

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5754
OFFERED BY MR. YOHO OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Cambodia Democracy
3 Act of 2018”.

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 ralistic, 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) In 2015, the CPP-controlled parliament
16 passed the “Law on Associations and Non-Govern-
17 mental Organizations”, which gave the government
18 sweeping powers to revoke the registration of NGOs

1 that the government believed to be operating with a
2 political bias in a blatant attempt to restrict the le-
3 gitimate work of civil society. On August 23, 2017,
4 Cambodia's Ministry of Foreign Affairs ordered the
5 closure of the National Democratic Institute and the
6 expulsion of its foreign staff. On September 15,
7 2017, Prime Minister Hun Sen called for the with-
8 drawal of all volunteers from the United States
9 Peace Corps, which has operated in Cambodia since
10 2006 with 500 United States volunteers providing
11 English language and healthcare training.

12 (3) The Government of Cambodia has taken
13 several measures to restrict its media environment,
14 especially through politicized tax investigations
15 against independent media outlets that resulted in
16 the closure of The Cambodian Daily and Radio Free
17 Asia in early September 2017. Additionally, the Gov-
18 ernment of Cambodia has ordered several radio sta-
19 tions to stop the broadcasting of Radio Free Asia
20 and Voice of America programming.

21 (4) Each of the five elections that have taken
22 place in Cambodia since 1991 were conducted in cir-
23 cumstances that were not free and fair, and were
24 marked by fraud, intimidation, violence, and the gov-

1 ernment’s misuse of legal mechanisms to weaken op-
2 position candidates and parties.

3 (5) On September 3, 2017, Kem Sokha, the
4 President of the Cambodia National Rescue Party
5 (CNRP), was arrested on politically motivated
6 charges, including treason and conspiring to over-
7 throw the Government of Cambodia, and faces up to
8 30 years in prison. The CNRP’s previous leader,
9 Sam Rainsy, remains in exile. On November 16,
10 2017, Cambodia’s Supreme Court dissolved the
11 CNRP, eliminating the CPP’s only viable challenger.

12 (6) The United States is committed to pro-
13 moting democracy, human rights, and the rule of
14 law in Cambodia. The United States continues to
15 urge the Government of Cambodia to immediately
16 release Mr. Kem Sokha, reinstate the political status
17 of the CNRP and its 55 elected seats in the Na-
18 tional Assembly, support electoral reform efforts in
19 Cambodia with free and fair elections in 2018 mon-
20 itored by international observers.

21 **SEC. 3. SANCTIONS RELATING TO UNDERMINING DEMOC-**
22 **RACY IN CAMBODIA.**

23 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
24 UNDERMINING DEMOCRACY IN CAMBODIA.—Not later
25 than 180 days after the date of enactment of this Act,

1 the President shall apply the sanctions described in sub-
2 section (b) on—

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

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

12 (b) SANCTIONS DESCRIBED.—

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

23 (2) VISA RESTRICTIONS.—

24 (A) IN GENERAL.—The Secretary of State,
25 in consultation with the Secretary of Homeland

1 Security, shall continue to implement the policy
2 announced by the Department of State on De-
3 cember 6, 2017, to restrict entry into the
4 United States of person involved in under-
5 mining democracy in Cambodia, including any
6 person designated under subsection (a).

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

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

1 violation of paragraph (1) to the same extent that
2 such penalties apply to a person that commits an
3 unlawful act described in subsection (a) of such sec-
4 tion 206.

5 (e) LIST OF DESIGNATED PERSONS.—

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

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

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

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

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

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

7 (1) Ending government efforts to undermine
8 democracy.

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

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

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

21 **SEC. 5. SUNSET.**

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

24 **SEC. 6. DEFINITIONS.**

25 In this Act:

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

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

10 (A) a United States citizen or an alien law-
11 fully admitted for permanent residence to the
12 United States; or

13 (B) an entity organized under the laws of
14 the United States or of any jurisdiction of the
15 United States, including a foreign branch of
16 such an entity.

