

116TH CONGRESS
1ST SESSION

S. 1468

To support the successful implementation of the 1991 Paris Peace Agreement in Cambodia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2019

Mr. GRAHAM (for himself, Mr. DURBIN, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To support the successful implementation of the 1991 Paris Peace Agreement 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 Account-
5 ability and Return on Investment Act of 2019”.

6 **SEC. 2. STRENGTHENING DEMOCRACY AND THE SOV-**
7 **EREIGNTY OF CAMBODIA.**

8 (a) CONDITIONS OF ASSISTANCE FOR CAMBODIA.—

9 (1) IN GENERAL.—No funds authorized to be
10 appropriated for assistance for the Government of

1 Cambodia may be made available for that purpose
2 unless the Secretary of State makes the certification
3 described in paragraph (2).

4 (2) CERTIFICATION DESCRIBED.—The certifi-
5 cation described in this paragraph is a certification
6 to the appropriate congressional committees that the
7 Government of Cambodia is taking effective steps
8 to—

9 (A) strengthen regional security and sta-
10 bility, particularly regarding territorial disputes
11 in the South China Sea and the enforcement of
12 international sanctions with respect to North
13 Korea;

14 (B) protect its sovereignty from inter-
15 ference by the People's Republic of China; and

16 (C) respect the rights and responsibilities
17 enshrined in the Constitution of the Kingdom
18 of Cambodia enacted in 1993, including—

19 (i) the immediate and unconditional
20 release from house arrest of opposition pol-
21 itician Kem Sokha and the dismissal of the
22 politically motivated charges against him;

23 (ii) the immediate and unconditional
24 release from detention of all other known
25 political opposition party members and

1 civil society representatives who were prosecuted for exercising their civil or political
2 rights, and dismissal of the politically motivated charges against them;

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5 (iii) the dismissal of politically motivated criminal charges against other opposition party leaders and supporters, including opposition leader Sam Rainsy, and
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8 criminal charges against other dissidents, government critics, and journalists, including Radio Free Asia journalists Uon Chhin
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11 and Yeang Sothearin;

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13 (iv) the repeal of 2017 and 2019 amendments to the Law on Political Parties that permitted the arbitrary dissolution of opposition parties in Cambodia, including the Cambodia National Rescue
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16 Party, and the prohibition of over 100 opposition party members from political activity; and

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21 (v) the repeal of laws, amendments, decrees, and regulations that serve as a pretext for the Government of Cambodia to
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24 prosecute opposition political party members and political dissidents and to
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1 weaponize the rule of law, including: the
2 Law on Associations and Non-Govern-
3 mental Organizations; the Law on Trade
4 Unions; the Law on Telecommunications;
5 National Law Decree No. 170 Br.K/Inter-
6 ministerial (Prakas) allowing for the re-
7 moval and blocking of online content that
8 is critical of such government; and con-
9 stitutional amendments and amendments
10 to the Penal Code introducing clauses on
11 lese majeste.

12 (b) INADMISSIBILITY OF INDIVIDUALS WHO UNDER-
13 MINE DEMOCRACY IN CAMBODIA.—

14 (1) POLICY.—

15 (A) IN GENERAL.—The Secretary of State,
16 in consultation with the Secretary of Homeland
17 Security, shall continue to implement the policy
18 announced by the Department of State on De-
19 cember 6, 2017, to restrict entry into the
20 United States of individuals involved in under-
21 mining democracy in Cambodia, including—

22 (i) senior officials of the Government
23 of Cambodia, including the military, gen-
24 darmerie, police, and judiciary;

1 (ii) officers and employees of entities,
2 including international commercial facilita-
3 tors and offshore entities, owned or con-
4 trolled by such officials; and

5 (iii) immediate family members of
6 such officials.

7 (B) DURATION.—The entry restriction pol-
8 icy described in subparagraph (A) shall remain
9 in effect until the Secretary of State makes the
10 certification described in subsection (a)(2).

11 (2) REPORT REQUIRED.—

12 (A) IN GENERAL.—Not later than 30 days
13 after the date of the enactment of this Act, and
14 every 90 days thereafter until December 31,
15 2021, the Secretary of State shall submit to the
16 appropriate congressional committees a report
17 that—

18 (i) describes the measures taken to
19 implement the entry restriction policy de-
20 scribed in paragraph (1)(A); and

21 (ii) includes a comprehensive list of
22 the individuals subject to the policy.

23 (B) FORM OF REPORT.—Each report re-
24 quired by subparagraph (A) shall be submitted

1 in unclassified form but may include a classified
2 annex.

3 (c) BLOCKING OF PROPERTY OF INDIVIDUALS WHO
4 UNDERMINE DEMOCRACY IN CAMBODIA.—

5 (1) REPORTS TO OFFICE OF FOREIGN ASSETS
6 CONTROL.—Not later than 60 days after the date of
7 the enactment of this Act, the President shall take
8 such action as is necessary to direct, including
9 through the promulgation of regulations, that any
10 United States financial institution holding, man-
11 aging, or transferring property or interests in prop-
12 erty of an individual described in subsection
13 (b)(1)(A), shall promptly report such property or in-
14 terests in property to the Office of Foreign Assets
15 Control of the Department of the Treasury.

16 (2) BLOCKING OF PROPERTY.—The President
17 may, pursuant to the International Emergency Eco-
18 nomic Powers Act (50 U.S.C. 1701 et seq.) and sub-
19 ject to such regulations as the President may pre-
20 scribe, block and prohibit all transactions in all
21 property and interests in property of an individual
22 described in subsection (b)(1)(A), if such property
23 and interests in property are in the United States,
24 come within the United States, or are or come with-

1 in the possession or control of a United States per-
2 son.

3 (3) PENALTIES.—A person that violates, at-
4 tempts to violate, conspires to violate, or causes a
5 violation of this subsection or any regulation, license,
6 or order issued to carry out this subsection shall be
7 subject to the penalties set forth in subsections (b)
8 and (c) of section 206 of the International Emer-
9 gency Economic Powers Act (50 U.S.C. 1705) to the
10 same extent as a person that commits an unlawful
11 act described in subsection (a) of that section.

12 (d) SUSPENSION OF ELIGIBILITY FOR GENERALIZED
13 SYSTEM OF PREFERENCES.—Not later than 90 days after
14 the date of the enactment of this Act, the designation of
15 Cambodia under section 502 of the Trade Act of 1974
16 (19 U.S.C. 2462) as a beneficiary developing country for
17 purposes of the Generalized System of Preferences under
18 title V of that Act (19 U.S.C. 2461 et seq.) shall be sus-
19 pended until the Secretary of State makes the certification
20 described in subsection (a)(2).

21 (e) PROHIBITION ON DEBT RELIEF.—The Secretary
22 of State may not negotiate for or establish a program of
23 debt relief for the Government of Cambodia until the Sec-
24 retary of State makes the certification described in sub-
25 section (a)(2).

1 (f) OPPOSITION TO LOANS AND ASSISTANCE BY
2 INTERNATIONAL FINANCIAL INSTITUTIONS.—The Sec-
3 retary of the Treasury shall instruct the United States ex-
4 ecutive director to each international financial institution
5 to use the voice and vote of the United States to oppose
6 the extension by that institution of any loan or financial
7 or technical assistance for the Government of Cambodia,
8 other than to meet basic human needs, until the Secretary
9 of State makes the certification described in subsection
10 (a)(2).

11 (g) ONLINE INFORMATION PROGRAMS ON THE IN-
12 TERFERENCE OF THE PEOPLE’S REPUBLIC OF CHINA IN
13 THE SOVEREIGNTY OF CAMBODIA.—There are authorized
14 to be appropriated such sums as may be necessary for
15 Khmer-language programs to be broadcast on the internet
16 that inform and educate the people of Cambodia on the
17 role of—

18 (1) the Government of the People’s Republic of
19 China in supporting the Communist Party of
20 Kampuchea and the Democratic Kampuchea regime
21 of Pol Pot;

22 (2) the international community, particularly
23 the United States, in supporting implementation of
24 the Agreement on a Comprehensive Political Settle-
25 ment of the Cambodia Conflict, signed October 23,

1 1991 (commonly known as the “1991 Paris Peace
2 Agreement”), and providing assistance for the devel-
3 opment of Cambodia from 1991 to 2018, consistent
4 with the letter and spirit of that Agreement;

5 (3) the Government of Cambodia in imple-
6 menting that Agreement; and

7 (4) the People’s Republic of China in under-
8 mining the sovereignty of Cambodia today, includ-
9 ing—

10 (A) the extent of its influence among sen-
11 ior Government of Cambodia officials and overt
12 and covert methods for exerting such influence;

13 (B) involvement in licit and illicit busi-
14 nesses, particularly in the coastal provinces of
15 Koh Kong and Sihanoukville; and

16 (C) the strategic designs on the geography
17 of Cambodia for military and other security
18 purposes through dual use investments and
19 projects.

20 (h) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Appropriations, the
25 Committee on Banking, Housing, and Urban

1 Affairs, and the Committee on Foreign Rela-
2 tions of the Senate; and

3 (B) the Committee on Appropriations, the
4 Committee on Financial Services, and the Com-
5 mittee on Foreign Affairs of the House of Rep-
6 resentatives.

7 (2) INTERNATIONAL FINANCIAL INSTITU-
8 TION.—The term “international financial institu-
9 tion” has the meaning given that term in section
10 1701(e) of the International Financial Institutions
11 Act (22 U.S.C. 262r(e)).

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

14 (A) a United States citizen or an alien law-
15 fully admitted for permanent residence to the
16 United States; or

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

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