

117TH CONGRESS
1ST SESSION

H. R. 4686

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2021

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 2021”.

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) The Government of Cambodia has taken
16 several measures, particularly since 2017 and during
17 the COVID–19 pandemic, to restrict Cambodia’s
18 space for civil society and media environment, espe-
19 cially through politicized tax investigations against
20 independent media outlets.

21 (3) On September 3, 2017, Kem Sokha, the
22 President of the Cambodia National Rescue Party
23 (CNRP), was arrested on politically motivated
24 charges and faces up to 30 years in prison. On No-
25 vember 16, 2017, Cambodia’s Supreme Court dis-
26 solved the CNRP, eliminating the primary opposi-

1 tion party. While Kem Sokha is no longer in prison,
2 his movements are restricted, he is prohibited from
3 engaging in political activity, and his charges remain
4 pending. The CNRP’s previous leader, Sam Rainsy,
5 remains in unofficial exile, and has been prevented
6 from returning to the country.

7 (4) Since the CNRP’s dissolution, the Govern-
8 ment of Cambodia has arrested, imprisoned, or
9 brought politically motivated charges against CNRP
10 leaders and activists. Starting in November 2020,
11 the Government of Cambodia has held a series of
12 mass trials for over 100 individuals affiliated with
13 the CNRP.

14 (5) Since 1991, the elections that have taken
15 place in Cambodia were conducted in circumstances
16 that were not free, fair, and credible or were marked
17 by fraud, intimidation, violence, and the govern-
18 ment’s misuse of legal mechanisms to weaken oppo-
19 sition candidates and parties.

20 (6) The United States is committed to pro-
21 moting democracy, human rights, and the rule of
22 law in Cambodia. The United States continues to
23 urge the Government of Cambodia to immediately
24 drop charges against Kem Sokha, reinstate the polit-
25 ical status of the CNRP and restore its elected seats

1 in the National Assembly, and support electoral re-
2 form efforts in Cambodia with free, fair, and cred-
3 ible elections monitored by international observers.

4 **SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOC-**
5 **RACY IN CAMBODIA.**

6 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
7 UNDERMINING DEMOCRACY IN CAMBODIA.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the
10 President shall designate and transmit to the appro-
11 priate congressional committees a list of—

12 (A) each senior official of the government,
13 military, or security forces of Cambodia who the
14 President determines has directly and substan-
15 tially undermined democracy in Cambodia;

16 (B) each senior official of the government,
17 military, or security forces of Cambodia who the
18 President determines has committed or directed
19 serious human rights violations associated with
20 undermining democracy in Cambodia; and

21 (C) entities owned or controlled by senior
22 officials of the government, military, or security
23 forces of Cambodia described in subparagraphs
24 (A) and (B).

1 (2) IMPOSITION OF SANCTIONS.—The President
2 shall impose the sanctions described in subsection
3 (b) on each foreign person designated pursuant to
4 paragraph (1).

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

9 (b) SANCTIONS DESCRIBED.—The sanctions de-
10 scribed in this subsection are the following:

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

21 (2) INADMISSIBILITY FOR VISAS, ADMISSION, OR
22 PAROLE.—

23 (A) VISAS, ADMISSION, OR PAROLE.—A
24 foreign person designated under subsection (a)
25 is—

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) CURRENT VISAS REVOKED.—A foreign

11 person designated under subsection (a) is sub-

12 ject to the following:

13 (i) IN GENERAL.—The foreign person

14 is subject to revocation of any visa or other

15 entry documentation regardless of when

16 the visa or other entry documentation is or

17 was issued.

18 (ii) IMMEDIATE EFFECT.—A revoca-

19 tion under clause (i) shall—

20 (I) take effect immediately; and

21 (II) automatically cancel any

22 other valid visa or entry documenta-

23 tion that is in the foreign person's

24 possession.

1 (C) EXCEPTION TO COMPLY WITH INTER-
2 NATIONAL OBLIGATIONS.—Sanctions under this
3 paragraph shall not apply with respect to a for-
4 eign person if admitting or paroling the person
5 into the United States is necessary to permit
6 the United States to comply with the Agree-
7 ment regarding the Headquarters of the United
8 Nations, signed at Lake Success June 26,
9 1947, and entered into force November 21,
10 1947, between the United Nations and the
11 United States, or other applicable international
12 obligations.

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

22 (c) IMPLEMENTATION.—The President may exercise
23 all authorities provided under sections 203 and 205 of the
24 International Emergency Economic Powers Act (50
25 U.S.C. 1702 and 1704) to carry out this section.

1 (d) WAIVER.—The President may waive the applica-
2 tion of sanctions described in subsection (b) with respect
3 to a person designated under subsection (a) if the Presi-
4 dent determines and certifies to the appropriate congress-
5 sional committees that such waiver is in the national inter-
6 est of the United States.

7 (e) EXCEPTION RELATING TO IMPORTATION OF
8 GOODS.—

9 (1) IN GENERAL.—The authorities and require-
10 ments to impose sanctions authorized under this Act
11 shall not include the authority or requirement to im-
12 pose sanctions on the importation of goods.

13 (2) GOOD DEFINED.—In this subsection, the
14 term “good” means any article, natural or man-
15 made substance, material, supply or manufactured
16 product, including inspection and test equipment,
17 and excluding technical data.

18 **SEC. 4. SUSPENSION OF SANCTIONS.**

19 (a) SUSPENSION.—The sanctions described in section
20 3 may be suspended for up to 1-year upon certification
21 by the President to the appropriate congressional commit-
22 tees that Cambodia is making meaningful progress toward
23 the following:

24 (1) Ending government efforts to undermine
25 democracy.

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

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

6 (b) RENEWAL OF SUSPENSION.—The suspension de-
7 scribed in subsection (a) may be renewed for additional,
8 consecutive-day periods if the President certifies to the ap-
9 propriate congressional committees that Cambodia is con-
10 tinuing to make meaningful progress towards satisfying
11 the conditions described in such subsection during the pre-
12 vious year.

13 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

14 The budgetary effects of this Act, for the purpose of
15 complying with the Statutory Pay-As-You-Go Act of 2010,
16 shall be determined by reference to the latest statement
17 titled “Budgetary Effects of PAYGO Legislation” for this
18 Act, submitted for printing in the Congressional Record
19 by the Chairman of the House Budget Committee, pro-
20 vided that such statement has been submitted prior to the
21 vote on passage.

22 **SEC. 6. SUNSET.**

23 This Act shall terminate on the date that is 5 years
24 after the date of the enactment of this Act.

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—The term “appropriate congressional com-
5 mittees” means the Committee on Foreign Affairs
6 and the Committee on Financial Services of the
7 House of Representatives, and the Committee on
8 Foreign Relations and the Committee on Banking,
9 Housing, and Urban Affairs of the Senate.

10 (2) **PERSON.**—

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

13 (i) a natural person; or

14 (ii) a corporation, business associa-
15 tion, partnership, society, trust, financial
16 institution, insurer, underwriter, guar-
17 antor, and any other business organization,
18 any other nongovernmental entity, organi-
19 zation, or group, and any governmental en-
20 tity operating as a business enterprise or
21 any successor to any entity described in
22 this clause.

23 (B) **APPLICATION TO GOVERNMENTAL EN-**
24 **TITIES.**—The term “person” does not include a
25 government or governmental entity that is not
26 operating as a business enterprise.

