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  
2D 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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Upholding the Dayton Peace Agreement Through Sanctions Act”.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support Bosnia and Herzegovina’s sovereignty, territorial integrity, and multi-ethnic character;

(2) to back and bolster Bosnia and Herzegovina’s progress towards Euro-Atlantic integration;

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

(4) to push Bosnia and Herzegovina to implement the rulings of the European Court of Human Rights;

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

(6) to utilize targeted sanctions against persons who undermine the Dayton Peace Agreement and democratic institutions, including by blocking, boy-
cotting or not recognizing the results of elections, in Bosnia and Herzegovina to support peace and stability in that country;

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

(8) to expose and condemn the Government of Russia for its role in fueling instability in Bosnia and Herzegovina and undermining the Dayton Peace Agreement, the role of the Office of the High Representative, and the European Union Force in BiH’s Operation Althea;

(9) to work with other regional States, including Serbia and Croatia, to support the territorial integrity and stability of Bosnia and Herzegovina; and

(10) to use its voice and vote at the United Nations, the Peace Implementation Council and its Steering Board, and other relevant international bodies to support the Office of the High Representative.
SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS UNDERMINING THE DAYTON PEACE AGREEMENT OR THREATENING THE SECURITY OF BOSNIA AND HERZEGOVINA.

(a) Imposition of Sanctions.—

(1) List Required.—Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a list of foreign persons that are determined—

(A) to be responsible for or complicit in, or to have directly or indirectly engaged in, any action or policy that threatens the peace, security, stability, or territorial integrity of Bosnia and Herzegovina, including actions that seek to undermine the authority of Bosnia and Herzegovina’s state-level institutions, such as forming illegal parallel institutions or actions that threaten the Office of the High Representative;

(B) to be responsible for or complicit in, or to have directly or indirectly engaged in, any action or policy that undermines democratic processes or institutions in Bosnia and Herzegovina;
(C) to be responsible for or complicit in, or
to have directly or indirectly engaged in, or to
have attempted, a violation of, or an act that
has obstructed or threatened the implementa-
tion of, the Dayton Peace Agreement or the
Conclusions of the Peace Implementation Con-
ference Council held in London in December
1995, including the decisions or conclusions of
the Office of the High Representative, the
Peace Implementation Council, or its Steering
Board;

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

(E) to be responsible for or complicit in, or
to have directly or indirectly engaged in, or at-
ttempted to engage in, corruption related to
Bosnia and Herzegovina, including corruption
by, on behalf of, or otherwise related to the gov-
ernment in Bosnia and Herzegovina, or a cur-
tent or former government official at any level
of government in Bosnia and Herzegovina, such
as the misappropriation of public assets, expro-
priation of private assets for personal gain or political purposes, corruption related to government contracts or the extraction of natural resources or bribery;

(F) to be an adult family member of any foreign person described in subparagraph (A), (B), (C), (D), or (E) unless they have condemned the sanctionable activity and taken tangible steps to oppose the activity;

(G) to have knowingly facilitated a significant transaction or transactions for or on behalf of a foreign person described in subparagraph (A), (B), (C), (D), or (E);

(H) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, a foreign person described in subparagraph (A), (B), (C), (D), or (E); or

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

(2) IMPOSITION OF SANCTIONS.—Upon the submission of each list required by paragraph (1), the
President shall impose the sanctions described in subsection (c) with respect to each foreign person identified on the list.

(b) ADDITIONAL MEASURE RELATING TO FACILITATION OF TRANSACTIONS.—The Secretary of the Treasury may, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by a foreign financial institution that the President determines has, on or after the date of the enactment of this Act, knowingly conducted or facilitated a significant transaction or transactions on behalf of a foreign person on the list required by subsection (a)(1).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

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

(2) Aliens inadmissible for visas, admission, or parole.—

(A) In general.—An alien on the list required by subsection (a)(1) is—

(i) inadmissible to the United States;

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

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) Current visas revoked.—

(i) In general.—The visa or other documentation issued to an alien on the list required by subsection (a)(1) shall be revoked, regardless of when such visa or other documentation is or was issued.

(ii) Effect of revocation.—A visa or other entry documentation revoked under clause (i) shall, in accordance with section 221(i) of the Immigration and Na-
tionality Act (8 U.S.C. 1201(i)), no longer be valid for travel to the United States.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under subsection (e)(2) shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(3) EXCEPTION RELATING TO THE PROVISION OF HUMANITARIAN ASSISTANCE.—Sanctions under this section may not be imposed with respect to transactions or the facilitation of transactions for—
(A) the sale of agricultural commodities,
food, medicine, or medical devices;

(B) the provision of humanitarian assistance;

(C) financial transactions relating to humanitarian assistance or for humanitarian purposes; and

(D) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

(e) WAIVER.—

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

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

(1) In General.—The President shall, not later than 180 days after the date of the enactment of this Act, prescribe regulations as necessary for the implementation of this Act.

(2) Notification to Congress.—Not later than 10 days before the prescription of regulations under paragraph (1), the President shall notify the appropriate congressional committees regarding the proposed regulations and the provisions of this Act that the regulations are implementing.

(g) Implementation.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this Act.

(h) Penalties.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed to carry out this Act to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(i) Termination of Sanctions.—The President may terminate the application of sanctions under this sec-
tion with respect to a foreign person if the President deter-
mines and reports to the appropriate congressional com-
mittees not later than 15 days before the termination of
the sanctions that—

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

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

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

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

Not later than 60 days after receiving a request from
the chairman and ranking member of one of the appro-
priate congressional committees with respect to whether
a person, foreign person, or foreign financial institution,
as the case may be, meets the criteria of a person de-
scribed in this Act, Executive Order 14033 (86 Fed. Reg.
31079; relating to blocking property and suspending entry
into the United States of certain persons contributing to
the destabilizing situation in the Western Balkans), or any
Executive order issued pursuant to this Act or under the
Balkans regulatory regime, the President shall—

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

(2) submit a classified or unclassified report to
such chairman and ranking member with respect to
such determination that includes a statement of
whether or not the President imposed or intends to
impose sanctions with respect to such person, for-

SEC. 5. DEFINITIONS.

In this Act:

(1) ADMITTED; ALIEN.—The terms “admitted”
and “alien” have the meanings given those terms in
section 101 of the Immigration and Nationality Act

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

(A) the Committee on Foreign Affairs and
the Committee on Financial Services of the
House of Representatives; and
(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

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

(4) **DAYTON PEACE AGREEMENT.**—The term “Dayton Peace Agreement”, also known as the “Dayton Accords”, means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

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

(6) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

(7) **ILLEGAL PARALLEL INSTITUTION.**—The term “illegal parallel institution” means an agency, structure, or instrumentality at the Republika
Srpska entity level that disrupts the authority of the
state-level institutions of Bosnia and Herzegovina
and undermines its constitutional order.

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

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

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

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

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

(C) any person in the United States.