

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4591
OFFERED BY MR. KINZINGER OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Preventing Destabiliza-
3 tion of Iraq Act of 2018”.

**4 SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-
5 EIGN PERSONS THREATENING PEACE OR
6 STABILITY IN IRAQ.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the Secretary of the Treasury and the Secretary
9 of State should continue to implement Executive Order
10 13438 (50 U.S.C. 1701 note; relating to blocking property
11 of certain persons who threaten stabilization efforts in
12 Iraq).

13 (b) IMPOSITION OF SANCTIONS.—The President shall
14 impose the sanctions described in subsection (c) with re-
15 spect to any foreign person that the President determines
16 knowingly commits a significant act of violence that has
17 the direct purpose or effect of—

1 (1) threatening the peace or stability of Iraq or
2 the Government of Iraq;

3 (2) undermining the democratic process in Iraq;
4 or

5 (3) undermining significantly efforts to promote
6 economic reconstruction and political reform in Iraq
7 or to provide humanitarian assistance to the Iraqi
8 people.

9 (c) SANCTIONS DESCRIBED.—

10 (1) IN GENERAL.—The sanctions described in
11 this subsection are the following:

12 (A) ASSET BLOCKING.—The exercise of all
13 powers granted to the President by the Inter-
14 national Emergency Economic Powers Act (50
15 U.S.C. 1701 et seq.) to the extent necessary to
16 block and prohibit all transactions in all prop-
17 erty and interests in property of a foreign per-
18 son determined by the President to be subject
19 to subsection (b) if such property and interests
20 in property are in the United States, come
21 within the United States, or are or come within
22 the possession or control of a United States
23 person.

24 (B) ALIENS INELIGIBLE FOR VISAS, AD-
25 MISSION, OR PAROLE.—

1 (i) VISAS, ADMISSION, OR PAROLE.—

2 An alien who the Secretary of State or the
3 Secretary of Homeland Security (or a des-
4 ignee of one of such Secretaries) knows or
5 has reasonable grounds to believe meets
6 any of the criteria described in subsection

7 (b) is—

8 (I) inadmissible to the United
9 States;

10 (II) ineligible to receive a visa or
11 other documentation to enter the
12 United States; and

13 (III) otherwise ineligible to be
14 admitted or paroled into the United
15 States or to receive any other benefit
16 under the Immigration and Nation-
17 ality Act (8 U.S.C. 1101 et seq.).

18 (ii) CURRENT VISAS REVOKED.—

19 (I) IN GENERAL.—Any visa or
20 other documentation issued to an
21 alien who is a foreign person that is
22 described in subsection (b) regardless
23 of when such visa or other docu-
24 mentation was issued, shall be re-

1 voked and such alien shall be denied
2 admission to the United States.

3 (II) EFFECT OF REVOCATION.—

4 A revocation under subclause (I) shall
5 take effect immediately and shall
6 automatically cancel any other valid
7 visa or entry documentation that is in
8 the alien's possession.

9 (2) PENALTIES.—A person that is subject to
10 sanctions described in paragraph (1)(A) shall be
11 subject to the penalties set forth in subsections (b)
12 and (c) of section 206 of the International Emer-
13 gency Economic Powers Act (50 U.S.C. 1705) to the
14 same extent as a person that commits an unlawful
15 act described in subsection (a) of that section.

16 (3) EXCEPTION TO COMPLY WITH UNITED NA-
17 TIONS HEADQUARTERS AGREEMENT.—Sanctions
18 under paragraph (1)(B) shall not apply to an alien
19 if admitting the alien into the United States is nec-
20 essary to permit the United States to comply with
21 the Agreement regarding the Headquarters of the
22 United Nations, signed at Lake Success June 26,
23 1947, and entered into force November 21, 1947,
24 between the United Nations and the United States,
25 or other applicable international obligations.

1 (d) WAIVER.—The President may, on a case-by-case
2 basis and for periods not to exceed 90 days, waive the
3 application of sanctions in this section with respect to a
4 foreign person if the President certifies to the appropriate
5 congressional committees at least 15 days before such
6 waiver is to take effect that such waiver is vital to the
7 national security interests of the United States.

8 (e) IMPLEMENTATION AUTHORITY.—The President
9 may exercise all authorities provided to the President
10 under sections 203 and 205 of the International Emer-
11 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
12 for purposes of carrying out this section.

13 (f) REGULATORY AUTHORITY.—

14 (1) IN GENERAL.—The President shall, not
15 later than 90 days after the date of the enactment
16 of this Act, promulgate regulations as necessary for
17 the implementation of this section.

18 (2) NOTIFICATION TO CONGRESS.—Not less
19 than 10 days before the promulgation of regulations
20 under paragraph (1), the President shall notify and
21 provide to the appropriate congressional committees
22 the proposed regulations and the provisions of this
23 section that the regulations are implementing.

24 (g) DEFINITIONS.—In this section—

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

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

8 (A) the Committee on Foreign Affairs, the
9 Committee on the Judiciary, the Committee on
10 Ways and Means, and the Committee on Finan-
11 cial Services of the House of Representatives;
12 and

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

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

19 (4) GOVERNMENT OF IRAQ.—The term “Gov-
20 ernment of Iraq” has the meaning given that term
21 in section 576.310 of title 31, Code of Federal Reg-
22 ulations, as in effect on June 22, 2016.

23 (5) KNOWINGLY.—The term “knowingly”, with
24 respect to conduct, a circumstance, or a result,
25 means that a person has actual knowledge, or should

1 have known, of the conduct, the circumstance, or the
2 result.

3 (6) PERSON.—The term “person” has the
4 meaning given that term in section 576.311 of title
5 31, Code of Federal Regulations, as in effect on
6 June 22, 2016.

7 (7) PROPERTY; PROPERTY INTEREST.—The
8 terms “property” and “property interest” have the
9 meanings given those terms in section 576.312 of
10 title 31, Code of Federal Regulations, as in effect on
11 June 22, 2016.

12 (8) UNITED STATES PERSON.—The term
13 “United States person” has the meaning given that
14 term in section 576.317 of title 31, Code of Federal
15 Regulations, as in effect on June 22, 2016.

16 (h) SUNSET.—This section shall cease to be effective
17 beginning on January 1, 2022.

18 **SEC. 3. DETERMINATION WITH RESPECT TO THE IMPOSI-**
19 **TION OF SANCTIONS.**

20 (a) DETERMINATION.—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary of
22 State shall submit to the appropriate congressional com-
23 mittees a determination, including a detailed justification,
24 on whether Asa’ib Ahl al-Haq, Harakat Hizballah al-
25 Nujaba, or any foreign person that is an official, agent,

1 affiliate of, or owned or controlled by Asa'ib Ahl al-Haq
2 or Harakat Hizballah al-Nujaba meets the criteria for—

3 (1) designation as a foreign terrorist organiza-
4 tion pursuant to section 219 of the Immigration and
5 Nationality Act (8 U.S.C. 1189);

6 (2) the application of sanctions pursuant to Ex-
7 ecutive Order 13224 (50 U.S.C. 1701 note; relating
8 to blocking property and prohibiting transactions
9 with persons who commit, threaten to commit, or
10 support terrorism); or

11 (3) the application of sanctions pursuant to sec-
12 tion 2 of this Act.

13 (b) FORM.—The determination in subsection (a) shall
14 be submitted in unclassified form but may contain a classi-
15 fied annex.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Armed Services, the
20 Committee on Foreign Affairs, the Permanent Select
21 Committee on Intelligence, the Committee on Finan-
22 cial Services, and the Committee on the Judiciary of
23 the House of Representatives; and

24 (2) the Committee on Armed Services, the
25 Committee on Foreign Relations, the Select Com-

1 mittee on Intelligence, the Committee on Banking,
2 Housing, and Urban Affairs, and the Committee on
3 the Judiciary of the Senate.

4 **SEC. 4. WATCHLISTS.**

5 (a) IN GENERAL.—The Secretary of State shall an-
6 nually establish, maintain, and publish a list of armed
7 groups, militias, or proxy forces in Iraq receiving
8 logistical, military, or financial assistance from Iran’s Rev-
9 olutionary Guard Corps or over which Iran’s Revolu-
10 tionary Guard Corps exerts any form of control or influ-
11 ence.

12 (b) PUBLICATION.—The lists required under sub-
13 section (a) shall be published at the same time as the De-
14 partment of State’s Annual Country Reports on Ter-
15 rorism, beginning with the first such Country Reports
16 published after the date of the enactment of this Act.

17 (c) FORM.—If the Secretary of State determines that
18 it is appropriate to do so, the Secretary may, not later
19 than 30 days after publication of the Annual Country Re-
20 ports on Terrorism referred to in subsection (b), submit
21 to the Committee on Foreign Affairs of the House of Rep-
22 resentatives and the Committee on Foreign Relations of
23 the Senate a classified annex.

