

116TH CONGRESS
1ST SESSION

H. R. 526

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2019

Mr. YOHO (for himself, Mr. McCAUL, and Mr. ENGEL) 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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Prime Minister Hun Sen has been in power
9 in Cambodia since 1985 and is the longest-serving

1 leader in Southeast Asia. Despite decades of inter-
2 national attention and assistance to promote a plu-
3 ralistic, multi-party democratic system in Cambodia,
4 the Government of Cambodia continues to be
5 undemocratically dominated by the ruling Cambodia
6 People’s Party (CPP), which controls every agency
7 and security apparatus of the state.

8 (2) In 2015, the CPP-controlled parliament
9 passed the “Law on Associations and Non-Govern-
10 mental Organizations”, which gave the government
11 sweeping powers to revoke the registration of NGOs
12 that the government believed to be operating with a
13 political bias in a blatant attempt to restrict the le-
14 gitimate work of civil society. On August 23, 2017,
15 Cambodia’s Ministry of Foreign Affairs ordered the
16 closure of the National Democratic Institute and the
17 expulsion of its foreign staff. On September 15,
18 2017, Prime Minister Hun Sen called for the with-
19 drawal of all volunteers from the United States
20 Peace Corps, which has operated in Cambodia since
21 2006 with 500 United States volunteers providing
22 English language and healthcare training.

23 (3) The Government of Cambodia has taken
24 several measures to restrict its media environment,
25 especially through politicized tax investigations

1 against independent media outlets that resulted in
2 the closure of The Cambodian Daily and Radio Free
3 Asia in early September 2017. Additionally, the Gov-
4 ernment of Cambodia has ordered several radio sta-
5 tions to stop the broadcasting of Radio Free Asia
6 and Voice of America programming.

7 (4) On September 3, 2017, Kem Sokha, the
8 President of the Cambodia National Rescue Party
9 (CNRP), was arrested on politically motivated
10 charges, including treason and conspiring to over-
11 throw the Government of Cambodia, and faces up to
12 30 years in prison. The CNRP's previous leader,
13 Sam Rainsy, remains in exile. On November 16,
14 2017, Cambodia's Supreme Court dissolved the
15 CNRP, eliminating the primary opposition party.

16 (5) Each of the six elections that have taken
17 place in Cambodia since 1991 were conducted in cir-
18 cumstances that were not free and fair, and were
19 marked by fraud, intimidation, violence, and the gov-
20 ernment's misuse of legal mechanisms to weaken op-
21 position candidates and parties.

22 (6) In the most recent general election in July
23 2018, following the dissolution of the CNRP, the
24 CPP secured every parliamentary seat, an electoral
25 victory that a statement from the White House

1 Press Secretary stated was “neither free nor fair
2 and failed to represent the will of the Cambodian
3 people”.

4 (7) The United States is committed to pro-
5 moting democracy, human rights, and the rule of
6 law in Cambodia. The United States continues to
7 urge the Government of Cambodia to immediately
8 release Mr. Kem Sokha, reinstate the political status
9 of the CNRP and restore its elected seats in the Na-
10 tional Assembly, and support electoral reform efforts
11 in Cambodia with free and fair elections monitored
12 by international observers.

13 **SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOC-**
14 **RACY IN CAMBODIA.**

15 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
16 UNDERMINING DEMOCRACY IN CAMBODIA.—Not later
17 than 180 days after the date of the enactment of this Act,
18 the President shall apply the sanctions described in sub-
19 section (b) on—

20 (1) each senior official of the government, mili-
21 tary, or security forces of Cambodia that the Presi-
22 dent determines has directly and substantially un-
23 dermined democracy in Cambodia;

24 (2) each senior official of the government, mili-
25 tary, or security forces of Cambodia that the Presi-

1 dent determines has committed or directed serious
2 human rights violations associated with undermining
3 democracy in Cambodia; and

4 (3) entities owned or controlled by senior offi-
5 cials of the government, military, or security forces
6 of Cambodia described in paragraphs (1) and (2).

7 (b) SANCTIONS DESCRIBED.—

8 (1) ASSET BLOCKING.—The President shall ex-
9 ercise all of the powers granted to the President
10 under the International Emergency Economic Pow-
11 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
12 essary to block and prohibit all transactions in prop-
13 erty and interests in property of a person designated
14 under subsection (a) if such property and interests
15 in property are in the United States, come within
16 the United States, or are or come within the posses-
17 sion or control of a United States person.

18 (2) VISA RESTRICTIONS.—

19 (A) IN GENERAL.—The Secretary of State,
20 in consultation with the Secretary of Homeland
21 Security, shall continue to implement the policy
22 announced by the Department of State on De-
23 cember 6, 2017, to restrict entry into the
24 United States of persons involved in under-

1 mining democracy in Cambodia, including any
2 person designated under subsection (a).

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

17 (3) PENALTIES.—The penalties provided for in
18 subsections (b) and (c) of section 206 of the Inter-
19 national Emergency Economic Powers Act (50
20 U.S.C. 1705) shall apply to a person that violates,
21 attempts to violate, conspires to violate, or causes a
22 violation of paragraph (1) to the same extent that
23 such penalties apply to a person that commits an
24 unlawful act described in subsection (a) of such sec-
25 tion 206.

1 (c) LIST OF DESIGNATED PERSONS.—

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

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

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

15 (e) WAIVER.—The President may waive the applica-
16 tion of sanctions described in subsection (b) with respect
17 to a person designated under subsection (a) if the Presi-
18 dent determines and certifies to the appropriate congressional
19 committees that such waiver is in the national inter-
20 est of the United States.

21 **SEC. 4. SUSPENSION OF SANCTIONS.**

22 (a) SUSPENSION.—The sanctions described in section
23 3 may be suspended for up to 1-year upon certification
24 by the President to the appropriate congressional commit-

1 tees that Cambodia is making meaningful progress toward
2 the following:

3 (1) Ending government efforts to undermine
4 democracy.

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

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

10 (b) RENEWAL OF SUSPENSION.—The suspension de-
11 scribed in subsection (a) may be renewed for additional,
12 consecutive-day periods if the President certifies to the ap-
13 propriate congressional committees that Cambodia is con-
14 tinuing to make meaningful progress towards satisfying
15 the conditions described in such subsection during the pre-
16 vious year.

17 **SEC. 5. SUNSET.**

18 This Act shall terminate on the date that is 5 years
19 after the date of the enactment of this Act.

20 **SEC. 6. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means the Committee on Foreign Affairs
25 and the Committee on Financial Services of the

1 House of Representatives, and the Committee on
2 Foreign Relations and the Committee on Banking,
3 Housing, and Urban Affairs of the Senate.

4 (2) PERSON.—

5 (A) IN GENERAL.—The term “person”
6 means—

7 (i) a natural person; or

8 (ii) a corporation, business associa-
9 tion, partnership, society, trust, financial
10 institution, insurer, underwriter, guar-
11 antor, and any other business organization,
12 any other nongovernmental entity, organi-
13 zation, or group, and any governmental en-
14 tity operating as a business enterprise or
15 any successor to any entity described in
16 this clause.

17 (B) APPLICATION TO GOVERNMENTAL EN-
18 TITIES.—The term “person” does not include a
19 government or governmental entity that is not
20 operating as a business enterprise.

21 (3) UNITED STATES PERSON.—The term
22 “United States person” means—

23 (A) a United States citizen or an alien law-
24 fully admitted for permanent residence to the
25 United States; or

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction of the
3 United States, including a foreign branch of
4 such an entity.

○