maybe not that trivial, because the two students that I wanted to bring up, Nguyen Phuong Uyen and Dinh Nguyen Kha, were actually talking about the territorial integrity of their own country, of Vietnam, handing out leaflets. And, for that, this 21-year-old girl—and this is a photo of her, and I think there was a photo earlier—now is sentenced to 6 years in prison.

And here is my concern and why I am bringing this to the attention of both of you. After she was arrested and before her sentencing, we had that dialogue, and nowhere in your remarks do I see mention of what happened to her.

And, according to her mother and according to her friend, when she was arrested, she was beaten into unconsciousness and kicked. Her mother reports the bruises on her neck, on her arms that her mother could see. She was carried away, charged, I guess the terminology is "working against the interest of the state" or words to that effect, and receives a 6-year sentence. And her friend, in his 20s, another college student, he is sentenced to 8 years.

It is not just the show trials and the sentencing; it is the barbarous way in which they were beaten.

And my concern is, when we have these dialogues, when we had that dialogue in April before her sentencing, how much, Doctor, did you speak up about this case? And what did you say the United States was prepared to do to prevent these disparate sentencings and these types of beatings while in custody?

Mr. BAER. Thank you, Congressman. I am glad you have focused on the case of Nguyen Phuong Uyen. When she was first arrested, I actually went to New York and met with the Ambassador of Vietnam to the United Nations there and raised my concerns about that case and her case——

Mr. ROYCE. What did he say? I would love to hear his——

Mr. BAER. He noted my concerns and said that he would take them back to Hanoi. And I raised them again in the course of the Human Rights Dialogue.

The fact that she wasn't mentioned in my opening testimony is only testament to the number of names that I could have listed in my opening testimony.

Mr. ROYCE. I understand, Dr. Baer, but, at some point, our actions have to match our words. We are at that point with Vietnam, seriously. You can't have 40 cases like this in 6 weeks and not have the United States take decisive action.

And the reason we are holding this hearing today is because we are demanding some semblance of responsibility with respect to human rights inside Vietnam. We have a relationship with this country, and there is much that Vietnam is asking of the United States. I don't think it is too much to ask for her release and for the release of this other student who was taken into custody.

Again, the crime here is passing out a leaflet that discusses the issue of the territorial questions, the territorial waters off the coast of Vietnam. How in the world can that constitute or justify the type of beating she went through and the type of prison sentence that she and her friend have been given?

And if we are not going to use the leverage that we have in order to check these impulses to use violence—it is not responsible for the United States, with the leverage we have, not to make our actions match our words about this. And we are going to have to do something.

And my suggestion is, contact again the Ambassador and tell him about the concerns, not just from us but from the NGO community worldwide. This is the type of thing that starts a firestorm among young people over their future on this planet, when governments are as capricious as this.

And there are other issues that you and I have talked about that I could bring up. But, at this point in time, you know, please, let's at least set an example here that the dialogue we are having can bear some results, that we mean it when we say we want to work together for human rights and for the future. And this would be such an important place for the Government in Vietnam to start, with respect to these two students.

And if I could just have a quick response, I would be——

Mr. BAER. You have my commitment that I will continue to raise this case and that I will press them to release her and her friend on the charges that they have been sentenced on.

Mr. ROYCE. Dr. Baer, thank you.

And I appreciate——

Mr. CHABOT. Thank you, Mr. Chairman. And the gentleman's time has expired.

The gentleman from California, Mr. Bera, is recognized for 5 minutes.

Mr. BERA. Thank you, Mr. Chairman.

You know, I echo a lot of the concerns of my colleagues, but I want to shift a little bit here. I am a very firm believer that, as economies develop, with that comes freedom and stability. And anything we can do to help Vietnam's economy develop and grow.

But that freedom and stability only comes if there is a concurrent respect for the rule of law and a respect for basic rights of citizens.

And, again, you will only get that progress—I am curious, you know, the chairman talked a little bit about land rights and land seizures. And, again, if, you know, there isn't that rule of law, you are not going to see the gains necessary. And part of our success here in the United States is that we have that respect for the rule of law.

I am curious, Mr. Yun or Dr. Baer, on your perspectives of the possibility of seeing both of those go.

Mr. YUN. I mean, clearly, as many members have raised again, Vietnam has gone through serious economic growth over the last 20, 25 years. And I think they have a big opportunity coming up in the TPP negotiations. It is a very high-standard agreement with labor standards, investment standards, and also how you operate factories, safety standards.

So I think that will be a key opportunity for the Vietnamese to seize and to make something out of it so that they can really attain twin goals: Economic reform as well as economic growth. This is a project we are deeply engaged on, and we are expending some of our own assistance money for them to get there.

Mr. BERA. But it can't just be the economic growth and the economic reform. That has to come hand-in-hand with the rule of law, with the reforms on the citizens.

Mr. BAER. I agree. I mean, the rule-of-law issues are deeply connected to the crackdown on freedom of expression. They are deeply connected to the attempts that the government makes to prevent citizens from coming together, and NGOs in advocating. And, of course, we know that no system of the rule of law works fairly or effectively, including for resolving business matters, if it is not open to scrutiny and public debate and discussion. And so that is certainly part of what we are conveying.

Importantly, I think, it is also part of what Vietnamese citizens are talking about. And so you mention land disputes. There was a famous case recently in Hai Phong with a shrimp farmer who violently defended an illegal seizure of his land by the police. This case captured the national imagination. There were debates about it on Twitter, there were discussions online, et cetera. And the way that that resonated with the Vietnamese people showed that they, too, recognized that there needs to be political reform that delivers rule of law, equality under the law, and fair judgments by courts in order for the progress that they want to continue.

Mr. BERA. Does the Vietnamese Government understand that?

Mr. BAER. I think different actors within the Vietnamese Government are at different stages of recognizing that reality. But I think there are certainly many in the Vietnamese Government right now, for example, who are deeply concerned about corruption and who are publicly commenting on the need to tackle corruption. And so that would evidence that they recognize that the status quo is not sufficient.

Mr. BERA. And as we engage in these negotiations—again, I agree that there is enormous opportunity for Vietnam within the context of the TPP negotiations and the broader Asian renaissance.

But what leverage do we have to, again, help advance the government's understanding?

Mr. YUN. I think, actually, we do have considerable leverage. And the fact of our engaging and the way they look at regional security issues, South China Sea issues, and the linkages they are forming with Japan, India, that is so helpful, and we have been encouraging that.

I would also add one more point, which I think Chairman Royce has mentioned and I think Representative Smith has mentioned, there is no doubt, we acknowledge that the recent situation, if anything, has been backtracking. There is no question. And some of that may be due to the economic growth issues, the demand issues that are coming up.

So I think that the overall trend, I believe, is right; recent developments have been very discouraging and disappointing. But I do hold promise that our engagement both with civil societies that are in Vietnam as well as economic engagement will only help.

Mr. BERA. And I am running out of time, but, you know, perhaps you could respond in writing. What role would you like to see the Vietnamese-American community, which, again, has gained some affluence and prominence, play in advancing Vietnam's emergence moving forward? And I think they have a role.

Mr. YUN. Sir, I am a Korean-American, and I believe Korean-Americans have played a role in democratization of Korea. We can go back to the Kim Dae-jung days and before.

So I think their activity is helpful, their economic engagement is very helpful; as well as a number of students now we are seeing from Vietnam as they go back. There are tens of thousands of them. I think all that people-to-people engagement can only help.

Mr. BERA. Thank you.

Mr. CHABOT. Thank you. The gentleman's time has expired.

The gentleman from Pennsylvania, Mr. Perry, is next in line, recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman.

This question I think will be directed to Mr. Yun.

Vietnam plans to develop 10 nuclear power stations, at a cost of approximately $50 billion to $70 billion, to meet the soaring power demand from its expanding manufacturing sector and growing population. And both Russia and Japan are actively working to deploy their nuclear technology in the country.

A recent letter to the President from former defense and national security leaders explains that "U.S. nuclear cooperation advances U.S. interests in nuclear safety, security, and nonproliferation; enables U.S. nuclear energy exports; and creates American jobs."

Can you tell us what role civil nuclear trade plays within the priority of U.S.-Vietnam strategic issues?

Mr. YUN. I think Vietnam, because of its energy needs, will have to rely quite a bit for its additional needs on nuclear technology. They do want to conclude a civil nuclear agreement with us, also known as a 123 agreement.

For us, we need to decide on a policy, what level of proliferation safeguards, especially on enrichment technology, there will be. That is something I believe the administration is in the process of

doing. After that is done, we will be prepared to negotiate an agreement with them.

Once that agreement is concluded, I do believe it is in our interest, with safeguards in place, to encourage our companies to sell them reactor technology. I think that would be a win-win for both sides.

Mr. PERRY. With that, can you tell us, if you know, what the State Department is doing to expedite conclusion of the U.S.-Vietnam Section 123 agreement? I mean, have there been any specific measures taken? Is there a timeline? Is there a projected goal for a date of when that will be concluded? What can we expect in that regard?

Mr. YUN. I think before we engage in any more civil nuclear 123 agreements, the administration has to decide what enrichment standard there will be in these agreements. So that has to come before we embark on a negotiation with Vietnam, as with any other countries.

Mr. PERRY. Do you know what considerations they would have regarding enrichment standards? I mean, what——

Mr. YUN. The Vietnamese have told us that they are not interested in nuclear weapons, they are not interested in proliferation. And I think things they have said so far, there is no reason to doubt that. And, for example, they adhere to IAEA safeguards. They have signed the additional protocol.

So I think it is really, I am afraid to say, the burden is on the administration to get our global policy right first before we embark on particular country negotiations, such as Vietnam.

Mr. PERRY. Well, if you could take the message back, while the administration is trying to figure this out, the clock is ticking, and other relationships are being built and strengthened at the peril of our United States relationship with Vietnam and particularly with our manufacturing sector, which could be a great benefit to both Vietnam and America. So while the administration is fiddling, Rome is burning, and we would urge them to move it up.

Thank you.

Mr. YUN. Your point is very well-taken, sir.

Mr. PERRY. I yield back.

Mr. CHABOT. The gentleman yields back his time.

The gentleman from the Commonwealth of Virginia, Mr. Connolly, is recognized for 5 minutes.

Mr. CONNOLLY. Thank you, Mr. Chabot. And I want to join you in expressing some dismay that the Office of the United States Special Trade Rep is not at the panel.

By the way, Mr. Yun, I know that you said you took Mr. Perry's comments to heart. Hopefully you weren't taking to heart his metaphor, his analogy of Rome burning while the administration fiddles. I don't think the administration is fiddling, and I can't imagine you, representing the administration, believe that either.

For the record, Mr. Yun?

Mr. YUN. These are very serious deliberations we are conducting——

Mr. CONNOLLY. And is the administration fiddling?

Mr. YUN. I would say we are not fiddling.

Mr. CONNOLLY. Okay. Thank you. Just wanted to clear that right up.

Mr. CHABOT. The record will reflect that the administration claims it is not fiddling.

Mr. CONNOLLY. It is not fiddling. I am nothing if not helpful to this administration, I think, Mr. Chairman.

I want to ask both of you, I mean, you are hearing it from all of us, on both sides of this aisle, that the centrality of rule of law and respect for the spectrum of civil rights, human rights, we believe, as Americans, are universal. They are not culturally bound. And we understand that, you know, Vietnam is still evolving as a society, as a government, as a jurisprudence. But the stories of persecution based on religion, political dissent, media expression, the right to organize are legion. And because many of us have large Vietnamese-American communities in our home districts, we hear about it a lot.

Is the administration seized with the centrality of this set of issues in our bilateral relationship? Or is this something that is sort of on the bucket list we have to address, among many other items?

Mr. YUN. Thank you, sir. We are very much seized. I have had, even in the past 6 months, two dialogues. And, of course, we always raise this issue as the central issue. I think my boss at that time, Secretary Clinton, raised it when she was in Hanoi last year.

So this is an issue that comes up again and again with us emphasizing, as you call it, centrality, that not more can be done in terms of strengthening the relationship until they meaningfully address the issue of human rights.

Mr. CONNOLLY. Dr. Baer?

Mr. BAER. Thank you. I agree with both the theory behind your question and with my colleague's answer. You know, one of the things that I tried to emphasize when engaging with officials in Hanoi the month before last was the fact that we raise these issues not because only of our politics—it is true that our Members of Congress hear from constituents and hear their concerns—but also because of the policy, because, first of all, we are committed to universal human rights standards and, second of all, because we really believe that without progress on the rule of law there will not be the possibility for the strong partnership that we desire to have with Vietnam and with other countries. There is a ceiling on their progress until they can make progress on human rights.

And so this is not just a matter of politics; it is a matter of policy. And because it affects their progress on a range of issues, including economic ones, it is central to our engagement.

They have seen trade with the United States go up 5,000 percent in the last 20 years. They have deep security concerns. No country in the region stands to benefit more from progress in partnership with the United States. And in order for that to happen, they have to make progress on human rights and the rule of law.

Mr. CONNOLLY. It seems to me, too, from my own observation, having been there some time ago, is the Vietnamese Government has to appreciate that capital has plenty of other places to go in the region. It doesn't have to go to Vietnam. It does have to go to China, but it doesn't have to go to Vietnam. And so you have to

establish some respect for the rule of law and that spectrum of human rights/civil rights, or you are going to be in a noncompetitive position with respect to Western capital.

Final point: I also hope that it is understood that this centrality is going to have an impact on the TPP. And if you want to see the TPP hit up against very rough waters and shoals, make sure this issue is not addressed. And I hope that message is taken back both to the Government of Vietnam and our own Government, because I am somebody who is a free-trader, but I am here to tell you, TPP will not pass, in my view, this Congress absent significant metric improvement on human rights.

I yield back.

Mr. CHABOT. Thank you. The gentleman's time has expired.

The gentleman from New Jersey, Mr. Smith, is recognized for 5 minutes.

Mr. SMITH. Thank you, Mr. Chairman.

Secretary Yun, you testified that human rights "is not a single stovepipe issue; rather, it is an issue that permeates our entire policy approach and engagement with Vietnam."

Since bilateral trade agreement, certainly there has been a serious deterioration on all human rights issues in Vietnam, and I would ask you if you could perhaps speak to that.

But, last month, a high-level Obama administration delegation traveled to Vietnam to sell Westinghouse nuclear reactors, to promote nuclear power. And the delegation, as you know, included Joyce Connery, the White House director for nuclear energy policy; Under Secretary Francisco Sanchez; an Assistant Secretary from the Energy Department, Dr. Pete Lyons; it was a very, very high-level delegation. From what I gather, they were in Vietnam for 3 days.

Could you tell the committee precisely and in detail what human rights issues were raised—because, obviously, it permeates the entire policy—during that trip? What was the response? Were there any results? Did they ask for political and religious prisoners to be released? Was religious freedom raised? Was human trafficking raised? And if you could be precise.

Mr. YUN. I will have to seek clarification and explanation from the trip notes from Under Secretary Sanchez.

Mr. SMITH. Would you get that back to us as quickly as possible?

Mr. YUN. Yes.

Mr. SMITH. And I would ask, you know, no superficial response, if you would. And I say that with all due respect. Exactly, did they raise and tender names of people who have been incarcerated that ought to be free?

Secretary Yun, one witness yesterday at our hearing, Dr. Nguyen Dinh Thang, president of Boat People SOS, testified that up to ½ million U.S. citizens of Vietnamese origin have had their real estate and other property stolen by the Vietnamese Government. Property confiscation, as we know, even for the Vietnamese themselves, is a potent weapon being used against Christian and religious communities. The Catholics, of course, had their property stolen recently, and several people beaten and a few killed.

Not only does the Foreign Assistance Act prohibit foreign aid to any country that expropriates properties of U.S. citizens—again,

we are talking about ½ million people—but the State Department Legal Adviser's Office instructs American citizens whose property has been stolen to, and I quote, "contact and hire an attorney in Vietnam to help pursue any rights and remedies that you may have with regard to your property under domestic law and in the local jurisdiction."

Yet, as Dr. Baer testified, while Vietnamese laws guarantee access to a lawyer and guarantee defense lawyers equal standing with the prosecution, you also note—and I am glad you note this—reality, though, plays out differently. It sure does.

I met with one of the lawyers that you tried to meet with, Nguyen Van Dai in Hanoi. He was working on expropriation cases and other human rights cases.

How do you find these lawyers? These human rights defenders are incarcerated themselves and have no standing in law, because in 2003 there was a decree saying they are not going to give the properties back. So this has to be a government-to-government struggle.

If I could, the question: Why is the Legal Adviser dispensing such foolish, ill-informed advice? And, secondly, since human rights permeate our entire policy approach and engagement with Vietnam, as you have so testified, is it part of the Trans-Pacific Partnership negotiations?

And I am not talking about a tangential conversation about human rights. I am talking about deeds, conditionality. We didn't get conditionality in the bilateral agreement, and we have seen a serious deterioration ever since. A lot of us advocated strongly for that conditionality; it didn't happen. Now we have an opportunity with the TPP to do so.

If you could answer those questions.

Mr. YUN. On the expropriation issues, again, I would say what Dan said, that we really do need a comprehensive response. We will take it in writing, and then have our legal department do a comprehensive response to that.

On TPP and human rights, I think, overall, if you look at TPP, it does have a labor chapter, and I think that will be substantially helpful.

And then on other issues—for example, how does the government procurement deal with businesses? There is a government procurement chapter, as well as investment chapter. And that is particularly relevant for Vietnam, where the public sector, especially state-owned enterprises, is so big and you need some rules clarification.

So, overall, I do believe this will be key for reform, and, in the end, that will also help aspects of human rights——

Mr. SMITH. So political prisoners will not be a part of the TPP?

Mr. YUN. There is no direct chapter called human rights, sir.

Mr. SMITH. Will we do that? Would you consider that? Because I agree with my friend from Virginia, there will be huge opposition to this in the Congress, as there ought to be.

I yield back.

Mr. CHABOT. The gentleman's time has expired.

The gentleman from California, Mr. Sherman, is recognized for 5 minutes.

Mr. SHERMAN. Thank you.

We have focused much on human rights, and I want to commend three bills to my colleagues. Most of my colleagues are familiar with these bills, but—Zoe Lofgren's FREE Vietnam Act, which links trade to human rights. Chris Smith, of course, has his Vietnam Human Rights Act of 2013. Please put me on as a cosponsor. And, finally, the chairman of this committee, with his resolution to once again list Vietnam as a Country of Particular Concern with respect to religious freedom. I am going to be a cosponsor of all three of those now, and I would commend them to my colleagues.

Now let's focus on the human rights of well over 10 million unemployed and underemployed Americans. Most economists would, if they had to pick a number, say that every $1 billion of trade deficit equates to a loss of 10,000 American jobs. And while the human rights advocates in Vietnam are suffering without justice, there is nothing just about such unemployment in our country.

Mr. Yun, what is our trade surplus or deficit with Vietnam?

Mr. YUN. It is approximately a $10-billion deficit.

Mr. SHERMAN. Okay. My staff has it at $15 billion. In any case, it is substantial.

Now, in our relations with many other countries, you can say, okay, there is a free market, we want to buy their stuff, they don't want to buy our stuff, so it is a fair game, and we have a trade deficit.

But Vietnam is one of the most managed economies in the world. So the decision as to how much to import, especially the major goods—it is not like we are selling, you know, individual pairs of shoes here. What America specializes in is huge infrastructure projects, maybe automobiles, maybe automobile factories. And so this trade deficit is a decision made in Hanoi.

What have we done to tell the Government in Hanoi that their access to the U.S. market is dependent upon them buying more of our exports?

Mr. YUN. Sir, I am not sure that you can directly relate the trade deficit to unemployment. By that account, if we did no trade, there would be no unemployment in the United States.

Mr. SHERMAN. Obviously, we would have a lower standard of living if we did no trade. But the fact is that if we were able to export as much as we import, we would have an unemployment rate of way less than 5 percent in this country. And our failure to get other countries to buy as much from us as they sell to us, that failure looms quite large in a country with so much unemployment. In fact, as I say, if we were successful in selling as much as we buy, we would have virtually no unemployment except the transitional unemployment from one job to another.

Again, what have—we won't debate the economics because I asked a specific factual question. What have we done so that Hanoi believes that if they want to be able to sell I am told $1 billion worth of goods in the United States, they are going to have to buy more than $4 billion worth of goods from us, since it is a governmental decision?

Mr. YUN. I think trade promotion, specifically export promotion of U.S. exports, is an enormous agenda with us. We believe that——

Mr. SHERMAN. The specific question is, what have we done, other than send them some glossy brochures, about how wonderful Caterpillar earth-moving equipment is?

Mr. YUN. We raise the case of opening up markets. For example—and I would say TPP is an enormous tool.

Mr. SHERMAN. TPP is to promote—and the trade deficit much to the loss of the unemployed in my district and districts around this country. What you are saying is, Hanoi fully understands that they can make a governmental decision to buy less than $5 billion worth of our goods, and still send $20 billion worth of their goods to the United States. And if our State Department was in tune with our constituents the way Members of Congress have to be, we would have different trade and foreign policy. I yield back.

Mr. CHABOT. The gentleman's time has expired. The gentleman from California, Mr. Rohrabacher, is recognized for 5 minutes.

Mr. ROHRABACHER. Let's do some basics here. When you say that the rule of law is lacking, that means that you do not have an independent judiciary in Vietnam; is that correct?

Mr. BAER. That is correct, sir.

Mr. ROHRABACHER. And Mr. Yun, that is correct?

Mr. YUN. Yes, sir.

Mr. ROHRABACHER. So thus, anyone who would have a conflict over a contract would have absolutely no protection from an independent decision maker through the court system, right? So if we end up having more of our people investing in Vietnam, they have no protection, correct?

Mr. BAER. I think individual cases may be resolved fairly on some basis but they would have no tenable expectation.

Mr. ROHRABACHER. Right. Based on the goodwill of the gangsters who are running the country. Thank you.

By the way, let us just note that they don't have an independent judiciary. They don't have a free press. They don't have opposition political parties. So why would we think that there will ever be progress in a country like that? Or why would you think that people who are willing to beat other people up or murder them, they are going to worry about keeping their contracts with someone over money?

The bottom line is, when you have a free press, your dirty deeds are exposed. When you have opposition parties, the opposition party will attack you for it. And the public will go to the opposition party. When you have an independent judiciary, all of these things are a prerequisite to a free society, and the gangsters that run Vietnam have made sure we don't have any of them in place. Isn't that correct?

Okay. So what are we doing? We now are going to take that regime and we are going to sell them billions of dollars worth of nuclear technology. Give me a break. These are gangsters. These are people who won't allow an opposition party, won't allow rule of law, won't allow freedom of the press because they have an iron grip on the throats of their own people. And they are, of course, putting a lot of money in their own pockets. Let me just state so everyone will know—and I hope the administration understands—providing nuclear capability to a group of gangsters like this, saying, well, of course, we can rely on their goodwill, not because they don't want

to have a nuclear weapon now—is the most absurd thing that I have ever heard. Think about this. We are going to give people who maintain that type of iron grip and a whole other society, we are going to give them a nuclear facility that could indeed, like is happening in Iran, produce the material needed for a bomb, but we are relying on their goodwill?

There is new nuclear technology. Let me just note. I am on the Science Committee. And we are capable now of building nuclear power plants that cannot be used—the after stuff, it cannot be used to produce a weapon. We actually can build nuclear facilities that do not disturb the proliferation issue, all right? Unless we are talking about those new types of reactors, you can expect that that deal with Vietnam will never go through—well, at least while this party is in power of the House. We will see what the American voters say next time around. Let me also note that—do we call it Saigon or do we call it Ho Chi Minh City? What do we call it?

Mr. YUN. We call it Ho Chi Minh City in our diplomatic correspondence.

Mr. ROHRABACHER. Right. So we have got a group of people that we can't even call that city by what the people down there really believe it is. People in South Vietnam still, in their hearts, know it is Saigon and not Ho Chi Minh City. But we will make sure that we don't anger those people who are oppressing them.

Finally, the Trans-Pacific Partnership, so will that correct the problems that we just talked about? No rule of law or no freedom of press and no opposition parties? Are we going to have this new partnership with them that we are going to include them but they are still—does that mean they are going to have a rule of law after that, and they are going to have opposition parties and freedom of the press?

Mr. YUN. Sir, I don't think anyone is pretending that TPP is a cure-all. But I do believe that it is progress, one step forward.

Mr. ROHRABACHER. Let me note that for decades, we were told that all we have to have are these economic agreements with China, and China was going to liberalize politically. I call it the "hug A Nazi, make a liberal" theory. The fact is, it has been decades and there has been no liberalization politically in China whatsoever and they are still repressing their people.

So thus, we are now going to that formula and seeing that it will work in Vietnam as well. Well, you know the definition of insanity, doing the same thing and expecting different outcomes. This is insane. Thank you very much, Mr. Chairman.

Mr. CHABOT. Thank you. The gentleman's time has expired. The gentleman from Georgia, Mr. Collins, is recognized for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman. I appreciate that. I would like to associate myself with those remarks. It is sort of amazing what we are going through here. But I want to go back to a different line of questioning here for just a moment, and it does refer to the TPP a little bit. Currently, there are odds with the U.S. and Vietnam over TPP, specifically dealing with yarn forward issue, rule of origin. Vietnam wants to skirt the Yarn Forward rule because it receives textiles from China and could produce textile products at a cheaper rate.

A letter was sent to the Ambassador that highlights Vietnam as expecting its U.S. Market share to increase from 7 to 30 percent if allowed to export state-subsidized textile goods. Secretary Yun, where do you stand on this issue?

Mr. YUN. Sir, I am not familiar with this Yarn Forward rule, except I know that it is under negotiation. If you like, we will get back a written response.

Mr. COLLINS. Well, I would also like to know what the assurances the American textile industry can have in this situation, in which it would put them in a difficult situation in an already troubled market here at home.

At this point I would like to yield to my good friend from New Jersey, Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Collins. And just two quick questions. And you didn't get back on whether or not to support the Vietnam Human Rights Act. I would appreciate it if you would.

But on two very specific questions, the State Department's country report acknowledges that the government maintains its prohibition on independent human rights organizations, yet the State Department recently announced a $450,000 in funding to local Vietnamese NGOs to promote democracy in Vietnam. Genuine advocates for democracy and rule of law are not allowed independently in Vietnam. I remember I met with a group of NGOs from Vietnam. I asked for their card. I said, who pays your salary? They said the government. I said, you are not a NGO by definition. Secondly, International Diaspora Engagement Alliance is designed by and is launched by Hillary Clinton to engage Diaspora communities in the U.S. to contribute changes to their countries of origin. The State Department has allocated $800,000 to this initiative, but the contributions are for trade, investment, volunteerism, philanthropic initiatives, and innovation, and no human rights. Could you tell us why? Why was human rights excluded?

Mr. BAER. Joe has generously said that I should take all of the questions. Like he said, I am a very good colleague.

Thank you, Congressman. I apologize for missing the question that you had put in your opening statement. As you know, you and I have had many discussions on human rights in a range of places, and I share your commitment. I don't want to comment now on legislation that is pending before Congress, but I can certainly say that I personally am very sympathetic to the intentions and the concerns that underlie that as well as other initiatives that Members of Congress have taken.

Mr. SMITH. Thank you. And on those two other issues, the $450,000?

Mr. BAER. So on the $450,000, my bureau makes a concerted effort around the world to engage without regard for whether or not a particular host government will like what a particular NGO is working on or be particularly enthusiastic about it. To engage with local civil society groups to build their capacity, to argue for change from within. On my last trip to Vietnam, I will say that when I was there for the Human Rights Dialogue, I was there for 4 days. And I honestly felt more encouraged than I have on any previous visit. But there is a real hunger for change that is being driven and

discussed at the grassroots. I met a number of people who are engaging seriously in this comment process on the Constitution who are seeing it as an opportunity to point out areas of inconsistency with universal human rights standards, and we will continue to look to do whatever we can to support local true NGOs, not GONGOs, as they work to build their capacity and make a case for change from within.

Mr. SMITH. You are giving us assurance the GONGOs will not be——

Mr. BAER. We make every, every effort. We have no intention, desire, reason to support a GONGO. GONGOs get plenty of support from the government, and they don't need ours. What we want to support are individuals——

Mr. SMITH. I still have the business cards.

Mr. BAER. I have run into that too.

Part of the problem is a recent decree also made it illegal to have independent organizations that comment on policy issues, which caused one of the only real independent think tanks in the country to have to shut down. But they are figuring out how to keep going with conversations among a group of intellectuals who are making arguments about what is best in terms of reform for the country.

Mr. SMITH. And on the IDEA, the International Diaspora Engagement Alliance?

Mr. BAER. I don't work on that. So unless Joe knows something——

Mr. SMITH. Could you get back to us on that and try to add that as a category? I mean, it seems to be a no-brainer to me.

Mr. BAER. I will get back to you.

Mr. SMITH. I am almost out of time. Again, Secretary Yun, if you could get back to us, in detail, about who they spoke to when they were in Vietnam. I am talking about the high-level delegation that was in Vietnam about a month ago. It is extremely important because my concern—and I am finished—is that so often, there will be a tangential mention so an X in the box that, oh, we mentioned human rights. That is read by our interlocutors as false, as insincere, superficial. If you are going to have engagement, it has to be real and robust. Thank you.

Mr. YUN. We will do the same.

Mr. CHABOT. The gentleman's time has expired. The gentleman from North Carolina, Mr. Holding, is recognized for 5 minutes.

Mr. HOLDING. Thank you, Mr. Chairman. You all have both detailed the continued problems that you hear while you are in Vietnam about the failure to implement the laws, the failures to protect citizens' constitutional rights, free speech and religion and the denial of guaranteed right to counsel by prisoners. And you have mentioned a number of things. But I would kind of like to get a top 10 hit list of failures to implement the rule of law in Vietnam. Would you all care to reel off a few of your favorite failures to implement the rule of law in Vietnam, the examples that are particularly poignant to you? Maybe you can go back and forth, do one, two, three, four.

Mr. BAER. I think Mr. Smith once asked me to name a top 10 list, and at that point, I think it was of Internet repressors. And at that point, I fell back on the, administration officials usually get

in trouble when they spontaneously create lists in front of Members of Congress.

So rather than a top 10 list, I will tell you that obviously we remain deeply concerned about a number of issues with respect to religious freedom, both the rights of groups to register as well as individual cases like Thich Quang Do, whose case came up earlier today, as well as land concerns of various religious groups in terms of getting space to build places of worship, et cetera. So there is a range of rule of law issues that affect religious freedom in Vietnam. Freedom of expression, which increasingly includes the Internet issues that we are seeing. And here we are seeing happening in Vietnam what is happening around the world, which is that governments are not only using technical means to limit the rights of citizens to express themselves online, they are also using legislative or regulatory means.

So we are very concerned about a draft decree on Internet content management that would further restrict the online space in Vietnam. So freedom of expression. Freedom of association is a place where rule of law can't ever improve without—we know it from our own society. We can see it in democratic societies around the world that rule of law is preserved when citizens can come together and advocate for and point out failings and hold governments to account. And it is what we have seen work, and we have never seen the rule of law work in a sustained way without that.

So there are issues in all of those areas that are driving concerns for us. And obviously, individual cases of prisoners of conscience raise these issues in different ways. And they are good as examples to illustrate the broad range of our concerns.

Mr. HOLDING. Does the State Department have any facility or program that monitors these failures to implement rule of law?

Mr. BAER. I mean, the most regular facility that we have is our annual reports on human rights conditions which cover all countries around the world. Our report on Vietnam is—it is maybe 100 pages, maybe longer, but in that range. It goes through on an annual basis a range of concerns that we have specific, including the specific cases. And it is widely regarded—the U.S. Government's human rights reports are widely regarded as the most objective fact-based reporting on human rights worldwide.

Mr. HOLDING. Right. I don't want to get you in cross ways by coming up with a top 10 list of problems or failures of rule of law. But how about a top 10 list of things that the State Department has done to improve the rule of law in Vietnam? Maybe that will be an easier one.

Mr. BAER. I have got 1 minute and 19 seconds to come up with 10 items. I would say, let me see how many I get to. But one is certainly in our diplomatic engagements, as Joe and I have talked about, not only through mechanisms like the Human Rights Dialogue but any high-level visit, any high-level conversation we are always raising the centrality of human rights issues to the U.S.-Vietnam bilateral relationship and the limits on that relationship without progress on those issues.

Also I would say that we are engaging with partners around the world. This week—today, in fact, in the Human Rights Council in Geneva, we read a statement about issues of urgent concern in the

world. We called out Vietnam as one of the places where we were urgently concerned, and we work with partners to shine a spotlight on our concerns, so to apply pressure that way. We work to support civil society and those within Vietnam who are making the case for change. We think that that is an important piece of the long-term progress and solution.

We work to engage the business community to make sure that they, too, understand what they have to gain by seeing progress in the rule of law, which it doesn't take long to explain it. They get it. Internet companies, tech companies see a real threat to the same pieces of legislation or regulations that are going to limit freedom of expression, are going to limit the potential of that sector of the Vietnamese economy as well. As I have said before, Vietnam cannot become what Vietnam wants to become if the next Bill Gates is sitting in a prison because of something he wrote online. So we are engaging across a range of ways to make the case for and apply the pressure to and incentives for progress on the rule of law in Vietnam.

Mr. HOLDING. Thank you, Mr. Chairman.

Mr. CHABOT. Thank you very much.

We will go to a second round. I have a couple of questions. I probably won't take up the full 5 minutes. If other members that are still here would like to ask a few questions, we will do that, but I don't think these will take too long.

Vietnam reportedly is seeking to obtain a seat on the United Nations Human Rights Council. I would note that over the years that August body has included such bastions of human rights as Sudan, Cuba, Iran, and other notables. That being said, what is the administration's position on Vietnam's bid for a seat on the Human Rights Council? Do you plan on opposing its bid? If so, what would you do to prevent them from obtaining a seat if it really means anything anymore to be on that committee?

Mr. BAER. Thank you, Congressman. As you probably know, the way that elections for the Human Rights Council happen—and they will happen in November—is that there are elections for each regional group. There are five slots for the Asia group and there are currently six candidates, including Vietnam, also China and Saudi Arabia as well as Nepal and a couple of others. I was asked by the Government of Vietnam to support their candidacy. We don't publicly disclose——

Mr. CHABOT. What did you tell them?

Mr. BAER. I told them we do not publicly disclose who we are going to support. But I can tell you that the way that we choose who we are going to support is we choose governments whose record on human rights reflects what we think is a high standard of human rights in the world.

Mr. CHABOT. What did they respond when you told them that their competitors are countries like China and Saudi Arabia?

Mr. BAER. Unfortunately, I think they are well aware that those are who their competitors are. So we articulated our desire to see a Human Rights Council whose membership reflect high standards of human rights in the world. Part of what we do to try to ensure that is that we do not trade votes for the Human Rights Council. And unfortunately, many of our European friends do trade votes,

and that means that they end up voting for states who should not be supported based on their own human rights records.

Mr. CHABOT. Perhaps it is just repeating the obvious, but with the human rights abuses that we have heard discussed today, it seems like they would fit right in on the United Nations Human Rights Council. My second question is somewhat related. Many international human rights organizations as well as Vietnamese American advocates have criticized the State Department's country reports and the report on your international religious freedom for a lack of specificity, depth, and, at times, accuracy.

It is understandable that the State Department may not have ready access to victims of persecution, such as dissidents under house arrest or in prison. Members of the different persecuted churches who have made it to America and have reported that the Vietnamese Government sets up alternative religious organizations so as to eliminate the genuine ones. There is major concern that the State Department has only been allowed free access to these fake religious groups and not to the genuine ones.

Now there are some victims who made it to freedom, and some of them have recently testified. One being the Venerable Danh Tol of the Khmer-Krom Buddhist church. Of course, the government has repeatedly tortured and done other horrific things to him, but the victims of religious persecution who managed to escape the country and exiled leaders of the persecuted churches would be a valuable source of information for the Department of State's report and CPC designation.

Would the State Department consider convening meetings with, for example, the Caldy Church and the Hoa Hao Buddhist Church and the Unified Buddhist Church and various Protestant denominations, as well as the Catholic Church in order to get their input?

Mr. BAER. Absolutely. I convene on a regular basis with representatives of the Vietnamese American community, as well as people who happen to be in the United States here at the State Department. I always make an effort when I am traveling to meet with a variety of people within Vietnam.

Obviously you are right. Being an American diplomat means that there are some people who I don't get access to. But in pulling together those reports, it should be clear that we don't just rely on the people who we are able to talk to. We do seek out information from others. We try to assess that information and make sure that what we are reporting is as fact-based, objective, and credible as possible so that there is a record of the abuses for not only our diplomats but those around the world who use our reports to work from as they advocate for change. We did report this year on the defrocking of a Khmer-Krom Buddhist.

We do report on specific incidents when we get those reports. And if constituents are coming to you with either inaccuracies or things that they think should be included in the reports, I would welcome them submitting their information or reaching out to my office at the State Department.

Mr. CHABOT. All right. Thank you very much. I said I would try not to use my full 5 minutes but did. I apologize. I will now yield to the gentleman from American Samoa, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I had about 100 additional questions I wanted to ask our panel this afternoon. I will forgo the process. But I do want to ask a question that is not related to Vietnam. I would like to ask Secretary Baer if you could submit the Human Rights report on the West Papuans in Indonesia, the status of the treatment of the West Papuans people by the Government of Indonesia. I do want to thank both gentlemen for their fine testimonies and look forward, especially to my dear friend and colleague, Chairman Smith.

And like I said, I could not ask for a better champion on human rights when it comes to members of this committee and the tremendous work and dedication that this gentleman has given on the issue of human rights throughout the world. And I guess we are entitled to a second round, Mr. Chairman?

Mr. CHABOT. Yes, sir. You are using it right now.

Mr. FALEOMAVAEGA. Again, gentlemen, thank you for coming. I am going to forgo my questions for now. I yield back.

Mr. CHABOT. The gentleman yields back. The gentleman from New Jersey is recognized.

Mr. SMITH. Thank you very much, Mr. Chairman. And thank you for your courtesy and for extending time for me and members who are not part of your subcommittee to be here.

I do have a question. If you could get back to us maybe right now on CPC. And to my friend, Mr. Faleomavaega, Saudi Arabia is a CPC country because of their terrible crackdown on religious freedom and their persecution of people of faith. So if you could speak to that, I would appreciate it.

On trafficking, as I think you know, Vietnamese workers are sent by government labor recruiting companies to work in countries all over the world. At a recent hearing on my subcommittee, I heard from one witness, Dr. Thang again, and others who say that there are approximately 3,000 Vietnamese owned sweatshops in and around Moscow alone, each employing from a few to over 100 workers, and many of these workers are victims of forced labor.

There are also numerous brothels run by Vietnamese in and around Moscow. Young Vietnamese women are lured to Russia with employment offers and forced prostitution is what they are served and given. Sadly, they are coerced into it. About 30 percent of the Vietnamese laborers in Russia are there under Vietnam's labor export program. Most disturbing are the reports including the testimony of one of my witnesses at an April hearing about human trafficking, Mrs. Nguyen Thang, that trafficking victims seeking help from the Vietnamese Embassy in Moscow are refused or actually returned to their traffickers to finish their "contracts."

Vietnam has still not paid the multi-million dollar judgment against them in the American Samoa case where there are some 250 Vietnamese citizens who worked in the Daewoosa factory. And that is now over 10 years old. The most recent Trafficking in Persons Report had multiple examples of fraudulent labor recruitment practices, and yet they are still not on Tier III. So my question is, because we know that your departments feed into it, Ambassador Luis CdeBaca certainly has a key role in all that. But we know there is unbelievable pressure put on by others in the State Department to keep it not on Tier III, because then there is a decision

that needs to be made whether or not sanctions will be meted out to a country that has been so classified.

So if you could, they have gotten—they, meaning the Vietnamese Government—worse when it comes to human trafficking. The woman who testified and sat where you sit now talked about her family member, her sister and others that she knew who had been trafficked. I mean, the woman was in tears, as you would expect she would be, over this terrible government complicity in these heinous crimes and modern day slavery. So if you could, Tier III and also speak to CPC.

Mr. BAER. Thank you, Congressman. With respect to CPC, as you know, Vietnam was designated as a CPC in 2004 by Secretary Powell. And then Ambassador-at-Large for International Religious Freedom, John Hanford, spent a great deal of time working with the Vietnamese to outline the steps that they would need to take to be removed from that list. And Secretary Rice removed them from that list in 2006.

I would say a couple of things: One, there is a constant review of the conditions of religious freedom and additional designations can be made at any time. We are constantly looking at it. We have seen a couple of positive steps, like the uptick in registrations that has happened in the first part of this year. There are also deeply concerning things, like the new decree that I mentioned in my testimony.

Mr. SMITH. Would the gentleman yield? Even with some of the new registrations, there are 650 in the northern part of Vietnam, churches, house churches that would love to be registered, and they are not. And they are still discriminated against.

Mr. BAER. I made the case to my interlocutor in April. I said, look, 20 in the first quarter of this year is better than 10 in all of last year, but it is not going to get through the backlog that you have. You have to continue to pick up the pace on these, and there needs to be a much faster pace of registrations of these churches. They know that they are aware of CPC. They don't want to be designated as CPC. We have made it clear that we are watching closely, that we are reviewing at all times and that we are watching things like the registrations and like the implementing regulations that come out around the decree that took effect in January of this year that should expand, not contract, religious freedom in Vietnam.

We also talked about the evangelical church of Vietnam. The northern and southern branches would like to merge and they have had bureaucratic obstruction in their attempts to do so. It was made clear that that is a step that the government should facilitate in order to demonstrate good faith and a willingness to make progress on religious freedom concerns.

Mr. SMITH. What about on trafficking?

Mr. BAER. On trafficking, I am not part of the bureaucratic process that you referred to in terms of making the designations. Certainly, I raised trafficking issues and they were part of the Human Rights Dialogue. In terms of your specific questions and the examples you gave about the conditions in Russia, I would like to go back to my colleagues in the trafficking office and get you a full accounting.

Mr. SMITH. It is not just Russia. That was the example. That is what we were told and we elaborated and found out what was going on. Secretary Yun?

Mr. YUN. I think on trafficking, we do have a process. And I have been involved in that process. In the Vietnam case, you are right. They need to make improvements. Having said that, they have also made some correct steps, including passing a trafficking law 1½ years ago. They never had a trafficking law before. So I think as you know, there is not one standard for trafficking. It is how much they have done in that particular year. And that is a very important point. And I think, all things considered, they are, as you know, Tier II Watch List. I do think that is an appropriate tier ranking for them.

Mr. SMITH. With your indulgence, Mr. Chairman, very briefly.

Mr. CHABOT. The gentleman is recognized.

Mr. SMITH. The problem with the mere passage of a law without effective implementation is exactly what Dr. Baer mentioned earlier about the guarantee of a lawyer, a defense attorney for those who have been accused. And it doesn't happen in real life. And the problem with their law is its implementation. And what we have found—and I certainly hope—this is why a Tier III rating I think is warranted—that government itself—we set minimum standards in the TVPA of 2000 which we have updated and expanded based on lessons learned.

They are gaming the system. This is one of the worst trafficking countries in the world, and yet they will pass a law or a resolution, and it becomes not meaningless, but almost meaningless, but it becomes a great talking point to raise in a human rights dialogue or in some other fora.

So I would ask you to look really hardnosed at the record, because the record is horrible. Look at the testimony, if you would, of the woman who testified at our committee, because that is a microcosm of a very—and, you know, it was almost like the tip of an iceberg of what is truly going on by this government.

Mr. CHABOT. The gentleman's time has expired.

I would like to thank the members who have attended this afternoon. I would like to thank our panel of experts this afternoon. I would also like to thank the folks who attended this afternoon.

All members will have 5 days to supplement their statements or to submit questions.

If there is no further business to come before the subcommittee, we are adjourned. Thank you.

[Whereupon, at 3:59 p.m., the subcommittee was adjourned.]

# APPENDIX

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## Material Submitted for the Hearing Record

# SUBCOMMITTEE HEARING NOTICE
# COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

**Subcommittee on Asia and the Pacific**
**Steve Chabot (R-OH), Chairman**

May 29, 2013

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Asia and the Pacific, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at www.ForeignAffairs.house.gov):

**DATE:** Wednesday, June 5, 2013

**TIME:** 2:00 p.m.

**SUBJECT:** U.S. Relations with Vietnam

**WITNESSES:** Mr. Joseph Y. Yun
Acting Assistant Secretary
Bureau of East Asian and Pacific Affairs
U.S. Department of State

Daniel B. Baer, Ph.D.
Deputy Assistant Secretary
Bureau of Democracy, Human Rights and Labor
U.S. Department of State

**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 ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Asia & the Pacific* HEARING

Day *Wednesday* Date *6.5.13* Room *2172*

Starting Time *2:02 pm* Ending Time *3:59 pm*

Recesses [ ] ( to ) ( to ) ( to ) ( to ) ( to ) ( to )

**Presiding Member(s)**

*Steve Chabot (R-OH), Eni Faleomavaega (D-AS)*

*Check all of the following that apply:*

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

**TITLE OF HEARING:**

*U.S. Relations with Vietnam*

**SUBCOMMITTEE MEMBERS PRESENT:**

*Ami Bera (D-CA), Scott Perry (R-PA), Brad Sherman (D-CA), Dana Rohrabacher (R-CA), Tulsi Gabbard (D-HI), Doug Collins (R-GA), Matt Salmon (R-AZ), George Holding (R-NC), Gerald Connolly (D-VA)*

**NON-SUBCOMMITTEE MEMBERS PRESENT:** *(Mark with an * if they are not members of full committee.)*

*Chariman Ed Royce (R-CA)*, Chris Smith (R-NJ)*, Alan Lowenthal (D-NY)**

**HEARING WITNESSES: Same as meeting notice attached? Yes [✓] No [ ]**
*(If "no", please list below and include title, agency, department, or organization.)*

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

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED _____

Subcommittee Staff Director

**Questions for the Record Submitted to**
**Acting Assistant Secretary Joseph Yun by**
**Representative Chris Smith (#1)**
**House Committee on Foreign Affairs**
**June 5, 2013**

**Question:**

Last month, a high-level Obama administration delegation traveled to Vietnam to sell Westinghouse nuclear reactors, to promote nuclear power. Could you tell the committee precisely and in detail what human rights issues were raised? What was the response? Were there any results? Did they ask for political and religious prisoners to be released? Was religious freedom raised? Was human trafficking raised? Did they raise and tender names of people who have been incarcerated who ought to be free?

**Answer:**

The delegation did raise human rights issues during the one-day visit. During Under Secretary Sanchez's lunch with Government of Vietnam officials and members of the trade mission delegation, Ambassador Shear raised our concerns regarding human rights in the context of the Trans-Pacific Partnership (TPP) and congressional support for it. In that discussion, Ambassador Shear underlined that Members of Congress also have noted that U.S. approval of TPP with Vietnam would be more difficult without demonstrable progress on human rights. Unfortunately, the Vietnamese government officials with whom this trade delegation met in Vietnam have responsibilities for nuclear energy development or trade and

were not empowered or prepared to discuss specific human rights cases. However, we assess that it is important to raise these concerns with these officials to sensitize them to human rights issues and the possible impact of Vietnam's human rights performance on TPP. We believe it is a message that these technocrats will pass to others in the Vietnamese government.

**Questions for the Record Submitted to**
**Acting Assistant Secretary Joseph Yun by**
**Representative Chris Smith (#2)**
**House Committee on Foreign Affairs**
**June 5, 2013**

**Question:**

One witness at our hearing on June 4, 2013, testified that up to half a million U.S. citizens of Vietnamese origin have had their real estate and other property stolen by the Vietnamese Government. Property confiscation, as we know, is a potent weapon being used against religious communities. The State Department's Legal Adviser's office instructs American citizens whose property was stolen to "contact and hire an attorney in Vietnam to help pursue and rights and remedies that you may have with regard to your property under domestic law and in the local jurisdiction." In light of Vietnam's 2003 land law which declared that the Vietnamese government will no longer entertain any claim for the return of land or residential housing already placed under state management, why is the Legal Adviser's office giving this advice?

**Answer:**

We are aware of the concerns of these Vietnamese-Americans and the Department is in the process of analyzing the issues these individuals have raised, including the more recent assertions they have made about the resolution passed by the Vietnamese National Assembly in 2003.

The U.S.-Vietnam Bilateral Trade Agreement, which entered into force on December 10, 2001, contains provisions concerning expropriation, including the right of U.S. citizens to bring arbitration claims directly against Vietnam in certain circumstances. U.S. citizens who believe they have claims against

Vietnam are advised to consult with counsel to examine any rights they may have under the treaty, or under Vietnamese law.

**Questions for the Record Submitted to**
**Acting Assistant Secretary Joseph Yun by**
**Representative Chris Smith (#3)**
**House Committee on Foreign Affairs**
**June 5, 2013**

**Question:**

In 2011 Secretary Hillary Clinton launched the International Diaspora Engagement Alliance to engage diaspora communities in the U.S. to contribute to changes in their countries of origin. This year the State Department has allocated $800,000 to fund this initiative but has limited these diaspora contributions to trade, investment, volunteerism, philanthropy, and innovation. Human rights efforts were not included. Could you tell us why?

**Answer:**

The International diaspora Engagement Alliance (IdEA) is designed to be flexible in its focus areas. Currently, IdEA focuses on the "pillars" of entrepreneurship, volunteerism, philanthropy, innovation, and diplomacy. Human rights issues fall under the pillar of diplomacy, and human rights issues have come up through various diaspora-related convenings hosted by the IdEA partnership. For the past three years, the Department of State and USAID have jointly hosted a Global Diaspora Forum, and in the most recent forum (May 2013), there was a significant focus on next-generation diaspora engagement, which included multiple break-out sessions that covered wide-ranging issues from youth engagement on grooming next-generation

leadership to mobilizing next-generation diaspora communities to take action on human rights and civil society, economic security and development, global health issues, and education. The $299,235 ESF notified for IdEA will be used for programmatic activity that harnesses the power of diasporas to achieve development goals, which could include activities to promote human rights issues. Human rights are a concern of many members of diaspora communities, and we expect as our engagement continues that our programs with these communities will continue to include human rights components.

○