Suspend the Rules and Pass the Bill, H.R. 4723, With an Amendment

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

118TH CONGRESS
1ST SESSION
H. R. 4723

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 18, 2023

Mrs. Wagner (for herself, Ms. Wild, Mr. Kean of New Jersey, and Mr. Turner) 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.

Be it enacted by the Senate and House of Representa-

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, multi-ethnic character and the prosperity of the Republika Srpska entity, the Federation of Bosnia and Herzegovina entity, and the Breko District within one Bosnia and Herzegovina;

(2) to support 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;

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

(5) to support the robust use of targeted sanctions against persons who undermine the Dayton Peace Agreement, as well as the democratic institutions and Constitution of Bosnia and Herzegovina, to support peace and stability in that country;
(6) 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;

(7) 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;

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

(9) to encourage the United States 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 180 days after the date of the enactment of this Act, and every 180 days 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 implementation of, the Dayton Peace Agreement or the
Conclusions of the Peace Implementation Conference 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 described in subparagraph (A), (B) or (C), as determined by the Secretary of State;

(E) to be responsible for or complicit in, or to have directly or indirectly engaged in, or attempted to engage in, corruption related to Bosnia and Herzegovina, including corruption by, on behalf of, or otherwise related to the government in Bosnia and Herzegovina, or a current or former government official at any level of government in Bosnia and Herzegovina, such as the misappropriation of public assets, expropriation 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 the President determines that the adult family member—

(i) has condemned the activity or activities of the foreign person described in any such subparagraph; and

(ii) has taken tangible steps to oppose the activity or activities;

(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.

(4) EXCEPTION RELATING TO THE IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this section, the term “good” means any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(e) WAIVER.—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 security interests of the United States.

(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 sub-sections (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 pre-
scribed 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 section with respect to a foreign person if the President determines and reports to the appropriate congressional committees 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 sanctions were imposed;

2. the foreign person has been prosecuted and sentenced appropriately for the activity for which sanctions were imposed; or

3. the foreign person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a)(1) in the future.

SEC. 4. CODIFICATION OF SANCTIONS RELATING TO THE WESTERN BALKANS.

(a) IN GENERAL.—Each sanction imposed through Executive orders described in subsection (b), including
each sanction imposed with respect to a person under such
an Executive order, as of the date of the enactment of
this Act, shall remain in effect, except as provided in sub-
section (c).

(b) EXECUTIVE ORDERS SPECIFIED.—The Executive
orders specified in this subsection are—

(1) Executive Order 13219 (50 U.S.C. 1701
note; relating to blocking property of persons who
threaten international stabilization efforts in the
Western Balkans), as in effect on the date of the en-
actment of this Act; and

(2) Executive Order 14033 (50 U.S.C. 1701
note; relating to blocking property and suspending
entry into the United States of certain persons con-
tributing to the destabilizing situation in the West-
ern Balkans), as in effect on such date of enact-
ment.

(c) TERMINATION OF SANCTIONS.—The President
may terminate the application of a sanction described in
subsection (a) with respect to a person if the President
certifies to the appropriate congressional committees
that—

(1) such person—

(A) is not engaging in the activity that was
the basis for such sanctions; or
(B) has taken significant verifiable steps
toward stopping such activity; and

(2) the President has received reliable assurances that such person will not knowingly engage in
activity subject to such sanctions in the future.

(d) SANCTIONS RELATING TO THE IMPORTATION OF
GOODS UNCHANGED.—This section may not be construed
to create any new authorities or requirements related to
sanctions on the importation of goods.

SEC. 5. CONSIDERATION OF CERTAIN INFORMATION IN IM-
POsing SANCTIONS.

(a) IN GENERAL.—Not later than 60 days after re-
ceiving a request from the chairman and ranking member
of one of the appropriate congressional committees with
respect to whether a person or foreign person, as the case
may be, meets the criteria of a person described in section
3(a)(1) or a person described in Executive Order 13219
or Executive Order 14033 as provided for in section 4(b),
or any Executive order issued pursuant to this Act or
under the Balkans regulatory regime, the President
shall—

(1) determine if the person or foreign person,
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 or foreign person.

(b) SUNSET.—This section shall terminate on the date that is 5 years after the date of enactment of this Act.

SEC. 6. 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 (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” 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 individual or entity.

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

(A) a United States citizen or an alien lawfully admitted to the United States for permanent 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.

SEC. 7. SUNSET.

This Act and the authorities provided by this Act shall terminate on the date that is 7 years after the date of the enactment of this Act.