

115TH CONGRESS
2^D SESSION

H. R. 5754

IN THE SENATE OF THE UNITED STATES

JULY 26, 2018

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cambodia Democracy
3 Act of 2018”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Prime Minister Hun Sen has been in power
7 in Cambodia since 1985 and is the longest-serving
8 leader in Southeast Asia. Despite decades of inter-
9 national attention and assistance to promote a plu-
10 ralistie, multi-party democratic system in Cambodia,
11 the Government of Cambodia continues to be
12 undemocratically dominated by the ruling Cambodia
13 People’s Party (CPP), which controls every agency
14 and security apparatus of the state.

15 (2) In 2015, the CPP-controlled parliament
16 passed the “Law on Associations and Non-Govern-
17 mental Organizations”, which gave the government
18 sweeping powers to revoke the registration of NGOs
19 that the government believed to be operating with a
20 political bias in a blatant attempt to restrict the le-
21 gitimate work of civil society. On August 23, 2017,
22 Cambodia’s Ministry of Foreign Affairs ordered the
23 closure of the National Democratic Institute and the
24 expulsion of its foreign staff. On September 15,
25 2017, Prime Minister Hun Sen called for the with-
26 drawal of all volunteers from the United States

1 Peace Corps, which has operated in Cambodia since
2 2006 with 500 United States volunteers providing
3 English language and healthcare training.

4 (3) The Government of Cambodia has taken
5 several measures to restrict its media environment,
6 especially through politicized tax investigations
7 against independent media outlets that resulted in
8 the closure of The Cambodian Daily and Radio Free
9 Asia in early September 2017. Additionally, the Gov-
10 ernment of Cambodia has ordered several radio sta-
11 tions to stop the broadcasting of Radio Free Asia
12 and Voice of America programming.

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

19 (5) On September 3, 2017, Kem Sokha, the
20 President of the Cambodia National Rescue Party
21 (CNRP), was arrested on politically motivated
22 charges, including treason and conspiring to over-
23 throw the Government of Cambodia, and faces up to
24 30 years in prison. The CNRP's previous leader,
25 Sam Rainsy, remains in exile. On November 16,

1 2017, Cambodia’s Supreme Court dissolved the
2 CNRP, eliminating the CPP’s only viable challenger.

3 (6) The United States is committed to pro-
4 moting democracy, human rights, and the rule of
5 law in Cambodia. The United States continues to
6 urge the Government of Cambodia to immediately
7 release Mr. Kem Sokha, reinstate the political status
8 of the CNRP and its 55 elected seats in the Na-
9 tional Assembly, and support electoral reform efforts
10 in Cambodia with free and fair elections in 2018
11 monitored by international observers.

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

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

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

23 (2) each senior official of the Government, mili-
24 tary, or security forces of Cambodia that the Presi-
25 dent determines has committed or directed serious

1 human rights violations associated with undermining
2 democracy in Cambodia; and

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

6 (b) SANCTIONS DESCRIBED.—

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

17 (2) VISA RESTRICTIONS.—

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

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

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

24 (e) LIST OF DESIGNATED PERSONS.—

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

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

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

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

20 **SEC. 4. SUSPENSION OF SANCTIONS.**

21 (a) SUSPENSION.—The sanctions described in section
22 3 may be suspended for up to one year upon certification
23 by the President to the appropriate congressional commit-
24 tees that Cambodia is making meaningful progress toward
25 the following:

1 (1) Ending government efforts to undermine
2 democracy.

3 (2) Ending human rights violations associated
4 with undermining democracy.

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

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

15 **SEC. 5. SUNSET.**

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

18 **SEC. 6. DEFINITIONS.**

19 In this Act:

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

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

3 (2) PERSON.—

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

6 (i) a natural person; or

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

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

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

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

