

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 Ac-
4 cords. The first national elections under this system
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,
23 Cambodia’s Supreme Court dissolved the CNRP,
24 eliminating the most popular and viable challenger
25 to Hun Sen’s regime. Subsequent actions by Hun

1 Sen have aimed to “cement total control over Cam-
2 bodian government and business”, according to
3 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-
10minate support for Cambodia’s National Election
11Committee. On December 6, 2017, the Department
12of State began implementing visa restrictions for of-
13ficials responsible for undermining Cambodian de-
14mocracy. On February 27, 2018, the White House
15announced further assistance reductions following
16Cambodian Senate elections on February 25 which
17did not represent the genuine will of the Cambodian
18people.

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

21 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
22 UNDERMINING DEMOCRACY IN CAMBODIA.—Not later
23 than 180 days after the date of enactment of this Act,
24 the President shall apply the sanctions described in sub-
25 section (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
24 Security, shall continue to implement the policy
25 announced by the Department of State on De-

1 cember 6, 2017, to restrict entry into the
2 United States of person involved in under-
3 mining democracy in Cambodia, including any
4 person designated under subsection (a).

5 (B) EXCEPTION FOR MULTILATERAL AC-
6 TIVITIES.—Persons otherwise restricted from
7 entry into the United States under this section
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.

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

1 unlawful act described in subsection (a) of such sec-
2 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 congres-
7 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.

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

17 (g) WAIVER.—The President may waive the applica-
18 tion of sanctions described in subsection (b) with respect
19 to a person described in subsection (a) if the President
20 determines and certifies to the appropriate congressional
21 committees that such waiver is in the national interest of
22 the United States.

23 **SEC. 4. SUSPENSION AND TERMINATION OF SANCTIONS.**

24 (a) SUSPENSION.—The sanctions described in section
25 3 may be suspended for up to one year upon certification

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

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

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

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

11 (b) RENEWAL OF SUSPENSION.—The suspension de-
12 scribed in subsection (a) may be renewed for additional,
13 consecutive 180-day periods if the President certifies to
14 the appropriate congressional committees that Cambodia
15 is continuing to make meaningful progress towards satis-
16 fying the conditions described in such subsection during
17 the previous year.

18 **SEC. 5. SUNSET.**

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

21 **SEC. 6. DEFINITIONS.**

22 In this Act:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” 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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