

Suspend the Rules and Pass the Bill, H.R. 526, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 526

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2019

Mr. YOHO (for himself, Mr. McCAUL, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Prime Minister Hun Sen has been in power
2 in Cambodia since 1985 and is the longest-serving
3 leader in Southeast Asia. Despite decades of inter-
4 national attention and assistance to promote a plu-
5 ralistic, multi-party democratic system in Cambodia,
6 the Government of Cambodia continues to be
7 undemocratically dominated by the ruling Cambodia
8 People’s Party (CPP), which controls every agency
9 and security apparatus of the state.

10 (2) In 2015, the CPP-controlled parliament
11 passed the “Law on Associations and Non-Govern-
12 mental Organizations”, which gave the government
13 sweeping powers to revoke the registration of NGOs
14 that the government believed to be operating with a
15 political bias in a blatant attempt to restrict the le-
16 gitimate work of civil society. On August 23, 2017,
17 Cambodia’s Ministry of Foreign Affairs ordered the
18 closure of the National Democratic Institute and the
19 expulsion of its foreign staff. On September 15,
20 2017, Prime Minister Hun Sen called for the with-
21 drawal of all volunteers from the United States
22 Peace Corps, which has operated in Cambodia since
23 2006 with 500 United States volunteers providing
24 English language and healthcare training.

1 (3) The Government of Cambodia has taken
2 several measures to restrict its media environment,
3 especially through politicized tax investigations
4 against independent media outlets that resulted in
5 the closure of The Cambodian Daily and Radio Free
6 Asia in early September 2017. Additionally, the Gov-
7 ernment of Cambodia has ordered several radio sta-
8 tions to stop the broadcasting of Radio Free Asia
9 and Voice of America programming.

10 (4) On September 3, 2017, Kem Sokha, the
11 President of the Cambodia National Rescue Party
12 (CNRP), was arrested on politically motivated
13 charges, including treason and conspiring to over-
14 throw the Government of Cambodia, and faces up to
15 30 years in prison. The CNRP's previous leader,
16 Sam Rainsy, remains in exile. On November 16,
17 2017, Cambodia's Supreme Court dissolved the
18 CNRP, eliminating the primary opposition party.

19 (5) Each of the six elections that have taken
20 place in Cambodia since 1991 were conducted in cir-
21 cumstances that were not free and fair, and were
22 marked by fraud, intimidation, violence, and the gov-
23 ernment's misuse of legal mechanisms to weaken op-
24 position candidates and parties.

1 (6) In the most recent general election in July
2 2018, following the dissolution of the CNRP, the
3 CPP secured every parliamentary seat, an electoral
4 victory that a statement from the White House
5 Press Secretary stated was “neither free nor fair
6 and failed to represent the will of the Cambodian
7 people”.

8 (7) The United States is committed to pro-
9 moting democracy, human rights, and the rule of
10 law in Cambodia. The United States continues to
11 urge the Government of Cambodia to immediately
12 release Mr. Kem Sokha, reinstate the political status
13 of the CNRP and restore its elected seats in the Na-
14 tional Assembly, and support electoral reform efforts
15 in Cambodia with free and fair elections monitored
16 by international observers.

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

19 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
20 UNDERMINING DEMOCRACY IN CAMBODIA.—

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

1 (A) each senior official of the government,
2 military, or security forces of Cambodia who the
3 President determines has directly and substan-
4 tially undermined democracy in Cambodia;

5 (B) each senior official of the government,
6 military, or security forces of Cambodia who the
7 President determines has committed or directed
8 serious human rights violations associated with
9 undermining democracy in Cambodia; and

10 (C) entities owned or controlled by senior
11 officials of the government, military, or security
12 forces of Cambodia described in subparagraphs
13 (A) and (B).

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

18 (3) UPDATES.—The President shall transmit to
19 the appropriate congressional committees updated
20 lists under paragraph (1) as new information be-
21 comes available.

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

24 (1) ASSET BLOCKING.—The President shall ex-
25 ercise all of the powers granted to the President

1 under the International Emergency Economic Pow-
2 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
3 essary to block and prohibit all transactions in prop-
4 erty and interests in property of a foreign person
5 designated under subsection (a) if such property and
6 interests in property are in the United States, come
7 within the United States, or are or come within the
8 possession or control of a United States person.

9 (2) INADMISSIBILITY OF CERTAIN INDIVID-
10 UALS.—

11 (A) INELIGIBILITY FOR VISAS AND ADMIS-
12 SION TO THE UNITED STATES.—A foreign per-
13 son designated under subsection (a) is—

14 (i) inadmissible to the United States;
15 (ii) ineligible to receive a visa or other
16 documentation to enter the United States;
17 and

18 (iii) otherwise ineligible to be admitted
19 or paroled into the United States or to re-
20 ceive any other benefit under the Immigra-
21 tion and Nationality Act (8 U.S.C. 1101 et
22 seq.).

23 (B) CURRENT VISAS REVOKED.—A foreign
24 person designated under subsection (a) is sub-
25 ject to the following:

1 (i) Revocation of any visa or other
2 entry documentation regardless of when
3 the visa or other entry documentation is or
4 was issued.

5 (ii) A revocation under clause (i)
6 shall—

7 (I) take effect immediately; and

8 (II) automatically cancel any
9 other valid visa or entry documenta-
10 tion that is in the foreign person's
11 possession.

12 (C) EXCEPTION TO COMPLY WITH INTER-
13 NATIONAL OBLIGATIONS.—Sanctions under this
14 paragraph shall not apply with respect to a for-
15 eign person if admitting or paroling the person
16 into the United States is necessary to permit
17 the United States to comply with the Agree-
18 ment regarding the Headquarters of the United
19 Nations, signed at Lake Success June 26,
20 1947, and entered into force November 21,
21 1947, between the United Nations and the
22 United States, or other applicable international
23 obligations.

24 (3) PENALTIES.—The penalties provided for in
25 subsections (b) and (c) of section 206 of the Inter-

1 national Emergency Economic Powers Act (50
2 U.S.C. 1705) shall apply to a foreign person that
3 violates, attempts to violate, conspires to violate, or
4 causes a violation of paragraph (1) to the same ex-
5 tent that such penalties apply to a person that com-
6 mits an unlawful act described in subsection (a) of
7 such section 206.

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

12 (d) WAIVER.—The President may waive the applica-
13 tion of sanctions described in subsection (b) with respect
14 to a person designated under subsection (a) if the Presi-
15 dent determines and certifies to the appropriate congres-
16 sional committees that such waiver is in the national inter-
17 est of the United States.

18 (e) EXCEPTION RELATING TO IMPORTATION OF
19 GOODS.—

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

24 (2) GOOD DEFINED.—In this subsection, the
25 term “good” means any article, natural or man-

1 made substance, material, supply or manufactured
2 product, including inspection and test equipment,
3 and excluding technical data.

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

5 (a) **SUSPENSION.**—The sanctions described in section
6 3 may be suspended for up to 1-year upon certification
7 by the President to the appropriate congressional commit-
8 tees that Cambodia is making meaningful progress toward
9 the following:

10 (1) Ending government efforts to undermine
11 democracy.

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

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

17 (b) **RENEWAL OF SUSPENSION.**—The suspension de-
18 scribed in subsection (a) may be renewed for additional,
19 consecutive-day periods if the President certifies to the ap-
20 propriate congressional committees that Cambodia is con-
21 tinuing to make meaningful progress towards satisfying
22 the conditions described in such subsection during the pre-
23 vious year.

1 **SEC. 5. SUNSET.**

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

4 **SEC. 6. DEFINITIONS.**

5 In this Act:

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

13 (2) **PERSON.**—

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

16 (i) a natural person; or

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

1 (B) APPLICATION TO GOVERNMENTAL EN-
2 TITIES.—The term “person” does not include a
3 government or governmental entity that is not
4 operating as a business enterprise.

5 (3) UNITED STATES PERSON.—The term
6 “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.