

117TH CONGRESS
2D SESSION

H. R. 8453

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2022

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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 cotting 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 90 days
7 after the date of the enactment of this Act, and an-
8 nually thereafter for five years, the President shall
9 submit to the appropriate congressional committees
10 a list of 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) 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

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 issuing con-
17 sular officer, the Secretary of State, or the
18 Secretary of Homeland Security (or a des-
19 ignee of one of such Secretaries) shall, in
20 accordance with section 221(i) of the Im-
21 migration and Nationality Act (8 U.S.C.
22 1201(i)), revoke any visa or other entry
23 documentation issued to an alien on the
24 list required by subsection (a)(1) regard-

1 less of when the visa or other entry docu-
2 mentation is issued.

3 (ii) EFFECT OF REVOCATION.—A visa
4 or other entry documentation revoked
5 under clause (i) shall—

6 (I) take effect immediately; and

7 (II) automatically cancel any
8 other valid visa or entry documenta-
9 tion that is in the alien's possession.

10 (d) EXCEPTIONS.—

11 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
12 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
13 TIES.—Sanctions under this section shall not apply
14 to any authorized intelligence, law enforcement, or
15 national security activities of the United States.

16 (2) EXCEPTION TO COMPLY WITH UNITED NA-
17 TIONS HEADQUARTERS AGREEMENT.—Sanctions
18 under subsection (c)(2) shall not apply with respect
19 to the admission of an alien to the United States if
20 the admission of the alien is necessary to permit the
21 United States to comply with the Agreement regard-
22 ing the Headquarters of the United Nations, signed
23 at Lake Success June 26, 1947, and entered into
24 force November 21, 1947, between the United Na-
25 tions and the United States, the Convention on Con-

1 sular Relations, done at Vienna April 24, 1963, and
2 entered into force March 19, 1967, or other applica-
3 ble international obligations.

4 (3) EXCEPTION RELATING TO THE PROVISION
5 OF HUMANITARIAN ASSISTANCE.—Sanctions under
6 this section may not be imposed with respect to
7 transactions or the facilitation of transactions for—

8 (A) the sale of agricultural commodities,
9 food, medicine, or medical devices;

10 (B) the provision of humanitarian assist-
11 ance;

12 (C) financial transactions relating to hu-
13 manitarian assistance or for humanitarian pur-
14 poses; and

15 (D) transporting goods or services that are
16 necessary to carry out operations relating to
17 humanitarian assistance or humanitarian pur-
18 poses.

19 (e) WAIVER.—The President may, on a case-by-case
20 basis and for periods not to exceed 180 days each, waive
21 the application of sanctions or restrictions imposed with
22 respect to a foreign person under this section if the Presi-
23 dent certifies to the appropriate congressional committees
24 not later than 15 days before such waiver is to take effect

1 that the waiver is vital to the national interest of the
2 United States.

3 (f) REGULATIONS.—

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

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

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

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

1 (i) TERMINATION OF SANCTIONS.—The President
2 may terminate the application of sanctions under this sec-
3 tion with respect to a foreign person if the President deter-
4 mines and reports to the appropriate congressional com-
5 mittees not later than 15 days before the termination of
6 the sanctions that—

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

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

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

19 (j) SUNSET.—The authority to impose sanctions
20 under this section shall terminate on the date that is five
21 years after the date of enactment of this Act.

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

24 (a) IN GENERAL.—Not later than 60 days after re-
25 ceiving a request from the chairman and ranking member

1 of one of the appropriate congressional committees with
2 respect to whether a person, foreign person, or foreign fi-
3 nancial institution, as the case may be, meets the criteria
4 described in this Act, Executive Order 14033 (86 Fed.
5 Reg. 31079; relating to blocking property and suspending
6 entry into the United States of certain persons contrib-
7 uting to the destabilizing situation in the Western Bal-
8 kans), or any Executive order issued pursuant to this Act
9 or under the Balkans regulatory regime, the President
10 shall—

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

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

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

23 **SEC. 5. EXCEPTION FOR IMPORTATION OF GOODS.**

24 (a) EXCEPTION RELATING TO IMPORTATION OF
25 GOODS.—The authorities and requirements to impose

1 sanctions under this Act shall not include the authority
2 or requirement to impose sanctions on the importation of
3 goods.

4 (b) GOOD DEFINED.—In this section, the term
5 “good” means any article, natural or man-made sub-
6 stance, material, supply, or manufactured product, includ-
7 ing inspection and test equipment, and excluding technical
8 data.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) ADMITTED; ALIEN.—The terms “admitted”
12 and “alien” have the meanings given those terms in
13 section 101 of the Immigration and Nationality Act
14 (8 U.S.C. 1101).

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

18 (A) the Committee on Foreign Affairs and
19 the Committee on Financial Services of the
20 House of Representatives; and

21 (B) the Committee on Foreign Relations
22 and the Committee on Banking, Housing, and
23 Urban Affairs of the Senate.

24 (3) CORRESPONDENT ACCOUNT; PAYABLE-
25 THROUGH ACCOUNT.—The terms “correspondent ac-

1 count” and “payable-through account” have the
2 meanings given those terms in section 5318A of title
3 31, United States Code.

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

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

15 (6) FOREIGN PERSON.—The term “foreign per-
16 son” means a person that is not a United States
17 person.

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

24 (8) KNOWINGLY.—The term “knowingly”, with
25 respect to conduct, a circumstance, or a result,

1 means that a person has actual knowledge, or should
2 have known, of the conduct, the circumstance, or the
3 result.

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

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

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

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

15 (C) any person in the United States.

16 **SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of
18 complying with the Statutory Pay-As-You-Go Act of 2010,
19 shall be determined by reference to the latest statement
20 titled “Budgetary Effects of PAYGO Legislation” for this
21 Act, submitted for printing in the Congressional Record
22 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the
2 vote on passage.

Passed the House of Representatives September 20,
2022.

Attest: CHERYL L. JOHNSON,
Clerk.

By KEVIN F. McCUMBER,
Deputy Clerk.