^{115TH CONGRESS} 2D SESSION H.R. 5754

To promote free and fair elections, political freedoms, and human rights in Cambodia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2018

Mr. YOHO (for himself, Mr. LOWENTHAL, Mr. ROYCE of California, Mr. ENGEL, Mr. SHERMAN, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote free and fair elections, political freedoms, and human rights in Cambodia, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Cambodia Democracy

5 Act of 2018".

- 6 SEC. 2. FINDINGS.
- 7 Congress finds the following:

1 (1) Cambodia's present political system was es-2 tablished in 1991, after decades of internal conflict, 3 by the United Nations-brokered Paris Peace Accords. The first national elections under this system 4 5 were administered by the United Nations in 1993. 6 Hun Sen, the current Prime Minister of Cambodia, 7 has been in power in Cambodia since before this 8 time, serving as premier from 1985 to 1993, and as 9 Prime Minister thereafter. Hun Sen has used his po-10 sition to cling to the pinnacle of power in Cambodia 11 for 32 years, through tactics including coup d'état, 12 irregular election procedures, and the silencing of 13 opposition voices.

14 (2) In Cambodia's most recent general elections 15 in 2013, Hun Sen's Cambodian People's Party 16 (CPP) maintained its parliamentary majority by the 17 smallest margin to date, while a unified opposition 18 Cambodia National Rescue Party (CNRP) made 19 substantial gains. The Department of State's Coun-20 try Reports on Human Rights Practices for 2016 21 described Cambodia's 2013 elections as "largely free 22 of intimidation, in contrast to previous national elec-23 tions", yet also "fraught with irregularities". Subse-24 quent local elections marked similar setbacks for the 25 ruling CPP.

1	(3) Cambodia's next general elections will occur
2	in June 2018. According to the 2017 Freedom in
3	the World Report issued by Freedom House, in the
4	intervening period Hun Sen has overseen "a decisive
5	crackdown on the country's beleaguered opposition
6	and press corps as his [CPP] prepared for national
7	elections". Regional experts have reached a general
8	consensus that Hun Sen and the CPP have under-
9	taken this crackdown to consolidate power ahead of
10	an election that may have ended their grip on power.
11	(4) Hun Sen's actions in late 2017 pushed
12	Cambodia further away from democracy. In late Au-
13	gust 2017, the regime shut down the National
14	Democratic Institute and expelled its entire foreign
15	staff from the country within a week. Less than a
16	week later, radio stations carrying Radio Free Asia
17	and Voice of America were also shut down by the re-
18	gime. On September 3, 2017, authorities arrested
19	Kem Sokha, the leader of the CNRP, and charged
20	him with treason, allegedly for participating in an
21	American plot to undermine Hun Sen's regime. Kem
22	Sokha remains in detention. On November 16, 2017,

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Sokha remains in detention. On November 16, 2017,
Cambodia's Supreme Court dissolved the CNRP,
eliminating the most popular and viable challenger
to Hun Sen's regime. Subsequent actions by Hun

Sen have aimed to "cement total control over Cam bodian government and business", according to
 Human Rights Watch.

4 (5) Since the dissolution of the CNRP, both the 5 Department of State and the White House have 6 issued statements condemning the Hun Sen regime's 7 actions to undermine democracy and calling for Kem 8 Sokha's release. On November 16, 2017, the White 9 House announced that the United States would ter-10 minate support for Cambodia's National Election 11 Committee. On December 6, 2017, the Department 12 of State began implementing visa restrictions for of-13 ficials responsible for undermining Cambodian democracy. On February 27, 2018, the White House 14 15 announced further assistance reductions following 16 Cambodian Senate elections on February 25 which 17 did not represent the genuine will of the Cambodian 18 people.

19 SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOC-20 RACY IN CAMBODIA.

(a) DESIGNATION OF PERSONS RESPONSIBLE FOR
UNDERMINING DEMOCRACY IN CAMBODIA.—Not later
than 180 days after the date of enactment of this Act,
the President shall apply the sanctions described in subsection (b) on—

1 (1) each senior official of the Government, mili-2 tary, or security forces of Cambodia that the Presi-3 dent determines has directly and substantially un-4 dermined democracy in Cambodia; and 5 (2) each senior official of the Government, mili-6 tary, or security forces of Cambodia that the Presi-7 dent determines has committed or directed serious 8 human rights violations associated with undermining 9 democracy in Cambodia. 10 (b) SANCTIONS DESCRIBED.— 11 (1) ASSET BLOCKING.—The President shall ex-12 ercise all of the powers granted to the President 13 under the International Emergency Economic Pow-14 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-15 essary to block and prohibit all transactions in prop-16 erty and interests in property of a person designated 17 under subsection (a) if such property and interests 18 in property are in the United States, come within 19 the United States, or are or come within the posses-20 sion or control of a United States person. 21 (2) VISA RESTRICTIONS.— 22 (A) IN GENERAL.—The Secretary of State, 23 in consultation with the Secretary of Homeland

25 announced by the Department of State on De-

Security, shall continue to implement the policy

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cember 6, 2017, to restrict entry into the United States of person involved in undermining democracy in Cambodia, including any person designated under subsection (a).

5 (B) EXCEPTION FOR MULTILATERAL AC-6 TIVITIES.—Persons otherwise restricted from entry into the United States under this section 7 8 may be admitted if such admission is necessary 9 to comply with United States obligations under 10 the Agreement between the United Nations and 11 the United States of America regarding the 12 Headquarters of the United Nations, signed at 13 Lake Success June 26, 1947, and entered into 14 force November 21, 1947, or under the Conven-15 tion on Consular Relations, done at Vienna 16 April 24, 1963, and entered into force March 17 19, 1967, or other applicable international obli-18 gations of the United States.

(3) PENALTIES.—The penalties provided for in
subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50
U.S.C. 1705) shall apply to a person that violates,
attempts to violate, conspires to violate, or causes a
violation of paragraph (1) to the same extent that
such penalties apply to a person that commits an

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unlawful act described in subsection (a) of such sec tion 206.

3 (e) LIST OF DESIGNATED PERSONS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 President shall transmit to the appropriate congres7 sional committees a list of persons designated under
8 subsection (a).

9 (2) UPDATES.—The President shall transmit to 10 the appropriate congressional committees updated 11 lists under paragraph (1) as new information be-12 comes available.

(f) IMPLEMENTATION.—The President may exercise
all authorities provided under sections 203 and 205 of the
International Emergency Economic Powers Act (50
U.S.C. 1702 and 1704) to carry out this section.

(g) WAIVER.—The President may waive the application of sanctions described in subsection (b) with respect
to a person described in subsection (a) if the President
determines and certifies to the appropriate congressional
committees that such waiver is in the national interest of
the United States.

23 SEC. 4. SUSPENSION AND TERMINATION OF SANCTIONS.

(a) SUSPENSION.—The sanctions described in section3 may be suspended for up to one year upon certification

by the President to the appropriate congressional commit tees that Cambodia is making meaningful progress toward
 the following:

4 (1) Ending government efforts to undermine5 democracy.

6 (2) Ending human rights violations associated7 with undermining democracy.

8 (3) Conducting free and fair elections which
9 allow for the active participation of credible opposi10 tion candidates.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional,
consecutive 180-day periods if the President certifies to
the appropriate congressional committees that Cambodia
is continuing to make meaningful progress towards satisfying the conditions described in such subsection during
the previous year.

18 SEC. 5. SUNSET.

19 This Act shall terminate on the date that is five years20 after the date of the enactment of this Act.

21 SEC. 6. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs

1	and the Committee on Financial Services of the
2	House of Representatives, and the Committee on
3	Foreign Relations and the Committee on Banking,
4	Housing, and Urban Affairs of the Senate.
5	(2) UNITED STATES PERSON; PERSON.—The
6	term "United States person" means—
7	(A) a United States citizen or an alien law-
8	fully admitted for permanent residence to the
9	United States; or
10	(B) an entity organized under the laws of
11	the United States or of any jurisdiction of the
12	United States, including a foreign branch of
13	such an entity.

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