

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.

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## 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to support Bosnia and Herzegovina’s sov-  
4 ereignty, territorial integrity, multi-ethnic character  
5 and the prosperity of the Republika Srpska entity,  
6 the Federation of Bosnia and Herzegovina entity,  
7 and the Breko District within one Bosnia and  
8 Herzegovina;

9 (2) to support Bosnia and Herzegovina’s  
10 progress towards Euro-Atlantic integration;

11 (3) to encourage officials in Bosnia and  
12 Herzegovina to resume institutional participation at  
13 all levels of government to advance functionality and  
14 common-sense reforms for greater prosperity;

15 (4) to call on Bosnia and Herzegovina to imple-  
16 ment the rulings of the European Court of Human  
17 Rights;

18 (5) to support the robust use of targeted sanc-  
19 tions against persons who undermine the Dayton  
20 Peace Agreement, as well as the democratic institu-  
21 tions and Constitution of Bosnia and Herzegovina,  
22 to support peace and stability in that country;

23 (6) to urge the European Union to join the  
24 United States and United Kingdom in sanctioning  
25 Milorad Dodik, a member of the Presidency of Bos-  
26 nia and Herzegovina, for his actions that undermine

1 the stability and territorial integrity of Bosnia and  
2 Herzegovina;

3 (7) to expose and condemn the Government of  
4 Russia for its role in fueling instability in Bosnia  
5 and Herzegovina and undermining the Dayton Peace  
6 Agreement, the role of the Office of the High Rep-  
7 resentative, and the European Union Force in BiH's  
8 Operation Althea;

9 (8) to work with other regional states, including  
10 Serbia and Croatia, to support the territorial integ-  
11 rity and stability of Bosnia and Herzegovina; and

12 (9) to encourage the United States to use its  
13 voice and vote at the United Nations, the Peace Im-  
14 plementation Council and its Steering Board, and  
15 other relevant international bodies to support the  
16 Office of the High Representative.

17 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**  
18 **EIGN PERSONS UNDERMINING THE DAYTON**  
19 **PEACE AGREEMENT OR THREATENING THE**  
20 **SECURITY OF BOSNIA AND HERZEGOVINA.**

21 (a) IMPOSITION OF SANCTIONS.—

22 (1) LIST REQUIRED.—Not later than 30 days  
23 after the date of the enactment of this Act, and  
24 every 90 days thereafter, the President shall submit

1 to the appropriate congressional committees a list of  
2 foreign persons that are determined—

3 (A) to be responsible for or complicit in, or  
4 to have directly or indirectly engaged in, any  
5 action or policy that threatens the peace, secu-  
6 rity, stability, or territorial integrity of Bosnia  
7 and Herzegovina, including actions that seek to  
8 undermine the authority of Bosnia and  
9 Herzegovina’s state-level institutions, such as  
10 forming illegal parallel institutions or actions  
11 that threaten the Office of the High Represent-  
12 ative;

13 (B) to be responsible for or complicit in, or  
14 to have directly or indirectly engaged in, any  
15 action or policy that undermines democratic  
16 processes or institutions in Bosnia and  
17 Herzegovina;

18 (C) to be responsible for or complicit in, or  
19 to have directly or indirectly engaged in, or to  
20 have attempted, a violation of, or an act that  
21 has obstructed or threatened the implementa-  
22 tion of, the Dayton Peace Agreement or the  
23 Conclusions of the Peace Implementation Con-  
24 ference Council held in London in December  
25 1995, including the decisions or conclusions of

1 the Office of the High Representative, the  
2 Peace Implementation Council, or its Steering  
3 Board;

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

9 (E) to be responsible for or complicit in, or  
10 to have directly or indirectly engaged in, or at-  
11 tempted to engage in, corruption related to  
12 Bosnia and Herzegovina, including corruption  
13 by, on behalf of, or otherwise related to the gov-  
14 ernment in Bosnia and Herzegovina, or a cur-  
15 rent or former government official at any level  
16 of government in Bosnia and Herzegovina, such  
17 as the misappropriation of public assets, expro-  
18 priation of private assets for personal gain or  
19 political purposes, corruption related to govern-  
20 ment contracts or the extraction of natural re-  
21 sources or bribery;

22 (F) to be an adult family member of any  
23 foreign person described in subparagraph (A),  
24 (B), (C), (D), or (E);

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

5 (H) to be owned or controlled by, or to  
6 have acted or purported to act for or on behalf  
7 of, directly or indirectly, a foreign person de-  
8 scribed in subparagraph (A), (B), (C), (D), or  
9 (E); or

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

15 (2) IMPOSITION OF SANCTIONS.—Upon the sub-  
16 mission of each list required by paragraph (1), the  
17 President shall impose the sanctions described in  
18 subsection (c) with respect to each foreign person  
19 identified on the list.

20 (b) ADDITIONAL MEASURE RELATING TO FACILITA-  
21 TION OF TRANSACTIONS.—The Secretary of the Treasury  
22 may, in consultation with the Secretary of State, prohibit  
23 or impose strict conditions on the opening or maintaining  
24 in the United States of a correspondent account or pay-  
25 able-through account by a foreign financial institution

1 that the President determines has, on or after the date  
2 of the enactment of this Act, knowingly conducted or fa-  
3 cilitated a significant transaction or transactions on behalf  
4 of a foreign person on the list required by subsection  
5 (a)(1).

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

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

19 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-  
20 SION, OR PAROLE.—

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

23 (i) inadmissible to the United States;  
24 (ii) ineligible for a visa or travel to the  
25 United States; and

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

6 (B) CURRENT VISAS REVOKED.—

7 (i) IN GENERAL.—The visa or other  
8 documentation issued to an alien on the  
9 list required by subsection (a)(1) shall be  
10 revoked, regardless of when such visa or  
11 other documentation is or was issued.

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

18 (d) EXCEPTIONS.—

19 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-  
20 FORCEMENT, AND NATIONAL SECURITY ACTIVI-  
21 TIES.—Sanctions under this section shall not apply  
22 to any authorized intelligence, law enforcement, or  
23 national security activities of the United States.

24 (2) EXCEPTION TO COMPLY WITH UNITED NA-  
25 TIONS HEADQUARTERS AGREEMENT.—Sanctions



1 under subsection (c)(2) shall not apply with respect  
2 to the admission of an alien to the United States if  
3 the admission of the alien is necessary to permit the  
4 United States to comply with the Agreement regard-  
5 ing the Headquarters of the United Nations, signed  
6 at Lake Success June 26, 1947, and entered into  
7 force November 21, 1947, between the United Na-  
8 tions and the United States, the Convention on Con-  
9 sular Relations, done at Vienna April 24, 1963, and  
10 entered into force March 19, 1967, or other applica-  
11 ble international obligations.

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 security interests of  
21 the United States.

22 (2) SUNSET.—The authority to issue a waiver  
23 under paragraph (1) shall terminate on the date  
24 that is 2 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 and  
9 sentenced appropriately for the activity for which  
10 sanctions were 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. CODIFICATION OF SANCTIONS RELATING TO THE**  
18 **WESTERN BALKANS.**

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

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

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

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

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

19 (1) such person—

20 (A) is not engaging in the activity that was  
21 the basis for such sanctions; or

22 (B) has taken significant verifiable steps  
23 toward stopping such activity; and

1           (2) the President has received reliable assur-  
2           ances that such person will not knowingly engage in  
3           activity subject to such sanctions in the future.

4 **SEC. 5. CONSIDERATION OF CERTAIN INFORMATION IN IM-**  
5 **POSING SANCTIONS.**

6           Not later than 60 days after receiving a request from  
7 the chairman and ranking member of one of the appro-  
8 priate congressional committees with respect to whether  
9 a person, foreign person, or foreign financial institution,  
10 as the case may be, meets the criteria of a person de-  
11 scribed in section 3 or a person described in Executive  
12 Order 13219 or Executive Order 14033 as provided for  
13 in section 4(b), or any Executive order issued pursuant  
14 to this Act or under the Balkans regulatory regime, the  
15 President shall—

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

19           (2) submit a classified or unclassified report to  
20           such chairman and ranking member with respect to  
21           such determination that includes a statement of  
22           whether or not the President imposed or intends to  
23           impose sanctions with respect to such person, for-  
24           eign person, or foreign financial institution.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) ADMITTED; ALIEN.—The terms “admitted”  
4 and “alien” have the meanings given those terms in  
5 section 101 of the Immigration and Nationality Act  
6 (8 U.S.C. 1101).

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

10 (A) the Committee on Foreign Affairs and  
11 the Committee on Financial Services of the  
12 House of Representatives; and

13 (B) the Committee on Foreign Relations  
14 and the Committee on Banking, Housing, and  
15 Urban Affairs of the Senate.

16 (3) CORRESPONDENT ACCOUNT; PAYABLE-  
17 THROUGH ACCOUNT.—The terms “correspondent ac-  
18 count” and “payable-through account” have the  
19 meanings given those terms in section 5318A of title  
20 31, United States Code.

21 (4) DAYTON PEACE AGREEMENT.—The term  
22 “Dayton Peace Agreement”, also known as the  
23 “Dayton Accords”, means the General Framework  
24 Agreement for Peace in Bosnia and Herzegovina,  
25 initialed by the parties in Dayton, Ohio, on Novem-

1 ber 21, 1995, and signed in Paris on December 14,  
2 1995.

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

7 (6) FOREIGN PERSON.—The term “foreign per-  
8 son” means a person that is not a United States  
9 person.

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

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

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

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

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

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

8           (C) any person in the United States.

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