

118TH CONGRESS  
2D SESSION

# H. R. 8282

To impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2024

Mr. ROY (for himself, Mr. MAST, Mr. WEBER of Texas, Ms. STEFANIK, Mr. CRENSHAW, Mr. D'ESPOSITO, Mr. GOOD of Virginia, Ms. TENNEY, Mr. BANKS, Mr. BRECHEEN, Mr. HERN, Mr. LAWLER, Mr. BARR, Mr. SELF, Mr. WALTZ, Mr. DONALDS, Mr. MCCORMICK, Mr. GREEN of Tennessee, Mr. RESCHENTHALER, Mr. CLOUD, and Mr. BURCHETT) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To impose sanctions with respect to the International Criminal Court engaged in any effort to investigate, arrest, detain, or prosecute any protected person of the United States and its allies.

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 “Illegitimate Court  
3 Counteraction Act”.

4 **SEC. 2. SANCTIONS WITH RESPECT TO THE INTER-**  
5 **NATIONAL CRIMINAL COURT.**

6 (a) IN GENERAL.—No later than 60 days after the  
7 enactment of this Act, if the International Criminal Court  
8 is engaging in any attempt to investigate, arrest, detain,  
9 or prosecute any protected person, the President shall im-  
10 pose—

11 (1) the sanctions described in subsection (b)  
12 with respect to any foreign person the President de-  
13 termines—

14 (A) has directly engaged in or otherwise  
15 aided any effort by the International Criminal  
16 Court to investigate, arrest, detain, or prosecute  
17 a protected person;

18 (B) has or materially assisted, sponsored,  
19 or provided financial, material, or technological  
20 support for, or goods or services to or in sup-  
21 port of any effort by the International Criminal  
22 Court to investigate, arrest, detain, or prosecute  
23 a protected person; or

24 (C) is owned or controlled by, or is cur-  
25 rently acting or purports to have acted, directly  
26 or indirectly, for or on behalf of any person

1 that directly engages in any effort by the Inter-  
2 national Criminal Court to investigate, arrest,  
3 detain, or prosecute a protected person; and

4 (2) the sanctions described in subsection (b)(2)  
5 with respect to the immediate family members of  
6 each foreign person who is subject to sanctions pur-  
7 suant to paragraph (1).

8 (b) SANCTIONS DESCRIBED.—The sanctions de-  
9 scribed in this subsection with respect to a foreign person  
10 described in subsection (a) are the following:

11 (1) PROPERTY BLOCKING.—The President shall  
12 exercise all of the powers granted by the Inter-  
13 national Emergency Economic Powers Act (50  
14 U.S.C. 1701 et seq.) to the extent necessary to block  
15 and prohibit all transactions in all property and in-  
16 terests in property of any foreign person described  
17 in subsection (a)(1) if such property and interests in  
18 property are in the United States, come within the  
19 United States, or are or come within the possession  
20 or control of a United States person.

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

23 (A) VISAS, ADMISSION, OR PAROLE.—In  
24 the case of an alien described in subsection (a),  
25 the alien is—

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) CURRENT VISAS REVOKED.—

11 (i) IN GENERAL.—The visa or other

12 entry documentation of an alien described

13 in subparagraph (A) shall be revoked, re-

14 gardless of when such visa or other entry

15 documentation was issued.

16 (ii) IMMEDIATE EFFECT.—A revoca-

17 tion under clause (i) shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any

20 other valid visa or entry documenta-

21 tion that is in the alien's possession.

22 (c) IMPLEMENTATION; PENALTIES.—

23 (1) IMPLEMENTATION.—The President may ex-

24 ercise all authorities provided under sections 203

25 and 205 of the International Emergency Economic

1 Powers Act (50 U.S.C. 1702 and 1704) to carry out  
2 this section.

3 (2) PENALTIES.—A person that violates, at-  
4 tempts to violate, conspires to violate, or causes a  
5 violation of this section or any regulation, license, or  
6 order issued to carry out this section shall be subject  
7 to the penalties set forth in subsections (b) and (c)  
8 of section 206 of the International Emergency Eco-  
9 nomic Powers Act (50 U.S.C. 1705) to the same ex-  
10 tent as a person that commits an unlawful act de-  
11 scribed in subsection (a) of that section.

12 (d) NOTIFICATION TO CONGRESS.—Not later than 10  
13 days after any imposition of sanctions pursuant to sub-  
14 section (a), the President shall brief and provide written  
15 notification to the appropriate congressional committees  
16 regarding the imposition of sanctions that shall include—

17 (1) a description of the foreign person or per-  
18 sons subject to the imposition of such sanctions, in-  
19 cluding the foreign person’s role at or relation to the  
20 International Criminal Court;

21 (2) a description of any activity undertaken by  
22 such foreign person or persons in support of efforts  
23 to investigate, arrest, detain, or prosecute any pro-  
24 tected person; and

1           (3) the specific sanctions imposed on such for-  
2           eign person or persons.

3           (e) SPECIAL RULE.—The President may terminate  
4 the sanctions with respect to the foreign persons described  
5 in subsection (a) if the President certifies in writing to  
6 the appropriate congressional committees that the Inter-  
7 national Criminal Court—

8           (1) has ceased engaging in any effort to inves-  
9           tigate, arrest, detain, or prosecute all protected per-  
10          sons; and

11          (2) has permanently closed, withdrawn, ended,  
12          and otherwise terminated any preliminary examina-  
13          tion, investigation, or any other effort by the Inter-  
14          national Criminal Court to investigate, arrest, de-  
15          tain, or prosecute all protected persons.

16 **SEC. 3. DEFINITIONS.**

17          In this Act:

18           (1) ADMITTED ALIEN.—The terms “admitted”  
19           and “alien” have the meanings given those terms in  
20           section 101 of the Immigration and Nationality Act  
21           (8 U.S.C. 1101).

22           (2) ALLY OF THE UNITED STATES.—The term  
23           “ally of the United States” means—

24                   (A) a government of a member country of  
25                   the North Atlantic Treaty Organization; or

1           (B) a government of a major non-NATO  
2 ally, as that term is defined by section 2013(7)  
3 of the American Service-Members' Protection  
4 Act (22 U.S.C. 7432(7)).

5           (3) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES DEFINED.—The term “appropriate congres-  
7 sional committees” means—

8           (A) the Committee on Foreign Affairs, the  
9 Committee on Financial Services, and the Com-  
10 mittee on the Judiciary of the House of Rep-  
11 resentatives; and

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

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

19           (5) IMMEDIATE FAMILY MEMBER.—The term  
20 “immediate family member”, with respect to a for-  
21 eign person, means the spouse, parent, sibling, or  
22 adult child of the person.

23           (6) INTERNATIONAL CRIMINAL COURT; ROME  
24 STATUTE.—The terms “International Criminal  
25 Court” and “Rome Statute” have the meaning given

1 those terms in section 2013 of the American Service-  
2 Members' Protection Act (22 U.S.C. 7432).

3 (7) PROTECTED PERSON.—The term “protected  
4 person” means—

5 (A) any United States person, unless the  
6 United States provides formal consent to Inter-  
7 national Criminal Court jurisdiction and is a  
8 state party to the Rome Statute of the Inter-  
9 national Criminal Court, including—

10 (i) current or former members of the  
11 Armed Forces of the United States;

12 (ii) current or former elected or ap-  
13 pointed officials of the United States Gov-  
14 ernment; and

15 (iii) any other person currently or for-  
16 merly employed by or working on behalf of  
17 the United States Government;

18 (B) any foreign person that is a citizen or  
19 lawful resident of an ally of the United States  
20 that has not consented to International Crimi-  
21 nal Court jurisdiction or is not a state party to  
22 the Rome Statute of the International Criminal  
23 Court, including—



1 (i) current or former members of the  
2 Armed Forces of such ally of the United  
3 States;

4 (ii) current or former elected or ap-  
5 pointed government officials of such ally of  
6 the United States; and

7 (iii) any other person currently or for-  
8 merly employed by or working on behalf of  
9 such a government.

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

12 (A) an individual who is a United States  
13 citizen or an alien lawfully admitted for perma-  
14 nent residence to the United States;

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

19 (C) any person in the United States.

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