

115TH CONGRESS
2D SESSION

S. 2412

To support the successful implementation of the 1991 Paris Peace Agreement in Cambodia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2018

Mr. GRAHAM (for himself, Mr. DURBIN, Mr. CRUZ, Mr. CARDIN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To support the successful implementation of the 1991 Paris Peace Agreement 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 Account-
5 ability and Return on Investment Act of 2018”.

6 **SEC. 2. DEMOCRACY PROMOTION IN CAMBODIA.**

7 (a) CONDITIONS OF ASSISTANCE TO CAMBODIA.—

8 (1) IN GENERAL.—No funds authorized to be
9 appropriated for assistance for the Government of
10 Cambodia may be made available for that purpose

1 unless the Secretary of State makes the certification
2 described in paragraph (2).

3 (2) CERTIFICATION DESCRIBED.—The certifi-
4 cation described in this paragraph is a certification
5 to the appropriate congressional committees that the
6 Government of Cambodia is taking effective steps
7 to—

8 (A) strengthen regional security and sta-
9 bility, particularly regarding territorial disputes
10 in the South China Sea and the enforcement of
11 international sanctions with respect to North
12 Korea; and

13 (B) respect the rights and responsibilities
14 enshrined in the Constitution of the Kingdom
15 of Cambodia, including through the full and im-
16 mediate—

17 (i) restoration of the civil and political
18 rights of the opposition Cambodia National
19 Rescue Party, media, and civil society or-
20 ganizations;

21 (ii) restoration of all elected officials
22 to their elected offices; and

23 (iii) release of all political prisoners,
24 including journalists, civil society activists,

1 and members of the opposition political
2 party.

3 (b) INADMISSIBILITY OF INDIVIDUALS WHO UNDER-
4 MINE DEMOCRACY IN CAMBODIA.—

5 (1) POLICY.—

6 (A) IN GENERAL.—The Secretary of State,
7 in consultation with the Secretary of Homeland
8 Security, shall continue to implement the policy
9 announced by the Department of State on De-
10 cember 6, 2017, to restrict entry into the
11 United States of individuals involved in under-
12 mining democracy in Cambodia, including—

13 (i) senior officials of the Government
14 of Cambodia, including the military, gen-
15 darmerie, police, and judiciary;

16 (ii) officers and employees of entities,
17 including international commercial
18 facilitators and offshore entities, owned or
19 controlled by such officials; and

20 (iii) immediate family members of
21 such officials.

22 (B) DURATION.—The entry restriction pol-
23 icy described in subparagraph (A) shall remain
24 in effect until the Secretary of State determines
25 and reports to the appropriate congressional

committees that free and fair parliamentary elections have taken place in Cambodia that include the full and unimpeded participation of the Cambodia National Rescue Party and members of that Party.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2020, the Secretary of State shall submit to the appropriate congressional committees a report that—

(i) describes the measures taken to implement the entry restriction policy described in paragraph (1)(A); and

(ii) includes a comprehensive list of the individuals subject to the policy.

(B) FORM OF REPORT.—Each report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

(c) BLOCKING OF PROPERTY OF INDIVIDUALS WHO UNDERMINE DEMOCRACY IN CAMBODIA.—

(1) REPORTS TO OFFICE OF FOREIGN ASSETS CONTROL.—Not later than 60 days after the date of

1 the enactment of this Act, the President shall take
2 such action as is necessary to direct, including
3 through the promulgation of regulations, that any
4 United States financial institution holding, man-
5 aging, or transferring property or interests in prop-
6 erty of an individual described in subsection
7 (b)(1)(A), shall promptly report such property or in-
8 terests in property to the Office of Foreign Assets
9 Control of the Department of the Treasury.

10 (2) BLOCKING OF PROPERTY.—The President
11 may, pursuant to the International Emergency Eco-
12 nomic Powers Act (50 U.S.C. 1701 et seq.) and sub-
13 ject to such regulations as the President may pre-
14 scribe, block and prohibit all transactions in all
15 property and interests in property of an individual
16 described in subsection (b)(1)(A), if such property
17 and interests in property are in the United States,
18 come within the United States, or are or come with-
19 in the possession or control of a United States per-
20 son.

21 (3) PENALTIES.—A person that violates, at-
22 tempts to violate, conspires to violate, or causes a
23 violation of this subsection or any regulation, license,
24 or order issued to carry out this subsection shall be
25 subject to the penalties set forth in subsections (b)

1 and (c) of section 206 of the International Emer-
2 gency Economic Powers Act (50 U.S.C. 1705) to the
3 same extent as a person that commits an unlawful
4 act described in subsection (a) of that section.

5 (d) OPPOSITION TO LOANS AND ASSISTANCE BY
6 INTERNATIONAL FINANCIAL INSTITUTIONS.—The Sec-
7 retary of the Treasury shall instruct the United States ex-
8 ecutive director to each international financial institution
9 to use the voice and vote of the United States to oppose
10 the extension by that institution of any loan or financial
11 or technical assistance for the Government of Cambodia,
12 other than to meet basic human needs, until such time
13 as the entry restriction policy described in subparagraph
14 (A) of subsection (b)(1) terminates in accordance with
15 subparagraph (B) of that subsection.

16 (e) ONLINE INFORMATION PROGRAMS.—There are
17 authorized to be appropriated such sums as may be nec-
18 essary for Khmer-language programs to be broadcast on
19 the internet that inform and educate the people of Cam-
20 bodia on the role of—

21 (1) the Government of the People’s Republic of
22 China in supporting the Communist Party of
23 Kampuchea and the Democratic Kampuchea regime
24 of Pol Pot;

1 (2) the international community, particularly
 2 the United States, in supporting implementation of
 3 the Agreement on a Comprehensive Political Settle-
 4 ment of the Cambodia Conflict, signed October 23,
 5 1991 (commonly known as the “1991 Paris Peace
 6 Agreement”), and providing assistance for the devel-
 7 opment of Cambodia from 1991 to 2017, consistent
 8 with the letter and spirit of that Agreement; and

9 (3) the Government of Cambodia in imple-
 10 menting that Agreement.

11 (f) PROHIBITION ON DEBT RELIEF.—The Secretary
 12 of State may not negotiate for or establish a program of
 13 debt relief for the Government of Cambodia until such
 14 time as the entry restriction policy described in subpara-
 15 graph (A) of subsection (b)(1) terminates in accordance
 16 with subparagraph (B) of that subsection.

17 (g) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 19 TEES.—The term “appropriate congressional com-
 20 mittees” means—

21 (A) the Committee on Appropriations, the
 22 Committee on Banking, Housing, and Urban
 23 Affairs, and the Committee on Foreign Rela-
 24 tions of the Senate; and

1 (B) the Committee on Appropriations, the
2 Committee on Financial Services, and the Com-
3 mittee on Foreign Affairs of the House of Rep-
4 resentatives.

5 (2) INTERNATIONAL FINANCIAL INSTITU-
6 TION.—The term “international financial institu-
7 tion” has the meaning given that term in section
8 1701(c) of the International Financial Institutions
9 Act (22 U.S.C. 262r(c)).

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

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

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

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