

Calendar No. 455

117TH CONGRESS
2D SESSION

S. 3052

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. MARKEY (for himself, Mr. RUBIO, Mr. DURBIN, Mr. TILLIS, Ms. WARREN, Mrs. FEINSTEIN, Mr. PADILLA, Mr. COONS, Mr. REED, Mr. WHITEHOUSE, Mr. LEAHY, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. CARDIN, Mr. PETERS, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 21, 2022

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To promote free and fair elections, democracy, 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 and Human Rights Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On October 23, 1991, Cambodia and 18
4 other countries signed the Comprehensive Cam-
5 bodian Peace Agreement (commonly referred to as
6 the “Paris Peace Agreements”), which committed
7 Cambodia to a democratic system of governance pro-
8 tected by a constitution and free and fair elections
9 and stated that the people of Cambodia “shall enjoy
10 the rights and freedoms embodied in the Universal
11 Declaration of Human Rights and other relevant
12 international human rights instruments”.

13 (2) Prime Minister Hun Sen has been in power
14 in Cambodia since 1984 and is the longest-serving
15 leader in Southeast Asia. Despite decades of inter-
16 national attention and assistance to promote a plu-
17 ralistic, multi-party democratic system in Cambodia,
18 the Government of Cambodia continues to be
19 undemocratically dominated by the ruling Cam-
20 bodian People’s Party.

21 (3) In 2015, the Cambodian People’s Party-
22 controlled National Assembly adopted the Law on
23 Associations and Non-Governmental Organizations,
24 which gave the Government of Cambodia sweeping
25 powers to revoke the registration of nongovern-
26 mental organizations in the name of “national

1 unity”, and which the government has used to re-
2 strict the legitimate work of civil society.

3 (4) On August 23, 2017, Cambodia’s Ministry
4 of Foreign Affairs ordered the closure of the Na-
5 tional Democratic Institute office in Cambodia and
6 the expulsion of its foreign staff. On September 15,
7 2017, Prime Minister Hun Sen called for the with-
8 drawal of all volunteers from the United States
9 Peace Corps, which has operated in Cambodia since
10 2006 with approximately 500 United States volun-
11 teers providing English language and healthcare
12 training.

13 (5) The Government of Cambodia has taken
14 several measures to restrict its media environment,
15 especially through politicized tax investigations
16 against independent media outlets that resulted in
17 the closure of The Cambodia Daily and Radio Free
18 Asia in early September 2017. Additionally, the Gov-
19 ernment of Cambodia has ordered several radio sta-
20 tions to stop the broadcasting of Radio Free Asia
21 and Voice of America programming.

22 (6) Cambodia’s small number of independent
23 trade unions and workers have the right to strike,
24 but many face retribution for doing so, according to
25 Freedom House.

1 (7) Each of the 6 elections that have taken
2 place in Cambodia since 1991 was conducted in cir-
3 cumstances that were not free and fair, and were
4 marked, to varying degrees, by fraud, intimidation,
5 violence, and the misuse by the Government of Cam-
6 bodia of legal mechanisms to weaken opposition can-
7 didates and parties. The 2017 local elections were
8 marked by fewer reported irregularities, however,
9 which helped the opposition Cambodia National Res-
10 cue Party (in this section referred to as the
11 “CNRP”). Hun Sen responded to those improve-
12 ments in elections, resulting in part from inter-
13 national assistance and observers, by banning the
14 CNRP, the primary opposition party, on November
15 16, 2017.

16 (8) On September 3, 2017, Kem Sokha, the
17 President of the CNRP, was arrested on politically
18 motivated charges, including treason and conspiring
19 to overthrow the Government of Cambodia. While he
20 was released on bail, he faces up to 30 years in pris-
21 on. His trial has been delayed due to the coronavirus
22 disease 2019 (commonly known as “COVID-19”)
23 pandemic and will likely not resume in 2021.

24 (9) In the most recent general election in July
25 2018, following the dissolution of the CNRP, the

1 Cambodian People's Party secured every parliamen-
2 tary seat, an electoral victory that the White House
3 Press Secretary stated was "neither free nor fair
4 and failed to represent the will of the Cambodian
5 people".

6 (10) The widespread crackdown by the Govern-
7 ment of Cambodia on the political opposition and
8 other independent voices has caused many CNRP
9 leaders to flee abroad. According to Human Rights
10 Watch, on March 12, 2019, a court criminally
11 charged and issued arrest warrants for 8 leading
12 members of the CNRP, including former CNRP
13 leader Sam Rainsy, who had left Cambodia ahead of
14 the July 2018 election, as well as Mu Soehua, Ou
15 Chanrith, Eng Chhai Eang, Men Sothavarin, Long
16 Ry, Tob Van Chan, and Ho Vann.

17 (11) The Government of Cambodia has arrested
18 many opposition party members and democracy ac-
19 tivists who remained in Cambodia. More than 80 op-
20 position party supporters and activists were arrested
21 in 2019 and were released on bail with charges still
22 pending and could face re-arrest any time.

23 (12) In November 2019, Sam Rainsy made a
24 failed attempt to return to Cambodia to partake in
25 mass pro-democracy protests. Approximately 150

1 CNRP activists were put on trial in 2020 and 2021
2 for treason for calling for his return.

3 (13) In March 2021, a Cambodian court con-
4 victed and sentenced Sam Rainsy in absentia to 25
5 years in prison and 8 other opposition figures living
6 in exile, including Rainsy's wife Tioulong Saumura,
7 as well as Mu Sochua, Eng Chhay Eang, Men
8 Sothavarin, Ou Chanrith, Ho Vann, Long Ry, and
9 Nuth Romduol, to between 20 and 22 years.

10 (14) Prime Minister Hun Sen has used the
11 COVID-19 pandemic as justification to further con-
12 solidate power and the Cambodia People's Party-
13 controlled National Assembly passed new laws to
14 further curtail the rights to freedom of expression,
15 peaceful assembly, and association.

16 (15) According to Human Rights Watch, under
17 the guise of the pandemic, authorities—

18 (A) banned protests organized by youth
19 and environmental activists;

20 (B) detained and interrogated at least 30
21 people for Facebook posts related to the pan-
22 demic; and

23 (C) charged one journalist for pandemic-
24 related reporting.

1 (16) According to Freedom House, Hun Sen
2 uses the police and armed forces as instruments of
3 repression. The military has stood firmly behind
4 Hun Sen and his crackdown on opposition groups
5 and Hun Sen has built a personal bodyguard unit in
6 the armed forces that he reportedly uses to harass
7 and abuse Cambodian People's Party opponents.

8 (17) In August 2020, 14 youth and environ-
9 mental activists were detained by Cambodian au-
10 thorities. In May 2021, 3 environmental activists
11 were convicted on charges of "incitement to commit
12 a felony or disturb social order", related to peaceful
13 protests against authorities. In June 2021, a Cam-
14 bodian court charged 3 environmental activists with
15 "plotting against the government and insulting the
16 king". The 2020 Country Reports on Human Rights
17 Practices of the Department of State reported "at
18 least 40 political prisoners or detainees" in Cam-
19 bodia.

20 (18) In 2019, the Wall Street Journal reported
21 that Cambodia had signed a deal with the Govern-
22 ment of the People's Republic of China to allow that
23 Government access to and use of the Ream Naval
24 Base on the Gulf of Thailand, which would violate

1 the Constitution of Cambodia, which prohibits the
2 establishment of foreign military bases.

3 (19) In 2019, the New York Times reported
4 that a company described by the Department of the
5 Treasury as being a state-owned company of the
6 People's Republic of China had secured a 99-year
7 lease to build an airport capable of supporting mili-
8 tary aircraft at Dara Sakor, raising concerns that
9 Beijing intends to use this dual-use facility for its
10 military, which would violate the Constitution of
11 Cambodia.

12 (20) In section 401 of the Asia Reassurance
13 Initiative Act of 2018 (Public Law 115-409; 132
14 Stat. 5407), Congress expressed serious concerns
15 with the rule of law and civil liberties in Cambodia
16 and made the finding that the promotion of human
17 rights and respect for democratic values in the Indo-
18 Pacific region is in the United States national secu-
19 rity interest.

20 (21) The 2020 Country Reports on Human
21 Rights Practices of the Department of State stated,
22 of Cambodia, "Corruption was endemic throughout
23 society and government. There were reports police,
24 prosecutors, investigating judges, and presiding
25 judges took bribes from owners of both legal and il-

1 legal businesses. Citizens frequently and publicly
 2 complained about corruption. Meager salaries con-
 3 tributed to ‘survival corruption’ among low-level
 4 public servants, while a culture of impunity enabled
 5 corruption to flourish among senior officials.”.

6 ~~(22)~~ Section 7043(b) of the Department of
 7 State, Foreign Operations, and Related Programs
 8 Appropriations Act, 2018 (division K of Public Law
 9 115–141; 132 Stat. 918) and section 201(f) of the
 10 Asia Reassurance Initiative Act of 2018 (Public Law
 11 115–409; 132 Stat. 5392) restrict assistance to
 12 Cambodia until the Government of Cambodia takes
 13 effective steps to—

14 (A) strengthen regional security and sta-
 15 bility, particularly regarding territorial disputes
 16 in the South China Sea and the enforcement of
 17 international sanctions with respect to North
 18 Korea; and

19 (B) respect the rights and responsibilities
 20 enshrined in the Constitution of the Kingdom
 21 of Cambodia as enacted in 1993, including
 22 through the—

23 (i) restoration of the civil and political
 24 rights of the opposition Cambodia National

1 Rescue Party, media, and civil society or-
2 ganizations;

3 (ii) restoration of all elected officials
4 to their elected offices; and

5 (iii) release of all political prisoners,
6 including journalists, civil society activists,
7 and members of the opposition political
8 party.

9 ~~(23)~~ On December 9, 2019, the Department of
10 the Treasury imposed sanctions under the Global
11 Magnitsky Human Rights Accountability Act (sub-
12 title F of title XII of Public Law 114–328; 22
13 U.S.C. 2656 note) with respect to certain corrupt
14 Cambodian actors and their networks.

15 ~~(24)~~ In February 2019, the European Union
16 began intense scrutiny of Cambodia’s eligibility to
17 for preferential trade access in light of the deteriora-
18 tion of democracy, the rule of law, and the protec-
19 tion of human rights in Cambodia. In February
20 2020, the European Union, Cambodia’s largest ex-
21 port market, partially suspended trade preferences
22 for Cambodia under its “Everything but Arms”
23 trade program, in response to Cambodia’s violations
24 of civil and political rights.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States is committed to pro-
4 moting democracy, human rights, and the rule of
5 law in Cambodia, as laid out in the 1991 Paris
6 Peace Agreements;

7 (2) the United States Government, through di-
8 plomacy and assistance, must urge the Government
9 of Cambodia to—

10 (A) release all political prisoners;

11 (B) drop all politically motivated charges
12 and vacate convictions against members of the
13 Cambodia National Rescue Party, journalists,
14 and civil society activists; and

15 (C) restore full political rights to the Cam-
16 bodia National Rescue Party and other political
17 parties;

18 (3) the United States Government should urge
19 the Government of Cambodia—

20 (A) to reverse the policies and actions that
21 have resulted in the dismantling of democracy,
22 the blatant disregard of fundamental human
23 rights, and the breakdown of rule of law in
24 Cambodia;

25 (B) to immediately discontinue the impris-
26 onment and judicial harassment of journalists;

1 political dissidents, and activists, and drop po-
2 litically motivated charges;

3 (C) to halt the threat of mass arrests and
4 violence if and when Cambodia National Rescue
5 Party members currently overseas return to
6 Cambodia;

7 (D) to reinstate the political status of the
8 Cambodia National Rescue Party and other op-
9 position parties; restore the Cambodia National
10 Rescue Party's elected seats in the National As-
11 sembly, and support electoral reform efforts in
12 Cambodia with free and fair elections monitored
13 by international observers;

14 (E) to ensure that media outlets are able
15 to operate freely and without interference, in-
16 cluding having the ability to apply for and re-
17 ceive licenses to operate within Cambodia; and

18 (F) to consider how allowing the People's
19 Liberation Army to conduct activities, gain ac-
20 cess, or establish a presence in Cambodia would
21 harm Cambodia's relationships with its neigh-
22 bors, partners, and allies, and violate the Con-
23 stitution of Cambodia;

24 (4) Prime Minister Hun Sen is directly respon-
25 sible, and should be held accountable, for the safety,

1 health, and welfare of exiled Cambodia National
 2 Rescue Party leaders and their supporters upon
 3 their return to Cambodia;

4 (5) other governments throughout the Indo-Pa-
 5 cific region should—

6 (A) urge the Government of Cambodia to
 7 allow the peaceful return of exiled Cambodia
 8 National Rescue Party leaders and their sup-
 9 porters; and

10 (B) refrain from illegally restricting the
 11 rights of Cambodia National Rescue Party
 12 members to travel to and through their coun-
 13 tries as they return; and

14 (6) in the absence of systemic democratic re-
 15 forms on the part of the Government of Cambodia,
 16 there is need for additional United States Govern-
 17 ment measures, including through legislation and ex-
 18 ecutive action.

19 **SEC. 4. SANCTIONS RELATING TO UNDERMINING DEMOC-**
 20 **RACY IN CAMBODIA.**

21 (a) **IDENTIFICATION OF PERSONS RESPONSIBLE FOR**
 22 **UNDERMINING DEMOCRACY IN CAMBODIA.—**

23 (1) **IN GENERAL.**—Not later than 180 days
 24 after the date of the enactment of this Act, the

1 President shall submit to the appropriate congressional committees a list of—

2 (A) each foreign person, including any senior official of the Government, military, or security forces of Cambodia, who the President determines has, on or after such date of enactment—

3 (i) directly and substantially undermined democracy in Cambodia, including through the use of baseless legal charges, malicious prosecution, or mass trials;

4 (ii) committed or directed serious human rights violations associated with undermining democracy in Cambodia; or

5 (iii) engaged in or directed acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; and

6 (B) each foreign person owned or controlled by an official described in subparagraph (A).

1 (2) ~~UPDATES.~~—The President shall submit to
 2 the appropriate congressional committees updated
 3 lists under paragraph (1) as new information be-
 4 comes available.

5 (b) ~~IMPOSITION OF SANCTIONS.~~—The President shall
 6 impose the following sanctions with respect to each foreign
 7 person on the list required by subsection (a):

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.) (except that the re-
 12 quirements of section 202 of such Act (50 U.S.C.
 13 1701) shall not apply) to the extent necessary to
 14 block and prohibit all transactions in property and
 15 interests in property of the person if such property
 16 and interests in property are in the United States;
 17 come within the United States; or are or come with-
 18 in the possession or control of a United States per-
 19 son.

20 (2) ~~ALIENS INADMISSIBLE FOR VISAS, ADMIS-~~
 21 ~~SION, OR PAROLE.~~—

22 (A) ~~VISAS, ADMISSION, OR PAROLE.~~—In
 23 the case of an individual, that individual is—

24 (i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

~~(B) CURRENT VISAS REVOKED.—~~

~~(i) IN GENERAL.—The visa or other entry documentation of the individual shall be revoked, regardless of when such visa or other entry documentation is or was issued.~~

~~(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—~~

~~(I) take effect immediately; and~~

~~(II) automatically cancel any other valid visa or entry documentation that is in the individual's possession.~~

~~(c) EXCEPTIONS.—~~

~~(1) EXCEPTION RELATING TO IMPORTATION OF GOODS.—~~

1 (A) ~~IN GENERAL.~~—The authorities and re-
 2 quirements to impose sanctions authorized
 3 under subsection (b)(1) shall not include the
 4 authority or requirement to impose sanctions on
 5 the importation of goods.

6 (B) ~~GOOD DEFINED.~~—In this paragraph,
 7 the term “good” means any article, natural or
 8 manmade substance, material, supply or manu-
 9 factured product, including inspection and test
 10 equipment, and excluding technical data.

11 (2) ~~EXCEPTION TO COMPLY WITH INTER-~~
 12 ~~NATIONAL OBLIGATIONS.~~—Sanctions under sub-
 13 section (b)(2) shall not apply with respect to a for-
 14 eign person if admitting or paroling the person into
 15 the United States is necessary to permit the United
 16 States to comply with the Agreement regarding the
 17 Headquarters of the United Nations, signed at Lake
 18 Success June 26, 1947, and entered into force No-
 19 vember 21, 1947, between the United Nations and
 20 the United States, or other applicable international
 21 obligations of the United States.

22 (d) ~~WAIVER.~~—The President may waive the applica-
 23 tion of sanctions under subsection (b) with respect to a
 24 foreign person on the list required by subsection (a) if the
 25 President determines and certifies to the appropriate con-

1 gressional committees that such a waiver is in the national
 2 interest of the United States.

3 ~~(c) SUSPENSION OF SANCTIONS.—~~

4 ~~(1) SUSPENSION.—~~The requirement to impose
 5 sanctions under this section may be suspended for
 6 an initial period of not more than one year if the
 7 President determines and certifies to the appropriate
 8 congressional committees that Cambodia is making
 9 meaningful progress toward the following:

10 ~~(A) Ending government efforts to under-~~
 11 ~~mine democracy.~~

12 ~~(B) Ending human rights violations associ-~~
 13 ~~ated with undermining democracy.~~

14 ~~(C) Releasing all political prisoners.~~

15 ~~(D) Dropping all politically motivated~~
 16 ~~charges and vacating convictions from any such~~
 17 ~~charges against members of the Cambodia Na-~~
 18 ~~tional Rescue Party, journalists, and civil soci-~~
 19 ~~ety activists.~~

20 ~~(E) Conducting free and fair elections that~~
 21 ~~allow for the active participation of credible op-~~
 22 ~~position candidates.~~

23 ~~(2) RENEWAL OF SUSPENSION.—~~The suspen-
 24 ~~sion of sanctions under paragraph (1) may be re-~~
 25 ~~newed for additional, consecutive one-year periods if~~

1 the President determines and certifies to the appro-
 2 priate congressional committees that Cambodia con-
 3 tinued to make meaningful progress toward satis-
 4 fying the conditions described in that paragraph
 5 during the year preceding the certification.

6 (f) IMPLEMENTATION; PENALTIES.—

7 (1) IMPLEMENTATION.—The President may ex-
 8 ercise all authorities provided under sections 203
 9 and 205 of the International Emergency Economic
 10 Powers Act (50 U.S.C. 1702 and 1704) to carry out
 11 this section.

12 (2) PENALTIES.—A person that violates, at-
 13 tempts to violate, conspires to violate, or causes a
 14 violation of subsection (b)(1) or any regulation, li-
 15 cense, or order issued to carry out that subsection
 16 shall be subject to the penalties set forth in sub-
 17 sections (b) and (c) of section 206 of the Inter-
 18 national Emergency Economic Powers Act (50
 19 U.S.C. 1705) to the same extent as a person that
 20 commits an unlawful act described in subsection (a)
 21 of that section.

22 (g) SUNSET.—This section shall terminate on the
 23 date that is 5 years after the date of the enactment of
 24 this Act.

1 **SEC. 5. REPORT ON ACTIVITY OF THE PEOPLE'S LIBERA-**
2 **TION ARMY AND GOVERNMENT OF THE PEO-**
3 **PLE'S REPUBLIC OF CHINA IN CAMBODIA.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the President shall submit to the appro-
6 priate congressional committees a report assessing—

7 (1) the involvement of the Government of the
8 People's Republic of China or the People's Libera-
9 tion Army in upgrading existing facilities or con-
10 structing new facilities at Ream Naval Base and
11 Dara Sakor Airport in Cambodia;

12 (2) any actual or projected benefits, including
13 any enhancement of the power projection capabilities
14 of the People's Liberation Army, that the Govern-
15 ment of the People's Republic of China or the Peo-
16 ple's Liberation Army may accrue as a result of
17 such upgrades or construction;

18 (3) the impact that the presence of the People's
19 Liberation Army in Cambodia may have on the in-
20 terests, allies, and partners of the United States in
21 the region;

22 (4) any efforts undertaken by the United States
23 Government to convey to the Government of Cam-
24 bodia the concerns relating to the presence of the
25 People's Liberation Army and the Government of
26 the People's Republic of China in Cambodia and the

1 impact that presence could have on adherence to the
 2 Constitution of Cambodia; and

3 ~~(5) the impact the presence of the People’s Lib-~~
 4 ~~eration Army in Cambodia, as well as closer govern-~~
 5 ~~ment-to-government ties between Cambodia and the~~
 6 ~~Government of the People’s Republic of China, in-~~
 7 ~~cluding through investments under the Belt and~~
 8 ~~Road Initiative, has had on the deterioration of de-~~
 9 ~~mocracy and human rights inside Cambodia.~~

10 **SEC. 6. DEFINITIONS.**

11 In this Act:

12 ~~(1) APPROPRIATE CONGRESSIONAL COMMIT-~~
 13 ~~TEES.—The term “appropriate congressional com-~~
 14 ~~mittees” means—~~

15 ~~(A) the Committee on Foreign Relations~~
 16 ~~and the Committee on Banking, Housing, and~~
 17 ~~Urban Affairs of the Senate; and~~

18 ~~(B) the Committee on Foreign Affairs and~~
 19 ~~the Committee on Financial Services of the~~
 20 ~~House of Representatives.~~

21 ~~(2) FOREIGN PERSON.—The term “foreign per-~~
 22 ~~son” means a person that is not a United States~~
 23 ~~person.~~

1 ~~(3)~~ PEOPLE’S LIBERATION ARMY.—The term
 2 “People’s Liberation Army” means the armed forces
 3 of the People’s Republic of China.

4 ~~(4)~~ 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 ~~(5)~~ 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.~~

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Cambodia Democracy*
 7 *and Human Rights Act of 2022”.*

8 **SEC. 2. FINDINGS.**

9 *Congress finds the following:*

10 *(1) On October 23, 1991, Cambodia and 18 other*
 11 *countries signed the Comprehensive Cambodian Peace*
 12 *Agreement (commonly referred to as the “Paris Peace*
 13 *Agreements”), which committed Cambodia to a demo-*
 14 *cratic system of governance protected by a constitu-*
 15 *tion and free and fair elections and stated that the*
 16 *people of Cambodia “shall enjoy the rights and free-*
 17 *doms embodied in the Universal Declaration of*
 18 *Human Rights and other relevant international*
 19 *human rights instruments”.*

20 *(2) Prime Minister Hun Sen has been in power*
 21 *in Cambodia since 1984 and is the longest-serving*
 22 *leader in Southeast Asia. Despite decades of inter-*
 23 *national attention and assistance to promote a plu-*
 24 *ralistic, multi-party democratic system in Cambodia,*
 25 *the Government of Cambodia continues to be*

1 *undemocratically dominated by the ruling Cam-*
2 *bodian People’s Party.*

3 (3) *In 2015, the Cambodian People’s Party-con-*
4 *trolled National Assembly adopted the Law on Asso-*
5 *ciations and Non-Governmental Organizations, which*
6 *gave the Government of Cambodia sweeping powers to*
7 *revoke the registration of nongovernmental organiza-*
8 *tions in the name of “national unity”, and which the*
9 *government has used to restrict the legitimate work of*
10 *civil society.*

11 (4) *On August 23, 2017, Cambodia’s Ministry of*
12 *Foreign Affairs ordered the closure of the National*
13 *Democratic Institute office in Cambodia and the ex-*
14 *pulsion of its foreign staff. On September 15, 2017,*
15 *Prime Minister Hun Sen called for the withdrawal of*
16 *all volunteers from the United States Peace Corps,*
17 *which has operated in Cambodia since 2006 with ap-*
18 *proximately 500 United States volunteers providing*
19 *English language and healthcare training.*

20 (5) *The Government of Cambodia has taken sev-*
21 *eral measures to restrict its media environment, espe-*
22 *cially through politicized tax investigations against*
23 *independent media outlets that resulted in the closure*
24 *of The Cambodia Daily and Radio Free Asia in early*
25 *September 2017. Additionally, the Government of*

1 *Cambodia has ordered several radio stations to stop*
2 *the broadcasting of Radio Free Asia and Voice of*
3 *America programming.*

4 (6) *Cambodia's small number of independent*
5 *trade unions and workers have the right to strike, but*
6 *many face retribution for doing so, according to Free-*
7 *dom House.*

8 (7) *Each of the 6 elections that have taken place*
9 *in Cambodia since 1991 was conducted in cir-*
10 *cumstances that were not free and fair, and were*
11 *marked, to varying degrees, by fraud, intimidation,*
12 *violence, and the misuse by the Government of Cam-*
13 *bodia of legal mechanisms to weaken opposition can-*
14 *didates and parties. The 2017 local elections were*
15 *marked by fewer reported irregularities, however,*
16 *which helped the opposition Cambodia National Res-*
17 *cue Party (in this section referred to as the "CNRP").*
18 *Hun Sen responded to those improvements in elec-*
19 *tions, resulting in part from international assistance*
20 *and observers, by banning the CNRP, the primary*
21 *opposition party, on November 16, 2017.*

22 (8) *On September 3, 2017, Kem Sokha, the*
23 *President of the CNRP, was arrested on politically*
24 *motivated charges, including treason and conspiring*
25 *to overthrow the Government of Cambodia. While he*

1 *was released on bail, he faces up to 30 years in pris-*
2 *on.*

3 *(9) In the most recent general election in July*
4 *2018, following the dissolution of the CNRP, the Cam-*
5 *bodian People’s Party secured every parliamentary*
6 *seat, an electoral victory that the White House Press*
7 *Secretary stated was “neither free nor fair and failed*
8 *to represent the will of the Cambodian people”.*

9 *(10) The widespread crackdown by the Govern-*
10 *ment of Cambodia on the political opposition and*
11 *other independent voices has caused many CNRP*
12 *leaders to flee abroad. On March 12, 2019, a court*
13 *criminally charged and issued arrest warrants for 8*
14 *leading members of the CNRP, including former*
15 *CNRP leader Sam Rainsy, who had left Cambodia*
16 *ahead of the July 2018 election, as well as Mu*
17 *Sochua, Ou Chanrith, Eng Chhai Eang, Men*
18 *Sothavarin, Long Ry, Tob Van Chan, and Ho Vann.*

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20 *many opposition party members and democracy ac-*
21 *tivists who remained in Cambodia. More than 80 op-*
22 *position party supporters and activists were arrested*
23 *in 2019 and were released on bail with charges still*
24 *pending and could face re-arrest any time.*

1 (12) *In November 2019, Sam Rainsy made a*
 2 *failed attempt to return to Cambodia to partake in*
 3 *mass pro-democracy protests. Approximately 150*
 4 *CNRP activists were put on trial in 2020 and 2021*
 5 *for treason for calling for his return.*

6 (13) *In March 2021, a Cambodian court con-*
 7 *victed and sentenced Sam Rainsy in absentia to 25*
 8 *years in prison and 8 other opposition figures living*
 9 *in exile, including Rainsy’s wife Tioulong Saumura,*
 10 *as well as Mu Sochua, Eng Chhay Eang, Men*
 11 *Sothavarin, Ou Chanrith, Ho Vann, Long Ry, and*
 12 *Nuth Romduol, to between 20 and 22 years.*

13 (14) *On June 14, 2022, the Government of Cam-*
 14 *bodia convicted 51 opposition politicians and activ-*
 15 *ists in a mass trial, many of whom were convicted in*
 16 *abstentia on charges of “incitement” and “con-*
 17 *spiracy” for supporting the development of democracy*
 18 *in Cambodia. Sentences ranged from 5-year sus-*
 19 *pended jail terms to 8 years in prison and serve to*
 20 *further intimidate potential political opponents of the*
 21 *regime of Prime Minister Hun Sen.*

22 (15) *Prime Minister Hun Sen has used the*
 23 *coronavirus disease 2019 (commonly known as*
 24 *“COVID–19”) pandemic as justification to further*
 25 *consolidate power and the Cambodia People’s Party-*

1 *controlled National Assembly passed new laws to fur-*
 2 *ther curtail the rights to freedom of expression, peace-*
 3 *ful assembly, and association.*

4 *(16) According to Human Rights Watch, under*
 5 *the guise of the pandemic, authorities—*

6 *(A) banned protests organized by youth and*
 7 *environmental activists;*

8 *(B) detained and interrogated at least 30*
 9 *people for Facebook posts related to the pan-*
 10 *demic; and*

11 *(C) charged one journalist for pandemic-re-*
 12 *lated reporting.*

13 *(17) According to Freedom House, Hun Sen uses*
 14 *the police and armed forces as instruments of repres-*
 15 *sion. The military has stood firmly behind Hun Sen*
 16 *and his crackdown on opposition groups and Hun*
 17 *Sen has built a personal bodyguard unit in the armed*
 18 *forces that he reportedly uses to harass and abuse*
 19 *Cambodian People’s Party opponents.*

20 *(18) In August 2020, 14 youth and environ-*
 21 *mental activists were detained by Cambodian au-*
 22 *thorities. In May 2021, 3 environmental activists*
 23 *were convicted on charges of “incitement to commit a*
 24 *felony or disturb social order”, related to peaceful*
 25 *protests against authorities. In June 2021, a Cam-*

1 *bodian court charged 3 environmental activists with*
 2 *“plotting against the government and insulting the*
 3 *king”. The 2020 Country Reports on Human Rights*
 4 *Practices of the Department of State reported “at*
 5 *least 40 political prisoners or detainees” in Cam-*
 6 *bodia.*

7 *(19) Beginning in December 2021, the Govern-*
 8 *ment of Cambodia has restricted the labor rights of*
 9 *workers protesting working conditions and illegal dis-*
 10 *missals at the NagaWorld Casino, including using the*
 11 *COVID–19 pandemic as an excuse to limit the ability*
 12 *of workers to protest. In February 2022, officials of*
 13 *the Government of Cambodia arrested 6 workers of the*
 14 *casino after leaving a COVID–19 testing center,*
 15 *claiming that they had obstructed testing.*

16 *(20) In 2019, the Wall Street Journal reported*
 17 *that Cambodia had signed a deal with the Govern-*
 18 *ment of the People’s Republic of China to allow that*
 19 *Government access to and use of the Ream Naval*
 20 *Base on the Gulf of Thailand, even though the Con-*
 21 *stitution of Cambodia prohibits the establishment of*
 22 *foreign military bases.*

23 *(21) In 2019, the New York Times reported that*
 24 *a company described by the Department of the Treas-*
 25 *ury as being a state-owned company of the People’s*

1 *Republic of China had secured a 99-year lease to*
2 *build an airport capable of supporting military air-*
3 *craft at Dara Sakor, raising concerns that Beijing in-*
4 *tends to use this dual-use facility for its military, de-*
5 *spite the prohibition against the establishment of for-*
6 *ign military bases in the Constitution of Cambodia.*

7 *(22) In section 401 of the Asia Reassurance Ini-*
8 *tiative Act of 2018 (Public Law 115–409; 132 Stat.*
9 *5407), Congress expressed serious concerns with the*
10 *rule of law and civil liberties in Cambodia and made*
11 *the finding that the promotion of human rights and*
12 *respect for democratic values in the Indo-Pacific re-*
13 *gion is in the United States national security inter-*
14 *est.*

15 *(23) The 2020 Country Reports on Human*
16 *Rights Practices of the Department of State stated, of*
17 *Cambodia, “Corruption was endemic throughout soci-*
18 *ety and government. There were reports police, pros-*
19 *ecutors, investigating judges, and presiding judges*
20 *took bribes from owners of both legal and illegal busi-*
21 *nesses. Citizens frequently and publicly complained*
22 *about corruption. Meager salaries contributed to ‘sur-*
23 *vival corruption’ among low-level public servants,*
24 *while a culture of impunity enabled corruption to*
25 *flourish among senior officials.”.*

1 (24) *Section 7043(b) of the Department of State,*
2 *Foreign Operations, and Related Programs Appro-*
3 *priations Act, 2022 (division K of Public Law 117–*
4 *103; 136 Stat. 645) restricts assistance to the Govern-*
5 *ment of Cambodia until “the Secretary of State cer-*
6 *tifies and reports to the Committees on Appropria-*
7 *tions that such Government is taking effective steps*
8 *to—*

9 “(i) *strengthen regional security and sta-*
10 *bility, particularly regarding territorial disputes*
11 *in the South China Sea and the enforcement of*
12 *international sanctions with respect to North*
13 *Korea;*

14 “(ii) *assert its sovereignty against inter-*
15 *ference by the People’s Republic of China, in-*
16 *cluding by verifiably maintaining the neutrality*
17 *of Ream Naval Base, other military installations*
18 *in Cambodia, and dual use facilities such as the*
19 *Dara Sakor development project;*

20 “(iii) *cease violence, threats, and harass-*
21 *ment against civil society and the political oppo-*
22 *sition in Cambodia, and dismiss any politically*
23 *motivated criminal charges against critics of the*
24 *government; and*

1 “(iv) respect the rights, freedoms, and re-
 2 sponsibilities enshrined in the Constitution of the
 3 Kingdom of Cambodia as enacted in 1993.”.

4 (25) Section 201(f) of the Asia Reassurance Ini-
 5 tiative Act of 2018 (Public Law 115–409; 132 Stat.
 6 5392) restricts assistance to Cambodia until the Gov-
 7 ernment of Cambodia takes effective steps to—

8 (A) strengthen regional security and sta-
 9 bility, particularly regarding territorial disputes
 10 in the South China Sea and the enforcement of
 11 international sanctions with respect to North
 12 Korea; and

13 (B) respect the rights and responsibilities
 14 enshrined in the Constitution of the Kingdom of
 15 Cambodia as enacted in 1993, including through
 16 the—

17 (i) restoration of the civil and political
 18 rights of the opposition Cambodia National
 19 Rescue Party, media, and civil society orga-
 20 nizations;

21 (ii) restoration of all elected officials to
 22 their elected offices; and

23 (iii) release of all political prisoners,
 24 including journalists, civil society activists,

1 *and members of the opposition political*
2 *party.*

3 *(26) On December 9, 2019, the Department of*
4 *the Treasury imposed sanctions under the Global*
5 *Magnitsky Human Rights Accountability Act (22*
6 *U.S.C. 10101 et seq.) with respect to certain corrupt*
7 *Cambodian actors and their networks.*

8 *(27) In February 2019, the European Union*
9 *began intense scrutiny of Cambodia's eligibility to for*
10 *preferential trade access in light of the deterioration*
11 *of democracy, the rule of law, and the protection of*
12 *human rights in Cambodia. In February 2020, the*
13 *European Union, Cambodia's largest export market,*
14 *partially suspended trade preferences for Cambodia*
15 *under its "Everything but Arms" trade program, in*
16 *response to Cambodia's violations of civil and polit-*
17 *ical rights.*

18 *(28) In 2021, the Joint Vietnamese Friendship*
19 *building, a facility built by the Government of Viet-*
20 *nam, was relocated off the Ream Naval Base, report-*
21 *edly to avert conflicts with military personnel of the*
22 *People's Republic of China.*

23 *(29) In 2022, the governments of the People's Re-*
24 *public of China and Cambodia held a groundbreaking*
25 *ceremony for a new upgrade to the Ream Naval Base,*

1 *which, according to the Washington Post, would allow*
 2 *the People’s Liberation Army to have “exclusive use*
 3 *of the northern portion of the base, while their pres-*
 4 *ence would remain concealed”.*

5 *(30) On June 8, 2022, in the groundbreaking*
 6 *ceremony for constructing new facilities of the Ream*
 7 *Naval Base, the Ambassador of the People’s Republic*
 8 *of China to Cambodia, Wang Wentian, declared that*
 9 *the base would be a monument to “the ironclad*
 10 *friendship and cooperation between the two mili-*
 11 *taries” of the People’s Republic of China and Cam-*
 12 *bodia.*

13 **SEC. 3. SENSE OF CONGRESS.**

14 *It is the sense of Congress that—*

15 *(1) the United States is committed to promoting*
 16 *democracy, human rights, and the rule of law in*
 17 *Cambodia, as laid out in the 1991 Paris Peace Agree-*
 18 *ments;*

19 *(2) the United States Government, through di-*
 20 *plomacy and assistance, should urge the Government*
 21 *of Cambodia to—*

22 *(A) release all political prisoners;*

23 *(B) drop all politically motivated charges*
 24 *and vacate convictions against members of the*

1 *Cambodia National Rescue Party, journalists,*
2 *and civil society activists; and*

3 *(C) restore full political rights to the Cam-*
4 *bodia National Rescue Party and other political*
5 *parties;*

6 *(3) the United States Government should urge*
7 *the Government of Cambodia—*

8 *(A) to reverse the policies and actions that*
9 *have resulted in the dismantling of democracy,*
10 *the blatant disregard of fundamental human*
11 *rights, and the breakdown of rule of law in Cam-*
12 *bodia;*

13 *(B) to immediately discontinue the impris-*
14 *onment and judicial harassment of journalists,*
15 *political dissidents, and activists, and drop po-*
16 *litically motivated charges;*

17 *(C) to stop arrests and intimidation of civil*
18 *society members, including human rights activ-*
19 *ists, environmental defenders, and labor leaders,*
20 *and promote a flourishing civil society that sup-*
21 *ports the political and economic development of*
22 *Cambodia;*

23 *(D) to halt the threat of mass arrests and*
24 *violence if and when Cambodia National Rescue*

1 *Party members currently overseas return to*
2 *Cambodia;*

3 *(E) to reinstate the political status of the*
4 *Cambodia National Rescue Party and other op-*
5 *position parties, restore the Cambodia National*
6 *Rescue Party's elected seats in the National As-*
7 *sembly, and support electoral reform efforts in*
8 *Cambodia with free and fair elections monitored*
9 *by international observers;*

10 *(F) to ensure that media outlets are able to*
11 *operate freely and without interference, includ-*
12 *ing having the ability to apply for and receive*
13 *licenses to operate within Cambodia;*

14 *(G) to consider how allowing the People's*
15 *Liberation Army to conduct activities, gain ac-*
16 *cess, or establish a presence in Cambodia would*
17 *harm Cambodia's relationships with its neigh-*
18 *bors, partners, and allies, and could violate the*
19 *Constitution of Cambodia; and*

20 *(H) to cease providing support to authori-*
21 *tarian regimes and undermining democratic ac-*
22 *tivists in the region, especially through its ties to*
23 *the Burmese military that seized power in a*
24 *coup d'état on February 1, 2021, and instead*
25 *play a constructive role in multilateral organiza-*

1 *tions like the Association of Southeast Asian Na-*
 2 *tions to promote peace and democracy in the re-*
 3 *gion;*

4 *(4) Prime Minister Hun Sen is directly respon-*
 5 *sible, and should be held accountable, for the safety,*
 6 *health, and welfare of exiled Cambodia National Res-*
 7 *cue Party leaders and their supporters upon their re-*
 8 *turn to Cambodia;*

9 *(5) other governments throughout the Indo-Pa-*
 10 *cific region should—*

11 *(A) urge the Government of Cambodia to*
 12 *allow the peaceful return of exiled Cambodia Na-*
 13 *tional Rescue Party leaders and their supporters;*

14 *(B) refrain from illegally restricting the*
 15 *rights of Cambodia National Rescue Party mem-*
 16 *bers to travel to and through their countries as*
 17 *they return; and*

18 *(C) press the Government of Cambodia not*
 19 *to allow the People's Liberation Army to use*
 20 *Cambodia's military facilities or establish a*
 21 *presence within Cambodia;*

22 *(6) in the absence of systemic democratic reforms*
 23 *on the part of the Government of Cambodia, there is*
 24 *need for additional measures by the United States*

1 *Government, including through the enactment of legis-*
 2 *lation and executive action; and*

3 *(7) the presence of the People’s Liberation Army*
 4 *will further enable Prime Minister Hun Sen’s author-*
 5 *itarian crackdown, including oppression of opposition*
 6 *parties, independent civil society, and free media in*
 7 *Cambodia.*

8 **SEC. 4. SANCTIONS RELATING TO UNDERMINING DEMOC-**
 9 **RACY IN CAMBODIA.**

10 *(a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR*
 11 *UNDERMINING DEMOCRACY IN CAMBODIA.—*

12 *(1) IN GENERAL.—Not later than 180 days after*
 13 *the date of the enactment of this Act, the President*
 14 *shall submit to the appropriate congressional commit-*
 15 *tees a list of—*

16 *(A) any current or former official of the*
 17 *Government of Cambodia or the military or se-*
 18 *curity forces of Cambodian, or any other foreign*
 19 *person, that the President determines know-*
 20 *ingly—*

21 *(i) directly and substantially under-*
 22 *mines democracy in Cambodia;*

23 *(ii) engages in or is responsible for se-*
 24 *rious human rights abuses;*

1 (iii) engages in or is responsible for
 2 significant corruption associated with un-
 3 dermining democracy in Cambodia; or

4 (iv) engages in or supports the estab-
 5 lishment of installations or facilities that
 6 could be used by the People's Liberation
 7 Army or entities tied to the People's Libera-
 8 tion Army in Cambodia, which could in-
 9 clude persons identified under paragraph
 10 (1) of section 5 in the report required by
 11 that section;

12 (B) any person that the President deter-
 13 mines is acting for or on behalf of a person de-
 14 scribed in subparagraph (A) related to conduct
 15 described in that subparagraph; and

16 (C) any person that the President deter-
 17 mines is owned or controlled by a person de-
 18 scribed in subparagraph (A) and is involved in
 19 conduct described in that subparagraph.

20 (2) *UPDATES.*—The President shall submit to the
 21 appropriate congressional committees updated lists
 22 under paragraph (1) as new information becomes
 23 available.

1 (b) *IMPOSITION OF SANCTIONS.*—*The President shall*
 2 *impose the following sanctions with respect to each foreign*
 3 *person on the list required by subsection (a):*

4 (1) *ASSET BLOCKING.*—*The President shall exer-*
 5 *cise all of the powers granted to the President under*
 6 *the International Emergency Economic Powers Act*
 7 *(50 U.S.C. 1701 et seq.) (except that the requirements*
 8 *of section 202 of such Act (50 U.S.C. 1701) shall not*
 9 *apply) to the extent necessary to block and prohibit*
 10 *all transactions in property and interests in property*
 11 *of the person if such property and interests in prop-*
 12 *erty are in the United States, come within the United*
 13 *States, or are or come within the possession or control*
 14 *of a United States person.*

15 (2) *ALIENS INADMISSIBLE FOR VISAS, ADMIS-*
 16 *SION, OR PAROLE.*—

17 (A) *VISAS, ADMISSION, OR PAROLE.*—*In the*
 18 *case of an individual, that individual is—*

19 (i) *inadmissible to the United States;*

20 (ii) *ineligible to receive a visa or other*
 21 *documentation to enter the United States;*
 22 *and*

23 (iii) *otherwise ineligible to be admitted*
 24 *or paroled into the United States or to re-*
 25 *ceive any other benefit under the Immigra-*

tion and Nationality Act (8 U.S.C. 1101 et seq.).

(B) *CURRENT VISAS REVOKED.*—

(i) *IN GENERAL.*—The visa or other entry documentation of the individual shall be revoked in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), regardless of when such visa or other entry documentation is or was issued.

(ii) *IMMEDIATE EFFECT.*—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the individual's possession.

(c) *IMPLEMENTATION; PENALTIES.*—

(1) *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.

(2) *PENALTIES.*—A person that violates, attempts to violate, conspires to violate, or causes a vio-

1 *lation of subsection (b)(1) or any regulation, license,*
 2 *or order issued to carry out that subsection shall be*
 3 *subject to the penalties set forth in subsections (b) and*
 4 *(c) of section 206 of the International Emergency*
 5 *Economic Powers Act (50 U.S.C. 1705) to the same*
 6 *extent as a person that commits an unlawful act de-*
 7 *scribed in subsection (a) of that section.*

8 *(d) EXCEPTIONS.—*

9 *(1) EXCEPTION FOR INTELLIGENCE AND LAW EN-*
 10 *FORCEMENT ACTIVITIES.—Sanctions under this sec-*
 11 *tion shall not apply with respect to—*

12 *(A) any activity subject to the reporting re-*
 13 *quirements under title V of the National Secu-*
 14 *rity Act of 1947 (50 U.S.C. 3091 et seq.); or*

15 *(B) any authorized intelligence or law en-*
 16 *forcement activities of the United States.*

17 *(2) EXCEPTION TO COMPLY WITH INTER-*
 18 *NATIONAL OBLIGATIONS.—Sanctions under subsection*
 19 *(b)(2) shall not apply with respect to the admission*
 20 *or parole of an individual if admitting or paroling*
 21 *the individual into the United States is necessary to*
 22 *permit the United States to comply with the Agree-*
 23 *ment regarding the Headquarters of the United Na-*
 24 *tions, signed at Lake Success June 26, 1947, and en-*
 25 *tered into force November 21, 1947, between the United*

1 *Nations and the United States, or other applicable*
 2 *international obligations.*

3 (3) *EXCEPTION RELATING TO IMPORTATION OF*
 4 *GOODS.—*

5 (A) *IN GENERAL.—The authorities and re-*
 6 *quirements to impose sanctions authorized under*
 7 *subsection (b)(1) shall not include the authority*
 8 *or requirement to impose sanctions on the im-*
 9 *portation of goods.*

10 (B) *GOOD DEFINED.—In this paragraph,*
 11 *the term “good” means any article, natural or*
 12 *manmade substance, material, supply or manu-*
 13 *factured product, including inspection and test*
 14 *equipment, and excluding technical data.*

15 (e) *WAIVER.—The President may waive the applica-*
 16 *tion of sanctions under subsection (b) with respect to a for-*
 17 *ign person on the list required by subsection (a) if the*
 18 *President determines and certifies to the appropriate con-*
 19 *gressional committees that such a waiver is in the national*
 20 *interest of the United States.*

21 (f) *SUSPENSION OF SANCTIONS.—*

22 (1) *SUSPENSION.—The requirement to impose*
 23 *sanctions under this section may be suspended for an*
 24 *initial period of not more than one year if the Presi-*
 25 *dent determines and certifies to the appropriate con-*

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

3 (A) Ending government efforts to under-
4 mine democracy.

5 (B) Ending human rights violations associ-
6 ated with undermining democracy.

7 (C) Releasing all political prisoners.

8 (D) Dropping all politically motivated
9 charges and vacating convictions from any such
10 charges against members of the Cambodia Na-
11 tional Rescue Party, journalists, and civil soci-
12 ety activists.

13 (E) Conducting free and fair elections that
14 allow for the active participation of credible op-
15 position candidates.

16 (2) *RENEWAL OF SUSPENSION.*—The suspension
17 of sanctions under paragraph (1) may be renewed for
18 additional, consecutive one-year periods if the Presi-
19 dent determines and certifies to the appropriate con-
20 gressional committees that Cambodia continued to
21 make meaningful progress toward satisfying the con-
22 ditions described in that paragraph during the year
23 preceding the certification.

24 (g) *SUNSET.*—This section shall terminate on the date
25 that is 5 years after the date of the enactment of this Act.

1 **SEC. 5. REPORT ON ACTIVITY OF THE PEOPLE'S LIBERA-**
2 **TION ARMY AND GOVERNMENT OF THE PEO-**
3 **PLE'S REPUBLIC OF CHINA IN CAMBODIA.**

4 (a) *IN GENERAL.*—Not later than 180 days after the
5 date of the enactment of this Act, the President shall submit
6 to the committees specified in subsection (c) a report assess-
7 ing—

8 (1) *the involvement of the Government of the*
9 *People's Republic of China or the People's Liberation*
10 *Army in upgrading existing facilities or constructing*
11 *new facilities at Ream Naval Base and Dara Sakor*
12 *Airport in Cambodia;*

13 (2) *any actual or projected benefits, including*
14 *any enhancement of the power projection capabilities*
15 *of the People's Liberation Army, that the Government*
16 *of the People's Republic of China or the People's Lib-*
17 *eration Army may accrue as a result of such up-*
18 *grades or construction;*

19 (3) *the impact that the presence of the People's*
20 *Liberation Army in Cambodia may have on the in-*
21 *terests, allies, and partners of the United States in*
22 *the region;*

23 (4) *any efforts undertaken by the United States*
24 *Government to convey to the Government of Cam-*
25 *bodia the concerns relating to the presence of the Peo-*
26 *ple's Liberation Army and the Government of the*

1 *People’s Republic of China in Cambodia and the im-*
 2 *pact that presence could have on security in the South*
 3 *China Sea and the Indo-Pacific region more broadly*
 4 *and on adherence to the Constitution of Cambodia;*

5 *(5) the impact the presence of the People’s Lib-*
 6 *eration Army in Cambodia, as well as closer govern-*
 7 *ment-to-government ties between Cambodia and the*
 8 *Government of the People’s Republic of China, includ-*
 9 *ing through investments under the Belt and Road Ini-*
 10 *tiative, has had on the deterioration of democracy*
 11 *and human rights inside Cambodia; and*

12 *(6) any other ongoing activities by the People’s*
 13 *Liberation Army or any other security services of the*
 14 *Government of the People’s Republic of China in*
 15 *Cambodia.*

16 *(b) FORM OF REPORT.—The report required by sub-*
 17 *section (a) shall be submitted in unclassified form but may*
 18 *include a classified annex.*

19 *(c) COMMITTEES SPECIFIED.—The committees speci-*
 20 *fied in this subsection are—*

21 *(1) the Committee on Foreign Relations, the*
 22 *Committee on Armed Services, and the Select Com-*
 23 *mittee on Intelligence of the Senate; and*

24 *(2) the Committee on Foreign Affairs, the Com-*
 25 *mittee on Armed Services, and the Permanent Select*

1 *Committee on Intelligence of the House of Representa-*
 2 *tives.*

3 **SEC. 6. RULE OF CONSTRUCTION.**

4 *Nothing in this Act may be construed to limit the au-*
 5 *thority of the President to designate persons for the imposi-*
 6 *tion of sanctions pursuant to an Executive order issued*
 7 *under the International Emergency Economic Powers Act*
 8 *(50 U.S.C. 1701 et seq.) or otherwise pursuant to that Act.*

9 **SEC. 7. DEFINITIONS.**

10 *In this Act:*

11 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 12 *TEES.—The term “appropriate congressional commit-*
 13 *tees” means—*

14 (A) *the Committee on Foreign Relations*
 15 *and the Committee on Banking, Housing, and*
 16 *Urban Affairs of the Senate; and*

17 (B) *the Committee on Foreign Affairs and*
 18 *the Committee on Financial Services of the*
 19 *House of Representatives.*

20 (2) *FOREIGN PERSON.—The term “foreign per-*
 21 *son” means a person that is not a United States per-*
 22 *son.*

23 (3) *KNOWINGLY.—The term “knowingly”, with*
 24 *respect to conduct, a circumstance, or a result, means*

1 *that a person has actual knowledge, or should have*
 2 *known, of the conduct, the circumstance, or the result.*

3 (4) *PEOPLE’S LIBERATION ARMY.—The term*
 4 *“People’s Liberation Army” means the armed forces*
 5 *of the People’s Republic of China.*

6 (5) *PERSON.—The term “person” means an in-*
 7 *dividual or entity.*

8 (6) *UNITED STATES PERSON.—The term “United*
 9 *States person” means—*

10 (A) *a United States citizen or an alien law-*
 11 *fully admitted for permanent residence to the*
 12 *United States;*

13 (B) *an entity organized under the laws of*
 14 *the United States or of any jurisdiction of the*
 15 *United States, including a foreign branch of*
 16 *such an entity; or*

17 (C) *any person in the United States.*

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A BILL

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

JULY 21, 2022

Reported with an amendment