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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

# H. R.

To promote free and fair elections, political freedoms, and human rights  
in Cambodia, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. YOHO introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

# A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Cambodia’s present political system was es-  
9 tablished in 1991, after decades of internal conflict,

1 by the United Nations-brokered Paris Peace Ac-  
2 cords. The first national elections under this system  
3 were administered by the United Nations in 1993.  
4 Hun Sen, the current Prime Minister of Cambodia,  
5 has been in power in Cambodia since before this  
6 time, serving as premier from 1985 to 1993, and as  
7 Prime Minister thereafter. Hun Sen has used his po-  
8 sition to cling to the pinnacle of power in Cambodia  
9 for 32 years, through tactics including coup d'état,  
10 irregular election procedures, and the silencing of  
11 opposition voices.

12 (2) In Cambodia's most recent general elections  
13 in 2013, Hun Sen's Cambodian People's Party  
14 (CPP) maintained its parliamentary majority by the  
15 smallest margin to date, while a unified opposition  
16 Cambodia National Rescue Party (CNRP) made  
17 substantial gains. The Department of State's Coun-  
18 try Reports on Human Rights Practices for 2016  
19 described Cambodia's 2013 elections as "largely free  
20 of intimidation, in contrast to previous national elec-  
21 tions", yet also "fraught with irregularities". Subse-  
22 quent local elections marked similar setbacks for the  
23 ruling CPP.

24 (3) Cambodia's next general elections will occur  
25 in June 2018. According to the 2017 Freedom in

1 the World Report issued by Freedom House, in the  
2 intervening period Hun Sen has overseen “a decisive  
3 crackdown on the country’s beleaguered opposition  
4 and press corps as his [CPP] prepared for national  
5 elections”. Regional experts have reached a general  
6 consensus that Hun Sen and the CPP have under-  
7 taken this crackdown to consolidate power ahead of  
8 an election that may have ended their grip on power.

9 (4) Hun Sen’s actions in late 2017 pushed  
10 Cambodia further away from democracy. In late Au-  
11 gust 2017, the regime shut down the National  
12 Democratic Institute and expelled its entire foreign  
13 staff from the country within a week. Less than a  
14 week later, radio stations carrying Radio Free Asia  
15 and Voice of America were also shut down by the re-  
16 gime. On September 3, 2017, authorities arrested  
17 Kem Sokha, the leader of the CNRP, and charged  
18 him with treason, allegedly for participating in an  
19 American plot to undermine Hun Sen’s regime. Kem  
20 Sokha remains in detention. On November 16, 2017,  
21 Cambodia’s Supreme Court dissolved the CNRP,  
22 eliminating the most popular and viable challenger  
23 to Hun Sen’s regime. Subsequent actions by Hun  
24 Sen have aimed to “cement total control over Cam-

1 bodian government and business”, according to  
2 Human Rights Watch.

3 (5) Since the dissolution of the CNRP, both the  
4 Department of State and the White House have  
5 issued statements condemning the Hun Sen regime’s  
6 actions to undermine democracy and calling for Kem  
7 Sokha’s release. On November 16, 2017 the White  
8 House announced that the United States would ter-  
9minate support for Cambodia’s National Election  
10 Committee. On December 6, 2017, the Department  
11 of State began implementing visa restrictions for of-  
12 ficials responsible for undermining Cambodian de-  
13 mocracy. On February 27, 2018, the White House  
14 announced further assistance reductions following  
15 Cambodian Senate elections on February 25 which  
16 did not represent the genuine will of the Cambodian  
17 people.

18 **SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOC-**  
19 **RACY IN CAMBODIA.**

20 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR  
21 UNDERMINING DEMOCRACY IN CAMBODIA.—Not later  
22 than 180 days after the date of enactment of this Act,  
23 the President shall apply the sanctions described in sub-  
24 section (b) on—

1           (1) each senior official of the Government, mili-  
2           tary, or security forces of Cambodia that the Presi-  
3           dent determines has directly and substantially un-  
4           dermined democracy in Cambodia and

5           (2) each senior official of the Government, mili-  
6           tary, or security forces of Cambodia that the Presi-  
7           dent determines has committed or directed serious  
8           human rights violations associated with undermining  
9           democracy in Cambodia.

10          (b) SANCTIONS DESCRIBED.—

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 person designated  
17           under subsection (a) if such property and interests  
18           in property are in the United States, come within  
19           the United States, or are or come within the posses-  
20           sion or control of a United States person.

21           (2) VISA RESTRICTIONS.—

22           (A) IN GENERAL.—The Secretary of State,  
23           in consultation with the Secretary of Homeland  
24           Security, shall continue to implement the policy  
25           announced by the Department of State on De-

1           cember 6, 2017, to restrict entry into the  
2           United States of person involved in under-  
3           mining democracy in Cambodia, including any  
4           person designated under subsection (a).

5           (B) EXCEPTION FOR MULTILATERAL AC-  
6           TIVITIES.—Persons otherwise restricted from  
7           entry into the United States under this section  
8           may be admitted if such admission is necessary  
9           to comply with United States obligations under  
10          the Agreement between the United Nations and  
11          the United States of America regarding the  
12          Headquarters of the United Nations, signed at  
13          Lake Success June 26, 1947, and entered into  
14          force November 21, 1947, or under the Conven-  
15          tion on Consular Relations, done at Vienna  
16          April 24, 1963, and entered into force March  
17          19, 1967, or other applicable international obli-  
18          gations of the United States.

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

1 unlawful act described in subsection (a) of such sec-  
2 tion 206.

3 (e) LIST OF DESIGNATED PERSONS.—

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

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

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

17 (g) WAIVER.—The President may waive the applica-  
18 tion of sanctions described in subsection (b) with respect  
19 to a person described in subsection (a) if the President  
20 determines and certifies to the appropriate congressional  
21 committees that such waiver is in the national interest of  
22 the United States.

23 **SEC. 4. SUSPENSION AND TERMINATION OF SANCTIONS.**

24 (a) SUSPENSION.—The sanctions described in section  
25 3 may be suspended for up to one year upon certification

1 by the President to the appropriate congressional commit-  
2 tees that Cambodia is making meaningful progress toward  
3 the following:

4 (1) Ending government efforts to undermine  
5 democracy.

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

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

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

18 **SEC. 5. SUNSET.**

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

21 **SEC. 6. DEFINITIONS.**

22 In this Act:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
24 TEES.—The term “appropriate congressional com-  
25 mittees” means the Committee on Foreign Affairs

1 and the Committee on Financial Services of the  
2 House of Representatives, and the Committee on  
3 Foreign Relations and the Committee on Banking,  
4 Housing, and Urban Affairs of the Senate.

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

7 (A) a United States citizen or an alien law-  
8 fully admitted for permanent residence to the  
9 United States; or

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