

#### 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

- leader in Southeast Asia. Despite decades of international attention and assistance to promote a pluralistic, multi-party democratic system in Cambodia,
  the Government of Cambodia continues to be
  undemocratically dominated by the ruling Cambodia
  People's Party (CPP), which controls every agency
  and security apparatus of the state.
  - (2) In 2015, the CPP-controlled parliament passed the "Law on Associations and Non-Governmental Organizations", which gave the government sweeping powers to revoke the registration of NGOs that the government believed to be operating with a political bias in a blatant attempt to restrict the legitimate work of civil society. On August 23, 2017, Cambodia's Ministry of Foreign Affairs ordered the closure of the National Democratic Institute and the expulsion of its foreign staff. On September 15, 2017, Prime Minister Hun Sen called for the withdrawal of all volunteers from the United States Peace Corps, which has operated in Cambodia since 2006 with 500 United States volunteers providing English language and healthcare training.
  - (3) The Government of Cambodia has taken several measures to restrict its media environment, especially through politicized tax investigations

against independent media outlets that resulted in the closure of The Cambodian Daily and Radio Free Asia in early September 2017. Additionally, the Government of Cambodia has ordered several radio stations to stop the broadcasting of Radio Free Asia

and Voice of America programming.

- (4) On September 3, 2017, Kem Sokha, the President of the Cambodia National Rescue Party (CNRP), was arrested on politically motivated charges, including treason and conspiring to overthrow the Government of Cambodia, and faces up to 30 years in prison. The CNRP's previous leader, Sam Rainsy, remains in exile. On November 16, 2017, Cambodia's Supreme Court dissolved the CNRP, eliminating the primary opposition party.
  - (5) Each of the six elections that have taken place in Cambodia since 1991 were conducted in circumstances that were not free and fair, and were marked by fraud, intimidation, violence, and the government's misuse of legal mechanisms to weaken opposition candidates and parties.
  - (6) In the most recent general election in July 2018, following the dissolution of the CNRP, the CPP secured every parliamentary seat, an electoral victory that a statement from the White House

- Press Secretary stated was "neither free nor fair and failed to represent the will of the Cambodian people".
- (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-
- dent determines has directly and substantially un-
- dermined democracy in Cambodia;
- 24 (2) each senior official of the government, mili-
- 25 tary, or security forces of Cambodia that the Presi-

- dent determines has committed or directed serious human rights violations associated with undermining democracy in Cambodia; and
  - (3) entities owned or controlled by senior officials of the government, military, or security forces of Cambodia described in paragraphs (1) and (2).

### (b) Sanctions Described.—

(1) Asset Blocking.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a person designated under subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

### (2) VISA RESTRICTIONS.—

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

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

(B) EXCEPTION FOR MULTILATERAL ACTIVITIES.—Persons otherwise restricted from entry into the United States under this section may be admitted if such admission is necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations 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 unlawful act described in subsection (a) of such section 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 congres-
- 5 sional 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 congres-
- 19 sional 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-

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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

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.

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