

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.

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## 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

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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 Brčko 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 and for  
15 Bosnia and Herzegovina to obtain European Union  
16 candidate status;

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

20 (5) to encourage robust participation in the Oc-  
21 tober 2, 2022, general elections in Bosnia and  
22 Herzegovina;

23 (6) to support the robust use of targeted sanc-  
24 tions against persons who undermine the Dayton  
25 Peace Agreement and democratic institutions, in-  
26 cluding by blocking, boycotting or not recognizing

1 the results of elections, in Bosnia and Herzegovina  
2 to support peace and stability in that country;

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

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

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

18 (10) to encourage the United States to use its  
19 voice and vote at the United Nations, the Peace Im-  
20 plementation Council and its Steering Board, and  
21 other relevant international bodies to support the  
22 Office of the High Representative.

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  
8 every 90 days thereafter, the President shall submit  
9 to the appropriate congressional committees a list of  
10 foreign 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-

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);

(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

1 subsection (c) with respect to each foreign person  
2 identified on the list.

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

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

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

23              (1) IN GENERAL.—The President may, on a  
24      case-by-case basis and for periods not to exceed 180  
25      days each, waive the application of sanctions or re-

1       strictions imposed with respect to a foreign person  
2       under this section if the President certifies to the  
3       appropriate congressional committees not later than  
4       15 days before such waiver is to take effect that the  
5       waiver is vital to the national security interests of  
6       the United States.

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

11      (f) REGULATIONS.—

12              (1) IN GENERAL.—The President shall, not  
13      later than 180 days after the date of the enactment  
14      of this Act, prescribe regulations as necessary for  
15      the implementation of this Act.

16              (2) NOTIFICATION TO CONGRESS.—Not later  
17      than 10 days before the prescription of regulations  
18      under paragraph (1), the President shall notify the  
19      appropriate congressional committees regarding the  
20      proposed regulations and the provisions of this Act  
21      that the regulations are implementing.

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

1       (h) PENALTIES.—The penalties provided for in sub-  
2 sections (b) and (c) of section 206 of the International  
3 Emergency Economic Powers Act (50 U.S.C. 1705) shall  
4 apply to a person that violates, attempts to violate, con-  
5 spires to violate, or causes a violation of regulations pre-  
6 scribed to carry out this Act to the same extent that such  
7 penalties apply to a person that commits an unlawful act  
8 described in subsection (a) of such section 206.

9       (i) TERMINATION OF SANCTIONS.—The President  
10 may terminate the application of sanctions under this sec-  
11 tion with respect to a foreign person if the President deter-  
12 mines and reports to the appropriate congressional com-  
13 mittees not later than 15 days before the termination of  
14 the sanctions that—

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

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

21           (3) the foreign person has credibly dem-  
22 onstrated a significant change in behavior, has paid  
23 an appropriate consequence for the activity for  
24 which sanctions were imposed, and has credibly com-

1       mitted to not engage in an activity described in sub-  
2       section (a)(1) in the future.

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

5       Not later than 60 days after receiving a request from  
6       the chairman and ranking member of one of the appro-  
7       priate congressional committees with respect to whether  
8       a person, foreign person, or foreign financial institution,  
9       as the case may be, meets the criteria of a person de-  
10      scribed in this Act, Executive Order 14033 (86 Fed. Reg.  
11      31079; relating to blocking property and suspending entry  
12      into the United States of certain persons contributing to  
13      the destabilizing situation in the Western Balkans), or any  
14      Executive order issued pursuant to this Act or under the  
15      Balkans regulatory regime, the 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. 5. 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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