

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 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 for 32 years, through tactics including coup d'état, 12 irregular election procedures, and the silencing of 13 opposition voices.

> (2) In Cambodia's most recent general elections in 2013, Hun Sen's Cambodian People's Party (CPP) maintained its parliamentary majority by the smallest margin to date, while a unified opposition Cambodia National Rescue Party (CNRP) made substantial gains. The Department of State's Country Reports on Human Rights Practices for 2016 described Cambodia's 2013 elections as "largely free of intimidation, in contrast to previous national elections", yet also "fraught with irregularities". Subsequent local elections marked similar setbacks for the ruling CPP.

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- (3) Cambodia's next general elections will occur in June 2018. According to the 2017 Freedom in the World Report issued by Freedom House, in the intervening period Hun Sen has overseen "a decisive crackdown on the country's beleaguered opposition and press corps as his [CPP] prepared for national elections". Regional experts have reached a general consensus that Hun Sen and the CPP have undertaken this crackdown to consolidate power ahead of an election that may have ended their grip on power.
 - Cambodia further away from democracy. In late August 2017, the regime shut down the National Democratic Institute and expelled its entire foreign staff from the country within a week. Less than a week later, radio stations carrying Radio Free Asia and Voice of America were also shut down by the regime. On September 3, 2017, authorities arrested Kem Sokha, the leader of the CNRP, and charged him with treason, allegedly for participating in an American plot to undermine Hun Sen's regime. Kem 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 Cambodian government and business", according to
- 3 Human Rights Watch.
- (5) Since the dissolution of the CNRP, both the 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.

- 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) each senior official of the Government, military, or security forces of Cambodia that the President determines has directly and substantially undermined democracy in Cambodia; and
 - (2) each senior official of the Government, military, or security forces of Cambodia that the President determines has committed or directed serious human rights violations associated with undermining democracy in Cambodia.

(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 De-

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).

- (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

- 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
- the appropriate congressional committees updated
- lists under paragraph (1) as new information be-
- 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-
- 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.
- 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 |
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| 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. |