

AMENDMENT TO RULES COMM. PRINT 119-33

OFFERED BY MRS. WAGNER OF MISSOURI

At the end of title XVII of division A, add the following:

1 **Subtitle C—Upholding the Dayton**
2 **Peace Agreement Through**
3 **Sanctions Act**

4 **SEC. 17_. SHORT TITLE.**

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

7 **SEC. 17_. IMPOSITION OF SANCTIONS WITH RESPECT TO**
8 **FOREIGN PERSONS UNDERMINING THE DAY-**
9 **TON PEACE AGREEMENT OR THREATENING**
10 **THE SECURITY OF BOSNIA AND**
11 **HERZEGOVINA.**

12 (a) IMPOSITION OF SANCTIONS.—

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

18 (A) to be responsible for or complicit in, or
19 to have directly or indirectly engaged in, any

1 action or policy that threatens the peace, secu-
2 rity, stability, or territorial integrity of Bosnia
3 and Herzegovina, including actions that seek to
4 undermine the authority of Bosnia and
5 Herzegovina's state-level institutions, such as
6 forming illegal parallel institutions or actions
7 that threaten the Office of the High Represent-
8 ative;

9 (B) to be responsible for or complicit in, or
10 to have directly or indirectly engaged in, any
11 action or policy that undermines democratic
12 processes or institutions in Bosnia and
13 Herzegovina;

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

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

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

19 (F) to be an adult family member of any
20 foreign person described in subparagraph (A),
21 (B), (C), (D), or (E), unless the President de-
22 termines that the adult family member—

23 (i) has condemned the activity or ac-
24 tivities of the foreign person described in
25 any such subparagraph; and

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

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

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

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

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

22 (b) ADDITIONAL MEASURE RELATING TO FACILITA-
23 TION OF TRANSACTIONS.—The Secretary of the Treasury
24 may, in consultation with the Secretary of State, prohibit
25 or impose strict conditions on the opening or maintaining

1 in the United States of a correspondent account or pay-
2 able-through account by a foreign financial institution
3 that the President determines has, on or after the date
4 of the enactment of this Act, knowingly conducted or fa-
5 cilitated a significant transaction or transactions on behalf
6 of a foreign person on the list required by subsection
7 (a)(1).

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

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

21 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
22 SION, OR PAROLE.—

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

25 (i) inadmissible to the United States;

1 (ii) ineligible for a visa or travel to the
2 United States; and

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

8 (B) CURRENT VISAS REVOKED.—

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

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

20 (d) EXCEPTIONS.—

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

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

14 (3) EXCEPTION RELATING TO THE PROVISION
15 OF HUMANITARIAN ASSISTANCE.—Sanctions under
16 this section may not be imposed with respect to
17 transactions or the facilitation of transactions for—

18 (A) the sale of agricultural commodities,
19 food, medicine, or medical devices;

20 (B) the provision of humanitarian assist-
21 ance;

22 (C) financial transactions relating to hu-
23 manitarian assistance or for humanitarian pur-
24 poses; and

1 (D) transporting goods or services that are
2 necessary to carry out operations relating to
3 humanitarian assistance or humanitarian pur-
4 poses.

5 (4) EXCEPTION RELATING TO THE IMPORTA-
6 TION OF GOODS.—

7 (A) IN GENERAL.—The authorities and re-
8 quirements under this section shall not include
9 the authority or a requirement to impose sanc-
10 tions on the importation of goods.

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

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

24 (f) REGULATIONS.—

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

5 (2) NOTIFICATION TO CONGRESS.—Not later
6 than 10 days before the prescription of regulations
7 under paragraph (1), the President shall notify the
8 appropriate congressional committees regarding the
9 proposed regulations and the provisions of this sub-
10 title that the regulations are implementing.

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

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

23 (i) TERMINATION OF SANCTIONS.—The President
24 may terminate the application of sanctions under this sec-
25 tion with respect to a foreign person if the President deter-

1 mines and reports to the appropriate congressional com-
2 mittees not later than 15 days before the termination of
3 the sanctions that—

4 (1) credible information exists that the foreign
5 person did not engage in the activity for which sanc-
6 tions were imposed;

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

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

16 **SEC. 17__ . CODIFICATION OF SANCTIONS RELATING TO THE**
17 **WESTERN BALKANS.**

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

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

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

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

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

17 (1) such person—

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

20 (B) has taken significant verifiable steps
21 toward stopping such activity; and

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

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

5 **SEC. 17__ . CONSIDERATION OF CERTAIN INFORMATION IN**
6 **IMPOSING SANCTIONS.**

7 (a) IN GENERAL.—Not later than 60 days after re-
8 ceiving a request from the chairman and ranking member
9 of one of the appropriate congressional committees with
10 respect to whether a person or foreign person, as the case
11 may be, meets the criteria of a person described in section
12 17__(a)(1) or a person described in Executive Order
13 13219 or Executive Order 14033 as provided for in sec-
14 tion 17__(b), or any Executive order issued pursuant to
15 this subtitle or under the Balkans regulatory regime, the
16 President shall—

17 (1) determine if the person or foreign person,
18 as the case may be, 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 or for-
24 eign person.

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

4 **SEC. 17_. DEFINITIONS.**

5 In this subtitle:

6 (1) ADMITTED; ALIEN.—The terms “admitted”
7 and “alien” have the meanings given those terms in
8 section 101 of the Immigration and Nationality Act
9 (8 U.S.C. 1101).

10 (2) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Affairs and
14 the Committee on Financial Services of the
15 House of Representatives; and

16 (B) the Committee on Foreign Relations
17 and the Committee on Banking, Housing, and
18 Urban Affairs of the Senate.

19 (3) CORRESPONDENT ACCOUNT; PAYABLE-
20 THROUGH ACCOUNT.—The terms “correspondent ac-
21 count” and “payable-through account” have the
22 meanings given those terms in section 5318A of title
23 31, United States Code.

24 (4) DAYTON PEACE AGREEMENT.—The term
25 “Dayton Peace Agreement”, also known as the

1 “Dayton Accords”, means the General Framework
2 Agreement for Peace in Bosnia and Herzegovina,
3 initialed by the parties in Dayton, Ohio, on Novem-
4 ber 21, 1995, and signed in Paris on December 14,
5 1995.

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

10 (6) FOREIGN PERSON.—The term “foreign per-
11 son” means a person that is not a United States
12 person.

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

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

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

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

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

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

10 (C) any person in the United States.

11 **SEC. 17__ . SUNSET.**

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

