

PERMISSION FOR MEMBER TO BE
CONSIDERED AS FIRST SPONSOR
OF H.R. 1002

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1002, a bill originally introduced by Representative DENT of Pennsylvania, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CAMBODIA DEMOCRACY ACT OF
2018

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs and the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5754) to promote free and fair elections, political freedoms, and human rights in Cambodia, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

H.R. 5754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Cambodia’s present political system was established in 1991, after decades of internal conflict, by the United Nations-brokered Paris Peace Accords. The first national elections under this system were administered by the United Nations in 1993. Hun Sen, the current Prime Minister of Cambodia, has been in power in Cambodia since before this time, serving as premier from 1985 to 1993, and as Prime Minister thereafter. Hun Sen has used his position to cling to the pinnacle of power in Cambodia for 32 years, through tactics including coup d’état, irregular election procedures, and the silencing of 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.

(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.

(4) Hun Sen’s actions in late 2017 pushed 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 Human Rights Watch.

(5) Since the dissolution of the CNRP, both the Department of State and the White House have issued statements condemning the Hun Sen regime’s actions to undermine democracy and calling for Kem Sokha’s release. On November 16, 2017, the White House announced that the United States would terminate support for Cambodia’s National Election Committee. On December 6, 2017, the Department of State began implementing visa restrictions for officials responsible for undermining Cambodian democracy. On February 27, 2018, the White House announced further assistance reductions following Cambodian Senate elections on February 25 which did not represent the genuine will of the Cambodian people.

SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOCRACY IN CAMBODIA.

(a) DESIGNATION OF PERSONS RESPONSIBLE FOR UNDERMINING DEMOCRACY IN CAMBODIA.—Not later than 180 days after the date of enactment of this Act, the President shall apply the sanctions described in subsection (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 December 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 unlawful act described in subsection (a) of such section 206.

(e) LIST OF DESIGNATED PERSONS.—

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

(2) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists under paragraph (1) as new information becomes available.

(f) 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.

(g) WAIVER.—The President may waive the application of sanctions described in subsection (b) with respect to a person described in subsection (a) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 4. SUSPENSION AND TERMINATION OF SANCTIONS.

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

(1) Ending government efforts to undermine democracy.

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

(3) Conducting free and fair elections which allow for the active participation of credible opposition candidates.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional, consecutive 180-day periods if the President certifies to the appropriate congressional committees that Cambodia is continuing to make meaningful progress towards satisfying the conditions described in such subsection during the previous year.

SEC. 5. SUNSET.

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

SEC. 6. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives, and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) UNITED STATES PERSON; PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction of

the United States, including a foreign branch of such an entity.

AMENDMENT OFFERED BY MR. ROYCE OF CALIFORNIA

Mr. ROYCE of California. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Prime Minister Hun Sen has been in power 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) Each of the five 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.

(5) 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 CPP’s only viable challenger.

(6) The United States is committed to promoting democracy, human rights, and the rule of law in Cambodia. The United States continues to urge the Government of Cambodia to immediately release Mr. Kem Sokha, reinstate the political status of the CNRP and its 55 elected seats in the National Assembly, and support electoral reform efforts in Cambodia with free and fair elections in 2018 monitored by international observers.

SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOCRACY IN CAMBODIA.

(a) DESIGNATION OF PERSONS RESPONSIBLE FOR UNDERMINING DEMOCRACY IN CAMBODIA.—Not later than 180 days after the date of the enactment of this Act, the President shall apply the sanctions described in subsection (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

(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; and

(3) entities owned or controlled by senior officials of the Government, military, or security forces of Cambodia described in (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 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 unlawful act described in subsection (a) of such section 206.

(e) LIST OF DESIGNATED PERSONS.—

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

(2) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists under paragraph (1) as new information becomes available.

(f) 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.

(g) WAIVER.—The President may waive the application of sanctions described in sub-

section (b) with respect to a person designated under subsection (a) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 4. SUSPENSION OF SANCTIONS.

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

(1) Ending government efforts to undermine democracy.

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

(3) Conducting free and fair elections which allow for the active participation of credible opposition candidates.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional, consecutive 180-day periods if the President certifies to the appropriate congressional committees that Cambodia is continuing to make meaningful progress towards satisfying the conditions described in such subsection during the previous year.

SEC. 5. SUNSET.

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

SEC. 6. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives, and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) PERSON.—

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

(i) a natural person; or

(ii) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise or any successor to any entity described in this clause.

(B) APPLICATION TO GOVERNMENTAL ENTITIES.—The term “person” does not include a government or governmental entity that is not operating as a business enterprise.

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction of the United States, including a foreign branch of such an entity.

Mr. ROYCE of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO PLACE INTO THE RECORD AN EXCHANGE OF LETTERS ON H.R. 5754

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent to place into the RECORD an exchange of letters with the Judiciary Committee on H.R. 5754.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE of California. Mr. Speaker, I include in the RECORD an exchange of letters.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 20, 2018.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN ROYCE: I write with respect to H.R. 5754, the “Cambodia Democracy Act.” As a result of your having consulted with us on provisions within H.R. 5754 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5754 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 5754 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of the bill.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 18, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 5754, the Cambodia Democracy Act, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 5754 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

GENERAL LEAVE

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5754.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE of California. Mr. Speaker, thank you for bringing this important and timely legislation to the House floor.

I want to begin by thanking Rep. YOHO, the Chairman of the Asia and Pacific Subcommittee, for authoring this bill, which is the product of his important oversight work. I would also like to recognize Rep. ALAN LOWENTHAL for his tireless advocacy for this bill, as well as Ranking Member’s ENGEL and SHERMAN for their strong support.

In four days, Cambodians will vote for a new head of government. Unfortunately, this election will not be legitimate in any way. Hun Sen and his thugs long ago decided the outcome, by marginalizing, beating, and imprisoning members of the opposition.

Since Cambodia’s deeply flawed elections in 2013, we have seen intensifying attacks on Cambodians peacefully opposing their government. Hun Sen’s thuggish regime continues to crack down on political opposition and other activists who oppose his rule. Freedom House consistently rates Cambodia as “Not Free,” noting harassment of the regime’s political opposition.

That’s putting it mildly. Three years ago, opposition lawmaker and American citizen Nhay Chamreoun was severely and brutally attacked by plainclothes bodyguards, who repeatedly kicked and stomped him. He was hospitalized for months. Several months later, Kem Ley, a popular Cambodian political commentator, was murdered in broad daylight for his outspoken protests of the regime.

Over the last year, Hun Sen has dispatched any notions of democracy in Cambodia. He dissolved the opposition party, CNRP, arrested its leader Kem Sokha—who now faces spurious treason charges—and completely dismantled the political system in Cambodia.

Importantly, the Cambodia Democracy Act of 2018 imposes sanctions on all members of Hun Sen’s inner circle for their role in undermining democracy in Cambodia and committing serious human rights violations. Specifically, it bars these individuals from entering the U.S. and blocks any assets or property they may possess.

It will be up to the President to determine who should be designated for these sanctions. But given the brashness of this regime, we do have a good idea of who the President should target:

Hun Sen: Prime Minister, President of Cambodian People’s Party (CPP); Sar Kheng: Deputy Prime Minister, Minister of the Interior, Vice President of CPP; Tea Banh: Deputy Prime Minister, Minister of National Defense, Member of the CPP; Aun Pornmoniroth: Minister for Economy and Finance; Koeut Rith: Secretary of State of Ministry of Justice; Sun Chanthol: Minister of Public Works and Transport; Prak Sokhonn: Minister of Foreign Affairs; Om Yentieng: President of Anti-Corruption Unit attached to the Office of the Council of Ministers, Advisor to the Prime Minister; Pol

Saroeun: Four-Star General, Member of the Supreme Council of National Defense, Commander-in-Chief of RCAF; Neth Savoeun: Director-General of the National Police, Member of CPP Permanent Committee; Kun Kim: Four-Star General, Deputy Commander-in-Chief of RCAF, Chief of RCAF Joint General Staff, Chief of Personal Advisers and Cabinet of the Prime Minister; Sao Sokha: Four-Star General, Deputy Commander-in-Chief of RCAF, Commander of the National Royal Military Police; Hing Bunheang: Four-Star General, Deputy Commander-in-Chief of RCAF; Choun Sovann: Deputy Chief of National Police and Chief of Phnom Penh Municipal Police; Hun Manet: Deputy Chief of RCAF Joint General Staff; Sok Puthyuth: CEO of SOMA Group conglomerate; and Hun Mana: Chair of Bayon Height Media System.

Again, thank you Mr. Speaker for bringing up this very important and timely legislation. The people of Cambodia deserve far better than the Hun Sen’s despotism. Political pluralism will soon reach Cambodia, and this legislation will not only help Cambodians attain that goal, but will also send a strong signal that Congress will not tolerate these human rights abuses.

ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY AMENDMENT ACT OF 2018

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (S. 2779) to amend the Zimbabwe Democracy and Economic Recovery Act of 2001, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Zimbabwe Democracy and Economic Recovery Amendment Act of 2018”.

SEC. 2. RECONSTRUCTION AND REBUILDING OF ZIMBABWE.

Section 2 of the Zimbabwe Democracy and Economic Recovery Act of 2001 (22 U.S.C. 2151 note; Public Law 107–99) is amended by striking “and restore the rule of law” and inserting “restore the rule of law, reconstruct and rebuild Zimbabwe, and come to terms with the past through a process of genuine reconciliation that acknowledges past human rights abuses and orders inquiries into disappearances, including the disappearance of human rights activists, such as Patrick Nabanyama, Itai Dzamara, and Paul Chizuze”.

SEC. 3. FINDINGS.

Section 4(a) of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended—

(1) in paragraph (1), by striking “costly deployment of troops to the Democratic Republic of the Congo” and inserting “private appropriation of public assets”; and

(2) by adding at the end the following:

“(6) In October 2016, the Government of Zimbabwe cleared a small hurdle in its longstanding public sector arrears with the IMF.”.