

AMENDMENT TO RULES COMM. PRINT 119–8

OFFERED BY MRS. WAGNER OF MISSOURI

Add at the end of title XIII the following new subtitle:

**1 Subtitle E—Sanctions on Foreign
2 Persons Undermining the Day-
3 ton Peace Agreement or Threat-
4 ening the Security of Bosnia
5 and Herzegovina**

6 SEC. 1331. STATEMENT OF POLICY.

7 It is the policy of the United States—

8 (1) to support Bosnia and Herzegovina’s sov-
9 ereignty, territorial integrity, multi-ethnic character
10 and the prosperity of the Republika Srpska entity,
11 the Federation of Bosnia and Herzegovina entity,
12 and the Breko District within one Bosnia and
13 Herzegovina;

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

16 (3) to encourage officials in Bosnia and
17 Herzegovina to resume institutional participation at
18 all levels of government to advance functionality and
19 common-sense reforms for greater prosperity;

1 (4) to call on Bosnia and Herzegovina to imple-
2 ment the rulings of the European Court of Human
3 Rights;

4 (5) to support the robust use of targeted sanc-
5 tions against persons who undermine the Dayton
6 Peace Agreement, as well as the democratic institu-
7 tions and Constitution of Bosnia and Herzegovina,
8 to support peace and stability in that country;

9 (6) to urge the European Union to join the
10 United States and United Kingdom in sanctioning
11 Milorad Dodik, a member of the Presidency of Bos-
12 nia and Herzegovina, for his actions that undermine
13 the stability and territorial integrity of Bosnia and
14 Herzegovina;

15 (7) to expose and condemn the Government of
16 Russia for its role in fueling instability in Bosnia
17 and Herzegovina and undermining the Dayton Peace
18 Agreement, the role of the Office of the High Rep-
19 resentative, and the European Union Force in BiH's
20 Operation Althea;

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

24 (9) to encourage the United States to use its
25 voice and vote at the United Nations, the Peace Im-

1 plementation Council and its Steering Board, and
2 other relevant international bodies to support the
3 Office of the High Representative.

4 **SEC. 1332. IMPOSITION OF SANCTIONS WITH RESPECT TO**
5 **FOREIGN PERSONS UNDERMINING THE DAY-**
6 **TON PEACE AGREEMENT OR THREATENING**
7 **THE SECURITY OF BOSNIA AND**
8 **HERZEGOVINA.**

9 (a) IMPOSITION OF SANCTIONS.—

10 (1) LIST REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, and
12 every 180 days thereafter, the President shall sub-
13 mit to the appropriate congressional committees a
14 list of foreign persons that are determined—

15 (A) to be responsible for or complicit in, or
16 to have directly or indirectly engaged in, any
17 action or policy that threatens the peace, secu-
18 rity, stability, or territorial integrity of Bosnia
19 and Herzegovina, including actions that seek to
20 undermine the authority of Bosnia and
21 Herzegovina’s state-level institutions, such as
22 forming illegal parallel institutions or actions
23 that threaten the Office of the High Represent-
24 ative;

1 (B) to be responsible for or complicit in, or
2 to have directly or indirectly engaged in, any
3 action or policy that undermines democratic
4 processes or institutions in Bosnia and
5 Herzegovina;

6 (C) to be responsible for or complicit in, or
7 to have directly or indirectly engaged in, or to
8 have attempted, a violation of, or an act that
9 has obstructed or threatened the implementa-
10 tion of, the Dayton Peace Agreement or the
11 Conclusions of the Peace Implementation Con-
12 ference Council held in London in December
13 1995, including the decisions or conclusions of
14 the Office of the High Representative, the
15 Peace Implementation Council, or its Steering
16 Board;

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

22 (E) to be responsible for or complicit in, or
23 to have directly or indirectly engaged in, or at-
24 tempted to engage in, corruption related to
25 Bosnia and Herzegovina, including corruption

1 by, on behalf of, or otherwise related to the gov-
2 ernment in Bosnia and Herzegovina, or a cur-
3 rent or former government official at any level
4 of government in Bosnia and Herzegovina, such
5 as the misappropriation of public assets, expro-
6 priation of private assets for personal gain or
7 political purposes, corruption related to govern-
8 ment contracts or the extraction of natural re-
9 sources or bribery;

10 (F) to be an adult family member of any
11 foreign person described in subparagraph (A),
12 (B), (C), (D), or (E), unless the President de-
13 termines that the adult family member—

14 (i) has condemned the activity or ac-
15 tivities of the foreign person described in
16 any such subparagraph; and

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

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

23 (H) to be owned or controlled by, or to
24 have acted or purported to act for or on behalf
25 of, directly or indirectly, a foreign person de-

1 scribed in subparagraph (A), (B), (C), (D), or
2 (E); or

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

8 (2) IMPOSITION OF SANCTIONS.—Upon the sub-
9 mission of each list required by paragraph (1), the
10 President shall impose the sanctions described in
11 subsection (c) with respect to each foreign person
12 identified on the list.

13 (b) ADDITIONAL MEASURE RELATING TO FACILITA-
14 TION OF TRANSACTIONS.—The Secretary of the Treasury
15 may, in consultation with the Secretary of State, prohibit
16 or impose strict conditions on the opening or maintaining
17 in the United States of a correspondent account or pay-
18 able-through account by a foreign financial institution
19 that the President determines has, on or after the date
20 of the enactment of this Act, knowingly conducted or fa-
21 cilitated a significant transaction or transactions on behalf
22 of a foreign person on the list required by subsection
23 (a)(1).

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

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

12 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
13 SION, OR PAROLE.—

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

16 (i) inadmissible to the United States;

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

19 (iii) otherwise ineligible to be admitted
20 or paroled into the United States or to re-
21 ceive any other benefit under the Immigra-
22 tion and Nationality Act (8 U.S.C. 1101 et
23 seq.).

24 (B) CURRENT VISAS REVOKED.—

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

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

12 (d) EXCEPTIONS.—

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

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

1 force November 21, 1947, between the United Na-
2 tions and the United States, the Convention on Con-
3 sular Relations, done at Vienna April 24, 1963, and
4 entered into force March 19, 1967, or other applica-
5 ble international obligations.

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

10 (A) the sale of agricultural commodities,
11 food, medicine, or medical devices;

12 (B) the provision of humanitarian assist-
13 ance;

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

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

21 (4) EXCEPTION RELATING TO THE IMPORTA-
22 TION OF GOODS.—

23 (A) IN GENERAL.—The authorities and re-
24 quirements under this section shall not include

1 the authority or a requirement to impose sanc-
2 tions on the importation of goods.

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

8 (e) WAIVER.—The President may, on a case-by-case
9 basis and for periods not to exceed 180 days each, waive
10 the application of sanctions or restrictions imposed with
11 respect to a foreign person under this section if the Presi-
12 dent certifies to the appropriate congressional committees
13 not later than 15 days before such waiver is to take effect
14 that the waiver is vital to the national security interests
15 of the United States.

16 (f) REGULATIONS.—

17 (1) IN GENERAL.—The President shall, not
18 later than 180 days after the date of the enactment
19 of this Act, prescribe regulations as necessary for
20 the implementation of this subtitle.

21 (2) NOTIFICATION TO CONGRESS.—Not later
22 than 10 days before the prescription of regulations
23 under paragraph (1), the President shall notify the
24 appropriate congressional committees regarding the

1 proposed regulations and the provisions of this sub-
2 title that the regulations are implementing.

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

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

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

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

1 (2) the foreign person has been prosecuted and
2 sentenced appropriately for the activity for which
3 sanctions were imposed; or

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

10 **SEC. 1333. CODIFICATION OF SANCTIONS RELATING TO**
11 **THE WESTERN BALKANS.**

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

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

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

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

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

12 (1) such person—

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

15 (B) has taken significant verifiable steps
16 toward stopping such activity; and

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

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

1 **SEC. 1334. CONSIDERATION OF CERTAIN INFORMATION IN**
2 **IMPOSING SANCTIONS.**

3 (a) IN GENERAL.—Not later than 60 days after re-
4 ceiving a request from the chairman and ranking member
5 of one of the appropriate congressional committees with
6 respect to whether a person or foreign person, as the case
7 may be, meets the criteria of a person described in section
8 1332(a)(1) or a person described in Executive Order
9 13219 or Executive Order 14033 as provided for in sec-
10 tion 1333(b), or any Executive order issued pursuant to
11 this subtitle or under the Balkans regulatory regime, the
12 President shall—

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

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

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

1 **SEC. 1335. REPORT ON RUSSIAN INFLUENCE IN BOSNIA**
2 **AND HERZEGOVINA.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of Defense, in coordination
5 with the Director of National Intelligence, the Secretary
6 of State, and the Director of Central Intelligence, shall
7 submit to Congress a classified report examining Russian
8 influence operations and assets in the military and defense
9 sector of Bosnia and Herzegovina, and related efforts to
10 destabilize Bosnia and Herzegovina.

11 **SEC. 1336. DEFINITIONS.**

12 In this subtitle:

13 (1) ADMITTED; ALIEN.—The terms “admitted”
14 and “alien” have the meanings given those terms in
15 section 101 of the Immigration and Nationality Act
16 (8 U.S.C. 1101).

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

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

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

1 (3) CORRESPONDENT ACCOUNT; PAYABLE-
2 THROUGH ACCOUNT.—The terms “correspondent ac-
3 count” and “payable-through account” have the
4 meanings given those terms in section 5318A of title
5 31, United States Code.

6 (4) DAYTON PEACE AGREEMENT.—The term
7 “Dayton Peace Agreement”, also known as the
8 “Dayton Accords”, means the General Framework
9 Agreement for Peace in Bosnia and Herzegovina,
10 initialed by the parties in Dayton, Ohio, on Novem-
11 ber 21, 1995, and signed in Paris on December 14,
12 1995.

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

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

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

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

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

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

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

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

17 (C) any person in the United States.

18 **SEC. 1337. SUNSET.**

19 This subtitle and the authorities provided by this sub-
20 title shall terminate on the date that is 7 years after the
21 date of the enactment of this Act.

