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:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Destabilization of Iraq Act of 2018”.

SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS THREATENING PEACE OR STABILITY IN IRAQ.

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

(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to any foreign person that the President determines knowingly commits a significant act of violence that has the direct purpose or effect of—
(1) threatening the peace or stability of Iraq or
the Government of Iraq;
(2) undermining the democratic process in Iraq;
or
(3) undermining significantly efforts to promote
economic reconstruction and political reform in Iraq
or to provide humanitarian assistance to the Iraqi
people.

e) Sanctions Described.—
(1) In general.—The sanctions described in
this subsection are the following:

(A) Asset Blocking.—The exercise of all
powers granted to the President by the Inter-
national Emergency Economic Powers Act (50
U.S.C. 1701 et seq.) to the extent necessary to
block and prohibit all transactions in all prop-
erty and interests in property of a foreign per-
son determined by the President to be subject
to subsection (b) if such property and interests
in property are in the United States, come
within the United States, or are or come within
the possession or control of a United States
person.

(B) Aliens Ineligible for Visas, Ad-
mission, or Parole.—
(i) **Visas, Admission, or Parole.—**

An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows or has reasonable grounds to believe meets any of the criteria described in subsection (b) is—

(I) inadmissible to the United States;

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

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) **Current Visas Revoked.—**

(I) **In General.**—Any visa or other documentation issued to an alien who is a foreign person that is described in subsection (b) regardless of when such visa or other documentation was issued, shall be re-
voked and such alien shall be denied admission to the United States.

(II) Effect of Revocation.—
A revocation under subclause (I) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(2) Penalties.—A person that is subject to sanctions described in paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) Exception to Comply with United Nations Headquarters Agreement.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.
(d) **WAIVER.**—The President may, on a case-by-case basis and for periods not to exceed 90 days, waive the application of sanctions in this section with respect to a foreign person if the President certifies to the appropriate congressional committees at least 15 days before such waiver is to take effect that such waiver is vital to the national security interests of the United States.

(e) **IMPLEMENTATION AUTHORITY.**—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

(f) **REGULATORY AUTHORITY.**—

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

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

(g) **DEFINITIONS.**—In this section—
(1) Admitted; Alien.—The terms “admitted” and “alien” have the meanings given those terms in section 101(3) of the Immigration and Nationality Act (8 U.S.C. 1101(3)).

(2) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

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

(3) Foreign Person.—The term “foreign person” means a person that is not a United States person.


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

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

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

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

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

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

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

(1) designation as a foreign terrorist organization pursuant to section 219 of the Immigration and
Nationality Act (8 U.S.C. 1189);

(2) the application of sanctions pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating
to blocking property and prohibiting transactions
with persons who commit, threaten to commit, or
support terrorism); or

(3) the application of sanctions pursuant to section 2 of this Act.

(b) FORM.—The determination in subsection (a) shall
be submitted in unclassified form but may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the
Committee on Foreign Affairs, the Permanent Select
Committee on Intelligence, the Committee on Financial
Services, and the Committee on the Judiciary of
the House of Representatives; and

(2) the Committee on Armed Services, the
Committee on Foreign Relations, the Select Com-
mittee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

SEC. 4. WATCHLISTS.

(a) In General.—The Secretary of State shall annually establish, maintain, and publish a list of armed groups, militias, or proxy forces in Iraq receiving logistical, military, or financial assistance from Iran’s Revolutionary Guard Corps or over which Iran’s Revolutionary Guard Corps exerts any form of control or influence.

(b) Publication.—The lists required under subsection (a) shall be published at the same time as the Department of State’s Annual Country Reports on Terrorism, beginning with the first such Country Reports published after the date of the enactment of this Act.

(c) Form.—If the Secretary of State determines that it is appropriate to do so, the Secretary may, not later than 30 days after publication of the Annual Country Reports on Terrorism referred to in subsection (b), submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a classified annex.