

116TH CONGRESS
1ST SESSION

H. R. 526

IN THE SENATE OF THE UNITED STATES

JULY 16, 2019

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 2019”.

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) 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
19 that the government believed to be operating with a
20 political bias in a blatant attempt to restrict the le-
21 gitimate work of civil society. On August 23, 2017,
22 Cambodia’s Ministry of Foreign Affairs ordered the
23 closure of the National Democratic Institute and the
24 expulsion of its foreign staff. On September 15,
25 2017, Prime Minister Hun Sen called for the with-
26 drawal of all volunteers from the United States

1 Peace Corps, which has operated in Cambodia since
2 2006 with 500 United States volunteers providing
3 English language and healthcare training.

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

13 (4) On September 3, 2017, Kem Sokha, the
14 President of the Cambodia National Rescue Party
15 (CNRP), was arrested on politically motivated
16 charges, including treason and conspiring to over-
17 throw the Government of Cambodia, and faces up to
18 30 years in prison. The CNRP's previous leader,
19 Sam Rainsy, remains in exile. On November 16,
20 2017, Cambodia's Supreme Court dissolved the
21 CNRP, eliminating the primary opposition party.

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

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

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

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

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

21 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
22 UNDERMINING DEMOCRACY IN CAMBODIA.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the

1 President shall designate and transmit to the appro-
2 priate congressional committees a list of—

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

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

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

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

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

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

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

11 (2) INADMISSIBILITY OF CERTAIN INDIVID-
12 UALS.—

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

16 (i) inadmissible to the United States;

17 (ii) ineligible to receive a visa or other
18 documentation to enter the United States;

19 and

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

1 (B) CURRENT VISAS REVOKED.—A foreign
2 person designated under subsection (a) is sub-
3 ject to the following:

4 (i) Revocation of any visa or other
5 entry documentation regardless of when
6 the visa or other entry documentation is or
7 was issued.

8 (ii) A revocation under clause (i)
9 shall—

10 (I) take effect immediately; and

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

15 (C) EXCEPTION TO COMPLY WITH INTER-
16 NATIONAL OBLIGATIONS.—Sanctions under this
17 paragraph shall not apply with respect to a for-
18 eign person if admitting or paroling the person
19 into the United States is necessary to permit
20 the United States to comply with the Agree-
21 ment regarding the Headquarters of the United
22 Nations, signed at Lake Success June 26,
23 1947, and entered into force November 21,
24 1947, between the United Nations and the

1 United States, or other applicable international
2 obligations.

3 (3) PENALTIES.—The penalties provided for in
4 subsections (b) and (c) of section 206 of the Inter-
5 national Emergency Economic Powers Act (50
6 U.S.C. 1705) shall apply to a foreign person that
7 violates, attempts to violate, conspires to violate, or
8 causes a violation of paragraph (1) to the same ex-
9 tent that such penalties apply to a person that com-
10 mits an unlawful act described in subsection (a) of
11 such section 206.

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

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

22 (e) EXCEPTION RELATING TO IMPORTATION OF
23 GOODS.—

24 (1) IN GENERAL.—The authorities and require-
25 ments to impose sanctions authorized under this Act

1 shall not include the authority or requirement to im-
2 pose sanctions on the importation of goods.

3 (2) GOOD DEFINED.—In this subsection, the
4 term “good” means any article, natural or man-
5 made substance, material, supply or manufactured
6 product, including inspection and test equipment,
7 and excluding technical data.

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

9 (a) SUSPENSION.—The sanctions described in section
10 3 may be suspended for up to 1-year upon certification
11 by the President to the appropriate congressional commit-
12 tees that Cambodia is making meaningful progress toward
13 the following:

14 (1) Ending government efforts to undermine
15 democracy.

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

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

21 (b) RENEWAL OF SUSPENSION.—The suspension de-
22 scribed in subsection (a) may be renewed for additional,
23 consecutive-day periods if the President certifies to the ap-
24 propriate congressional committees that Cambodia is con-
25 tinuing to make meaningful progress towards satisfying

1 the conditions described in such subsection during the pre-
2 vious year.

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

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

12 **SEC. 6. SUNSET.**

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

15 **SEC. 7. DEFINITIONS.**

16 In this Act:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means the Committee on Foreign Affairs
20 and the Committee on Financial Services of the
21 House of Representatives, and the Committee on
22 Foreign Relations and the Committee on Banking,
23 Housing, and Urban Affairs of the Senate.

24 (2) PERSON.—

1 (A) IN GENERAL.—The term “person”
2 means—

3 (i) a natural person; or

4 (ii) a corporation, business associa-
5 tion, partnership, society, trust, financial
6 institution, insurer, underwriter, guar-
7 antor, and any other business organization,
8 any other nongovernmental entity, organi-
9 zation, or group, and any governmental en-
10 tity operating as a business enterprise or
11 any successor to any entity described in
12 this clause.

13 (B) APPLICATION TO GOVERNMENTAL EN-
14 TITIES.—The term “person” does not include a
15 government or governmental entity that is not
16 operating as a business enterprise.

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

19 (A) a United States citizen or an alien law-
20 fully admitted for permanent residence to the
21 United States; or

22 (B) an entity organized under the laws of
23 the United States or of any jurisdiction of the

1 United States, including a foreign branch of
2 such an entity.

Passed the House of Representatives July 15, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.