

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.”.

SEC. 4. PROVISIONS RELATED TO MULTILATERAL DEBT RELIEF AND OTHER FINANCIAL ASSISTANCE.

Section 4(b)(2) of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended—

(1) in subparagraph (A), by striking “to propose that the bank should undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank” and inserting “to support efforts to reevaluate plans to restructure, rebuild, reschedule, or eliminate Zimbabwe’s sovereign debt held by that bank and provide an analysis based on reasonable financial options to achieve those goals”; and

(2) in subparagraph (B), by striking “dollar” and inserting “currency”.

SEC. 5. SENSE OF CONGRESS ON THE UNITED STATES-ZIMBABWE BILATERAL RELATIONSHIP.

It is the sense of Congress that the United States should seek to forge a stronger bilateral relationship with Zimbabwe, including in the areas of trade and investment, if the following conditions are satisfied:

(1) The Government of Zimbabwe takes the concrete, tangible steps outlined in paragraphs (1) through (4) of section 4(d) of the Zimbabwe Democracy and Economic Recovery Act of 2001, as amended by section 6 of this Act.

(2) The Government of Zimbabwe takes concrete, tangible steps towards—

(A) good governance, including respect for the opposition, rule of law, and human rights;

(B) economic reforms that promote growth, address unemployment and underdevelopment, restore livelihoods, ensure respect for contracts and private property rights, and promote significant progress toward monetary policy reforms, particularly with the Reserve Bank of Zimbabwe, and currency exchange reforms; and

(C) identification and recovery of stolen private and public assets within Zimbabwe and in other countries.

(3) The Government of Zimbabwe holds an election that is widely accepted as free and fair, based on the following pre- and post-election criteria or conditions:

(A) Establishment and public release, without cost, of a provisional and a final voter registration roll.

(B) The Zimbabwe Electoral Commission is permitted to entirely carry out the functions assigned to it under section 239 of Zimbabwe’s 2013 Constitution in an independent manner, and the chairperson meets and consults regularly with representatives of political parties represented in the parliament of Zimbabwe and the parties contesting the elections.

(C) Consistent with Zimbabwe’s 2013 Constitution, the Defence Forces of Zimbabwe—

(i) are neither permitted to actively participate in campaigning for any candidate nor to intimidate voters;

(ii) are required to verifiably and credibly uphold their constitutionally-mandated duty to respect the fundamental rights and freedoms of all persons and to be nonpartisan in character; and

(iii) are not permitted to print, transfer, or control ballots or transmit the results of elections.

(D) International observers, including observers from the United States, the African Union, the Southern African Development Community, and the European Union—

(i) are permitted to observe the entire electoral process prior to, on, and following voting day, including by monitoring polling stations and tabulation centers; and

(ii) are able to independently access and analyze vote tallying tabulation and the transmission and content of voting results.

(E) Candidates are allowed access to public broadcasting media during the election period, consistent with Zimbabwe’s Electoral Act and are able to campaign in an environment that is free from intimidation and violence.

(F) Civil society organizations are able to freely and independently carry out voter and civic education and monitor the entire electoral process, including by observing, recording, and transmitting publicly-posted or announced voting results at the ward, constituency, and all higher levels of the vote tallying process.

(4) Laws enacted prior to the passage of Zimbabwe’s March 2013 Constitution that are inconsistent with the new Constitution are amended, repealed, or subjected to a formal process for review and correction so that such laws are consistent with the new Constitution.

(5) The Government of Zimbabwe—

(A) has made significant progress on the implementation of all elements of the new Constitution; and

(B) has demonstrated its commitment to sustain such efforts in achieving full implementation of the new Constitution.

(6) Traditional leaders of Zimbabwe observe section 281 of the 2013 Constitution and are not using humanitarian assistance provided by outside donor organizations or countries in a politicized manner to intimidate or pressure voters during the campaign period.

SEC. 6. CERTIFICATION REQUIREMENTS.

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

(1) in paragraph (3), by striking “consistent with” and all that follows through “September 1998”;

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 7. REMOVAL OF AUTHORITY TO PAY LAND ACQUISITION COSTS.

Section 5(a) of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended—

(1) in paragraph (2), by striking “, including the payment of costs” and all that follows through “thereto; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) identify and recover stolen public assets.”.

SEC. 8. INCLUSION OF AUSTRALIA, THE UNITED KINGDOM, THE AFRICAN UNION, AND THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY IN CONSULTATIONS ABOUT ZIMBABWE.

Section 6 of the Zimbabwe Democracy and Economic Recovery Act of 2001 is amended by inserting “Australia, the United Kingdom, the African Union, the Southern African Development Community,” after “Canada.”.

SEC. 9. SENSE OF CONGRESS ON ENFORCEMENT OF SOUTHERN AFRICAN DEVELOPMENT COMMUNITY TRIBUNAL RULINGS.

It is the sense of Congress that the Government of Zimbabwe and the Southern African Development Community (referred to in this section as “SADC”) should enforce the SADC tribunal rulings issued between 2007 to 2010, including 18 disputes involving employment, commercial, and human rights cases surrounding dispossessed Zimbabwean commercial farmers and agricultural companies.

The bill was ordered to be read a third time, was read the third time,

and passed, and a motion to reconsider was laid on the table.

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 S. 2779.

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 want to thank Senators FLAKE and COONS for their leadership and sustained engagement on this issue. I also want to thank Chairman SMITH and Ranking Member BASS for their focus on Zimbabwe at the Africa subcommittee.

On July 30th, the people of Zimbabwe will have the opportunity to vote for their next president. As the first election since Robert Mugabe, this is a pivotal moment for Zimbabwe. For 37 years, Zimbabweans have suffered greatly under authoritarian rule and economic devastation. The government drove the economy into the ground and violently suppressed any opposition to their power.

With elections now just days away, the situation in Zimbabwe should be viewed with cautious optimism. I am encouraged by some of the statements and actions taken by the government. President Mnangagwa, along with key opposition candidates, signed a public pledge to ensure peaceful elections. The opposition is allowed to campaign across the country, the voter roll has been released for inspection, and U.S. and international observers will be permitted to observe the elections.

However, reports of voter intimidation, efforts to politicize food aid, and increased military presence in rural polling stations are deeply concerning. The people of Zimbabwe, as well as the international community, remember the horrific violence that occurred during the 2008 elections. That cannot happen again.

That’s why this legislation is so critical. This bill makes important changes to update the 2001 Zimbabwe Democracy and Economic Recovery Act. It lays out our expectations for a free and fair election, as well as actions needed to achieve key economic reforms. The expectations of the 2001 legislation hold true today—Zimbabwe must make credible progress towards holding free and fair elections, restore the rule of law, and ensure military subordination to the civilian government, among other desperately needed reforms. These are realistic and universally recognized standards.

Both the government and the opposition must follow through on their statements to hold a free, fair, and credible election on July 30th. This is an opportunity to chart a dramatic new course for Zimbabwe. We urge the next President to take bold and immediate action to address key governance