

AMENDMENT TO RULES COMM. PRINT 116–57

OFFERED BY MR. YOHO OF FLORIDA

At the end of title XII, add the following:

1 **Subtitle H—Cambodia Democracy**
2 **Act of 2020**

3 **SEC. 1281. SHORT TITLE.**

4 This subtitle may be cited as the “Cambodia Democ-
5 racy Act of 2020”.

6 **SEC. 1282. FINDINGS.**

7 Congress finds the following:

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

17 (2) In 2015, the CPP-controlled parliament
18 passed the “Law on Associations and Non-Govern-
19 mental Organizations”, which gave the government
20 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) On September 3, 2017, Kem Sokha, the
22 President of the Cambodia National Rescue Party
23 (CNRP), was arrested on politically motivated
24 charges, including treason and conspiring to over-
25 throw the Government of Cambodia, and faces up to

1 30 years in prison. The CNRP's previous leader,
2 Sam Rainsy, remains in exile. On November 16,
3 2017, Cambodia's Supreme Court dissolved the
4 CNRP, eliminating the primary opposition party.

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

11 (6) In the most recent general election in July
12 2018, following the dissolution of the CNRP, the
13 CPP secured every parliamentary seat, an electoral
14 victory that a statement from the White House
15 Press Secretary stated was "neither free nor fair
16 and failed to represent the will of the Cambodian
17 people".

18 (7) The United States is committed to pro-
19 moting democracy, human rights, and the rule of
20 law in Cambodia. The United States continues to
21 urge the Government of Cambodia to immediately
22 release Mr. Kem Sokha, reinstate the political status
23 of the CNRP and restore its elected seats in the Na-
24 tional Assembly, and support electoral reform efforts

1 in Cambodia with free and fair elections monitored
2 by international observers.

3 **SEC. 1283. SANCTIONS RELATING TO UNDERMINING DE-**
4 **MOCRACY IN CAMBODIA.**

5 (a) DESIGNATION OF PERSONS RESPONSIBLE FOR
6 UNDERMINING DEMOCRACY IN CAMBODIA.—

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

11 (A) each senior official of the government,
12 military, or security forces of Cambodia who the
13 President determines has directly and substan-
14 tially undermined democracy in Cambodia;

15 (B) each senior official of the government,
16 military, or security forces of Cambodia who the
17 President determines has committed or directed
18 serious human rights violations associated with
19 undermining democracy in Cambodia; and

20 (C) entities owned or controlled by senior
21 officials of the government, military, or security
22 forces of Cambodia described in subparagraphs
23 (A) and (B).

24 (2) IMPOSITION OF SANCTIONS.—The President
25 shall impose the sanctions described in subsection

1 (b) on each foreign person designated pursuant to
2 paragraph (1).

3 (3) UPDATES.—The President shall transmit to
4 the appropriate congressional committees updated
5 lists under paragraph (1) as new information be-
6 comes available.

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

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

19 (2) INADMISSIBILITY OF CERTAIN INDIVID-
20 UALS.—

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

24 (i) inadmissible to the United States;

1 (ii) ineligible to receive a visa or other
2 documentation to enter the United States;
3 and

4 (iii) otherwise ineligible to be admitted
5 or paroled into the United States or to re-
6 ceive any other benefit under the Immigra-
7 tion and Nationality Act (8 U.S.C. 1101 et
8 seq.).

9 (B) CURRENT VISAS REVOKED.—A foreign
10 person designated under subsection (a) is sub-
11 ject to the following:

12 (i) Revocation of any visa or other
13 entry documentation regardless of when
14 the visa or other entry documentation is or
15 was issued.

16 (ii) A revocation under clause (i)
17 shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any
20 other valid visa or entry documenta-
21 tion that is in the foreign person's
22 possession.

23 (C) EXCEPTION TO COMPLY WITH INTER-
24 NATIONAL OBLIGATIONS.—Sanctions under this
25 paragraph shall not apply with respect to a for-

1 eign person if admitting or paroling the person
2 into the United States is necessary to permit
3 the United States to comply with the Agree-
4 ment regarding the Headquarters of the United
5 Nations, signed at Lake Success June 26,
6 1947, and entered into force November 21,
7 1947, between the United Nations and the
8 United States, or other applicable international
9 obligations.

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

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

23 (d) WAIVER.—The President may waive the applica-
24 tion of sanctions described in subsection (b) with respect
25 to a person designated under subsection (a) if the Presi-

1 dent determines and certifies to the appropriate congres-
2 sional committees that such waiver is in the national inter-
3 est of the United States.

4 (e) EXCEPTION RELATING TO IMPORTATION OF
5 GOODS.—

6 (1) IN GENERAL.—The authorities and require-
7 ments to impose sanctions authorized under this
8 subtitle shall not include the authority or require-
9 ment to impose sanctions on the importation of
10 goods.

11 (2) GOOD DEFINED.—In this subsection, the
12 term “good” means any article, natural or man-
13 made substance, material, supply or manufactured
14 product, including inspection and test equipment,
15 and excluding technical data.

16 **SEC. 1284. SUSPENSION OF SANCTIONS.**

17 (a) SUSPENSION.—The sanctions described in section
18 1283 may be suspended for up to 1-year upon certification
19 by the President to the appropriate congressional commit-
20 tees that Cambodia is making meaningful progress toward
21 the following:

22 (1) Ending government efforts to undermine
23 democracy.

24 (2) Ending human rights violations associated
25 with undermining democracy.

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

4 (b) RENEWAL OF SUSPENSION.—The suspension de-
5 scribed in subsection (a) may be renewed for additional,
6 consecutive-day periods if the President certifies to the ap-
7 propriate congressional committees that Cambodia is con-
8 tinuing to make meaningful progress towards satisfying
9 the conditions described in such subsection during the pre-
10 vious year.

11 **SEC. 1285. DETERMINATION OF BUDGETARY EFFECTS.**

12 The budgetary effects of this subtitle, for the purpose
13 of complying with the Statutory Pay-As-You-Go Act of
14 2010, shall be determined by reference to the latest state-
15 ment titled “Budgetary Effects of PAYGO Legislation”
16 for this subtitle, submitted for printing in the Congres-
17 sional Record by the Chairman of the House Budget Com-
18 mittee, provided that such statement has been submitted
19 prior to the vote on passage.

20 **SEC. 1286. SUNSET.**

21 This subtitle shall terminate on the date that is 5
22 years after the date of the enactment of this Act.

23 **SEC. 1287. DEFINITIONS.**

24 In this subtitle:

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) PERSON.—

9 (A) IN GENERAL.—The term “person”
10 means—

11 (i) a natural person; or

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

21 (B) APPLICATION TO GOVERNMENTAL EN-
22 TITIES.—The term “person” does not include a
23 government or governmental entity that is not
24 operating as a business enterprise.

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

3 (A) a United States citizen or an alien law-
4 fully admitted for permanent residence to the
5 United States; or

6 (B) an entity organized under the laws of
7 the United States or of any jurisdiction of the
8 United States, including a foreign branch of
9 such an entity.

