

Suspend the Rules and Pass the Bill, H.R. 8453, With an Amendment

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

117TH CONGRESS
2^D SESSION

H. R. 8453

To provide for the imposition of sanctions with respect to foreign persons undermining the Dayton Peace Agreement or threatening the security of Bosnia and Herzegovina, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2022

Mrs. WAGNER (for herself and Ms. WILD) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and 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 provide for the imposition of sanctions with respect to foreign persons undermining the Dayton Peace Agreement or threatening the security of Bosnia and Herzegovina, 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 “Upholding the Dayton
3 Peace Agreement Through Sanctions Act”.

4 **SEC. 2. STATEMENT OF POLICY.**

5 It is the policy of the United States—

6 (1) to support Bosnia and Herzegovina’s sov-
7 ereignty, territorial integrity, and multi-ethnic char-
8 acter;

9 (2) to back and bolster Bosnia and
10 Herzegovina’s progress towards Euro-Atlantic inte-
11 gration;

12 (3) to encourage officials in Bosnia and
13 Herzegovina to resume institutional participation at
14 all levels of government to advance functionality and
15 common-sense reforms for greater prosperity and for
16 Bosnia and Herzegovina to obtain European Union
17 candidate status;

18 (4) to push Bosnia and Herzegovina to imple-
19 ment the rulings of the European Court of Human
20 Rights;

21 (5) to advocate for robust participation in the
22 October 2, 2022, general elections in Bosnia and
23 Herzegovina;

24 (6) to utilize targeted sanctions against persons
25 who undermine the Dayton Peace Agreement and
26 democratic institutions, including by blocking, boy-

1 coting or not recognizing the results of elections, in
2 Bosnia and Herzegovina to support peace and sta-
3 bility in that country;

4 (7) to urge the European Union to join the
5 United States and United Kingdom in sanctioning
6 Milorad Dodik, a member of the Presidency of Bos-
7 nia and Herzegovina, for his actions that undermine
8 the stability and territorial integrity of Bosnia and
9 Herzegovina;

10 (8) to expose and condemn the Government of
11 Russia for its role in fueling instability in Bosnia
12 and Herzegovina and undermining the Dayton Peace
13 Agreement, the role of the Office of the High Rep-
14 resentative, and the European Union Force in BiH's
15 Operation Althea;

16 (9) to work with other regional States, includ-
17 ing Serbia and Croatia, to support the territorial in-
18 tegrity and stability of Bosnia and Herzegovina; and

19 (10) to use its voice and vote at the United Na-
20 tions, the Peace Implementation Council and its
21 Steering Board, and other relevant international
22 bodies to support the Office of the High Representa-
23 tive.

1 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
2 **EIGN PERSONS UNDERMINING THE DAYTON**
3 **PEACE AGREEMENT OR THREATENING THE**
4 **SECURITY OF BOSNIA AND HERZEGOVINA.**

5 (a) IMPOSITION OF SANCTIONS.—

6 (1) LIST REQUIRED.—Not later than 30 days
7 after the date of the enactment of this Act, and an-
8 nually thereafter, the President shall submit to the
9 appropriate congressional committees a list of for-
10 eign persons that are determined—

11 (A) to be responsible for or complicit in, or
12 to have directly or indirectly engaged in, any
13 action or policy that threatens the peace, secu-
14 rity, stability, or territorial integrity of Bosnia
15 and Herzegovina, including actions that seek to
16 undermine the authority of Bosnia and
17 Herzegovina's state-level institutions, such as
18 forming illegal parallel institutions or actions
19 that threaten the Office of the High Represent-
20 ative;

21 (B) to be responsible for or complicit in, or
22 to have directly or indirectly engaged in, any
23 action or policy that undermines democratic
24 processes or institutions in Bosnia and
25 Herzegovina;

1 (C) to be responsible for or complicit in, or
2 to have directly or indirectly engaged in, or to
3 have attempted, a violation of, or an act that
4 has obstructed or threatened the implementa-
5 tion of, the Dayton Peace Agreement or the
6 Conclusions of the Peace Implementation Con-
7 ference Council held in London in December
8 1995, including the decisions or conclusions of
9 the Office of the High Representative, the
10 Peace Implementation Council, or its Steering
11 Board;

12 (D) to be a member, official, or senior
13 leader of an illegal parallel institution or any
14 other institution that engages in activities de-
15 scribed in subparagraph (A), (B) or (C), as de-
16 termined by the Secretary of State;

17 (E) to be responsible for or complicit in, or
18 to have directly or indirectly engaged in, or at-
19 tempted to engage in, corruption related to
20 Bosnia and Herzegovina, including corruption
21 by, on behalf of, or otherwise related to the gov-
22 ernment in Bosnia and Herzegovina, or a cur-
23 rent or former government official at any level
24 of government in Bosnia and Herzegovina, such
25 as the misappropriation of public assets, expro-

1 patriation of private assets for personal gain or
2 political purposes, corruption related to govern-
3 ment contracts or the extraction of natural re-
4 sources or bribery;

5 (F) to be an adult family member of any
6 foreign person described in subparagraph (A),
7 (B), (C), (D), or (E) unless they have con-
8 demned the sanctionable activity and taken tan-
9 gible steps to oppose the activity;

10 (G) to have knowingly facilitated a signifi-
11 cant transaction or transactions for or on be-
12 half of a foreign person described in subpara-
13 graph (A), (B), (C), (D), or (E);

14 (H) to be owned or controlled by, or to
15 have acted or purported to act for or on behalf
16 of, directly or indirectly, a foreign person de-
17 scribed in subparagraph (A), (B), (C), (D), or
18 (E); or

19 (I) to have knowingly materially assisted,
20 sponsored, or provided financial, material, or
21 technological support for, or goods or services
22 to or in support of, a foreign person described
23 in subparagraph (A), (B), (C), (D), or (E).

24 (2) IMPOSITION OF SANCTIONS.—Upon the sub-
25 mission of each list required by paragraph (1), the

1 President shall impose the sanctions described in
2 subsection (c) with respect to each foreign person
3 identified on the list.

4 (b) ADDITIONAL MEASURE RELATING TO FACILITA-
5 TION OF TRANSACTIONS.—The Secretary of the Treasury
6 may, in consultation with the Secretary of State, prohibit
7 or impose strict conditions on the opening or maintaining
8 in the United States of a correspondent account or pay-
9 able-through account by a foreign financial institution
10 that the President determines has, on or after the date
11 of the enactment of this Act, knowingly conducted or fa-
12 cilitated a significant transaction or transactions on behalf
13 of a foreign person on the list required by subsection
14 (a)(1).

15 (c) SANCTIONS DESCRIBED.—The sanctions de-
16 scribed in this subsection are the following:

17 (1) PROPERTY BLOCKING.—Notwithstanding
18 the requirements of section 202 of the International
19 Emergency Economic Powers Act (50 U.S.C. 1701),
20 the President may exercise of all powers granted to
21 the President by that Act to the extent necessary to
22 block and prohibit all transactions in all property
23 and interests in property of the foreign person if
24 such property and interests in property are in the
25 United States, come within the United States, or are

1 or come within the possession or control of a United
2 States person.

3 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
4 SION, OR PAROLE.—

5 (A) IN GENERAL.—An alien on the list re-
6 quired by subsection (a)(1) is—

7 (i) inadmissible to the United States;

8 (ii) ineligible for a visa or travel to the
9 United States; and

10 (iii) otherwise ineligible to be admitted
11 or paroled into the United States or to re-
12 ceive any other benefit under the Immigra-
13 tion and Nationality Act (8 U.S.C. 1101 et
14 seq.).

15 (B) CURRENT VISAS REVOKED.—

16 (i) IN GENERAL.—The visa or other
17 documentation issued to an alien on the
18 list required by subsection (a)(1) shall be
19 revoked, regardless of when such visa or
20 other documentation is or was issued.

21 (ii) EFFECT OF REVOCATION.—A visa
22 or other entry documentation revoked
23 under clause (i) shall, in accordance with
24 section 221(i) of the Immigration and Na-

1 tionality Act (8 U.S.C. 1201(i)), no longer
2 be valid for travel to the United States.

3 (d) EXCEPTIONS.—

4 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
5 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
6 TIES.—Sanctions under this section shall not apply
7 to any authorized intelligence, law enforcement, or
8 national security activities of the United States.

9 (2) EXCEPTION TO COMPLY WITH UNITED NA-
10 TIONS HEADQUARTERS AGREEMENT.—Sanctions
11 under subsection (c)(2) shall not apply with respect
12 to the admission of an alien to the United States if
13 the admission of the alien is necessary to permit the
14 United States to comply with the Agreement regard-
15 ing the Headquarters of the United Nations, signed
16 at Lake Success June 26, 1947, and entered into
17 force November 21, 1947, between the United Na-
18 tions and the United States, the Convention on Con-
19 sular Relations, done at Vienna April 24, 1963, and
20 entered into force March 19, 1967, or other applica-
21 ble international obligations.

22 (3) EXCEPTION RELATING TO THE PROVISION
23 OF HUMANITARIAN ASSISTANCE.—Sanctions under
24 this section may not be imposed with respect to
25 transactions or the facilitation of transactions for—

1 (A) the sale of agricultural commodities,
2 food, medicine, or medical devices;

3 (B) the provision of humanitarian assist-
4 ance;

5 (C) financial transactions relating to hu-
6 manitarian assistance or for humanitarian pur-
7 poses; and

8 (D) transporting goods or services that are
9 necessary to carry out operations relating to
10 humanitarian assistance or humanitarian pur-
11 poses.

12 (e) WAIVER.—

13 (1) IN GENERAL.—The President may, on a
14 case-by-case basis and for periods not to exceed 180
15 days each, waive the application of sanctions or re-
16 strictions imposed with respect to a foreign person
17 under this section if the President certifies to the
18 appropriate congressional committees not later than
19 15 days before such waiver is to take effect that the
20 waiver is vital to the national interest of the United
21 States.

22 (2) SUNSET.—The authority to issue a waiver
23 under paragraph (1) shall terminate on the date
24 that is 5 years after the date of enactment of this
25 Act.

1 (f) REGULATIONS.—

2 (1) IN GENERAL.—The President shall, not
3 later than 180 days after the date of the enactment
4 of this Act, prescribe regulations as necessary for
5 the implementation of this Act.

6 (2) NOTIFICATION TO CONGRESS.—Not later
7 than 10 days before the prescription of regulations
8 under paragraph (1), the President shall notify the
9 appropriate congressional committees regarding the
10 proposed regulations and the provisions of this Act
11 that the regulations are implementing.

12 (g) 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 Act.

16 (h) PENALTIES.—The penalties provided for in sub-
17 sections (b) and (c) of section 206 of the International
18 Emergency Economic Powers Act (50 U.S.C. 1705) shall
19 apply to a person that violates, attempts to violate, con-
20 spires to violate, or causes a violation of regulations pre-
21 scribed to carry out this Act to the same extent that such
22 penalties apply to a person that commits an unlawful act
23 described in subsection (a) of such section 206.

24 (i) TERMINATION OF SANCTIONS.—The President
25 may terminate the application of sanctions under this sec-

1 tion with respect to a foreign person if the President deter-
2 mines and reports to the appropriate congressional com-
3 mittees not later than 15 days before the termination of
4 the sanctions that—

5 (1) credible information exists that the foreign
6 person did not engage in the activity for which sanc-
7 tions were imposed;

8 (2) the foreign person has been prosecuted ap-
9 propriately for the activity for which sanctions were
10 imposed; or

11 (3) the foreign person has credibly dem-
12 onstrated a significant change in behavior, has paid
13 an appropriate consequence for the activity for
14 which sanctions were imposed, and has credibly com-
15 mitted to not engage in an activity described in sub-
16 section (a)(1) in the future.

17 **SEC. 4. CONSIDERATION OF CERTAIN INFORMATION IN IM-**
18 **POSING SANCTIONS.**

19 Not later than 60 days after receiving a request from
20 the chairman and ranking member of one of the appro-
21 priate congressional committees with respect to whether
22 a person, foreign person, or foreign financial institution,
23 as the case may be, meets the criteria of a person de-
24 scribed in this Act, Executive Order 14033 (86 Fed. Reg.
25 31079; relating to blocking property and suspending entry

1 into the United States of certain persons contributing to
2 the destabilizing situation in the Western Balkans), or any
3 Executive order issued pursuant to this Act or under the
4 Balkans regulatory regime, the President shall—

5 (1) determine if the person, foreign person, or
6 foreign financial institution, as the case may be,
7 meets such criteria; and

8 (2) submit a classified or unclassified report to
9 such chairman and ranking member with respect to
10 such determination that includes a statement of
11 whether or not the President imposed or intends to
12 impose sanctions with respect to such person, for-
13 eign person, or foreign financial institution.

14 **SEC. 5. DEFINITIONS.**

15 In this Act:

16 (1) ADMITTED; ALIEN.—The terms “admitted”
17 and “alien” have the meanings given those terms in
18 section 101 of the Immigration and Nationality Act
19 (8 U.S.C. 1101).

20 (2) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Affairs and
24 the Committee on Financial Services of the
25 House of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee on Banking, Housing, and
3 Urban Affairs of the Senate.

4 (3) CORRESPONDENT ACCOUNT; PAYABLE-
5 THROUGH ACCOUNT.—The terms “correspondent ac-
6 count” and “payable-through account” have the
7 meanings given those terms in section 5318A of title
8 31, United States Code.

9 (4) DAYTON PEACE AGREEMENT.—The term
10 “Dayton Peace Agreement”, also known as the
11 “Dayton Accords”, means the General Framework
12 Agreement for Peace in Bosnia and Herzegovina,
13 initialed by the parties in Dayton, Ohio, on Novem-
14 ber 21, 1995, and signed in Paris on December 14,
15 1995.

16 (5) FOREIGN FINANCIAL INSTITUTION.—The
17 term “foreign financial institution” has the meaning
18 of that term as determined by the Secretary of the
19 Treasury by regulation.

20 (6) FOREIGN PERSON.—The term “foreign per-
21 son” means a person that is not a United States
22 person.

23 (7) ILLEGAL PARALLEL INSTITUTION.—The
24 term “illegal parallel institution” means an agency,
25 structure, or instrumentality at the Republika

1 Srpska entity level that disrupts the authority of the
2 state-level institutions of Bosnia and Herzegovina
3 and undermines its constitutional order.

4 (8) KNOWINGLY.—The term “knowingly”, with
5 respect to conduct, a circumstance, or a result,
6 means that a person has actual knowledge, or should
7 have known, of the conduct, the circumstance, or the
8 result.

9 (9) PERSON.—The term “person” means an in-
10 dividual or entity.

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

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

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

20 (C) any person in the United States.