

[~118H8282]

(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROY introduced the following bill; which was referred to the Committee
on _____

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegitimate Court
5 Counteraction Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The United States and Israel are not par-
2 ties to the Rome Statute or members of the Inter-
3 national Criminal Court (ICC), and therefore the
4 ICC has no legitimacy or jurisdiction over the
5 United States or Israel.

6 (2) On May 20, 2024, the Prosecutor of the
7 International Criminal Court, Karim Khan, an-
8 nounced arrest warrant applications for Israeli
9 Prime Minister Benjamin Netanyahu and Minister
10 of Defense Yoav Gallant and should be condemned
11 in the strongest possible terms.

12 (3) On November 21, 2024, the ICC's Pre-Trial
13 Chamber issued warrants for the arrest of
14 Netanyahu and Gallant, which should be condemned
15 in the strongest possible terms.

16 (4) The bipartisan American Servicemembers'
17 Protection Act was enacted in 2002 to protect
18 United States military personnel, United States offi-
19 cials, and officials and military personnel of certain
20 allied countries against criminal prosecution by an
21 international criminal court to which the United
22 States is not party, stating, "In addition to exposing
23 members of the Armed Forces of the United States
24 to the risk of international criminal prosecution, the
25 Rome Statute creates a risk that the President and

1 other senior elected and appointed officials of the
2 United States Government may be prosecuted by the
3 International Criminal Court.”.

4 (5) The ICC’s actions against Israel, including
5 the preliminary examination and investigation of
6 Israel and issuance of arrest warrants against Israeli
7 officials, are illegitimate and baseless and create a
8 damaging precedent that threatens the United
9 States, Israel, and all United States partners who
10 have not consented to the ICC’s jurisdiction.

11 (6) The United States must oppose any action
12 by the ICC against the United States, Israel, or any
13 other ally of the United States that has not con-
14 sented to ICC jurisdiction or is not a state party to
15 the Rome Statute of the ICC.

16 **SEC. 3. SANCTIONS WITH RESPECT TO THE INTER-**
17 **NATIONAL CRIMINAL COURT.**

18 (a) IN GENERAL.—Not later than 60 days after the
19 date of enactment of this Act, and on an ongoing basis
20 thereafter, if the International Criminal Court is engaging
21 in any attempt to investigate, arrest, detain, or prosecute
22 any protected person, the President shall impose—

23 (1) the sanctions described in subsection (b)
24 with respect to any foreign person the President de-
25 termines—

1 (A) has directly engaged in or otherwise
2 aided any effort by the International Criminal
3 Court to investigate, arrest, detain, or prosecute
4 a protected person;

5 (B) has materially assisted, sponsored, or
6 provided financial, material, or technological
7 support for, or goods or services to or in sup-
8 port of any effort by the International Criminal
9 Court to investigate, arrest, detain, or prosecute
10 a protected person; or

11 (C) is owned or controlled by, or is cur-
12 rently acting or purports to have acted, directly
13 or indirectly, for or on behalf of any person
14 that directly engages in any effort by the Inter-
15 national Criminal Court to investigate, arrest,
16 detain, or prosecute a protected person; and

17 (2) the sanctions described in subsection (b)(2)
18 with respect to the immediate family members of
19 each foreign person who is subject to sanctions pur-
20 suant to paragraph (1).

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

24 (1) PROPERTY BLOCKING.—The President shall
25 exercise all of the powers granted by the Inter-

1 national Emergency Economic Powers Act (50
2 U.S.C. 1701 et seq.) to the extent necessary to block
3 and prohibit all transactions in all property and in-
4 terests in property of any foreign person described
5 in subsection (a)(1) if such property and interests in
6 property are in the United States, come within the
7 United States, or are or come within the possession
8 or control of a United States person.

9 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
10 SION, OR PAROLE.—

11 (A) VISAS, ADMISSION, OR PAROLE.—In
12 the case of an alien described in subsection (a),
13 the alien is—

14 (i) inadmissible to the United States;
15 (ii) ineligible to receive a visa or other
16 documentation to enter the United States;
17 and

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

23 (B) CURRENT VISAS REVOKED.—

24 (i) IN GENERAL.—The visa or other
25 entry documentation of an alien described

1 in subparagraph (A) shall be revoked, re-
2 gardless of when such visa or other entry
3 documentation was issued.

4 (ii) IMMEDIATE EFFECT.—A revoca-
5 tion under clause (i) shall—

6 (I) take effect immediately; and

7 (II) automatically cancel any
8 other valid visa or entry documenta-
9 tion that is in the alien's possession.

10 (c) IMPLEMENTATION; PENALTIES.—

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

16 (2) PENALTIES.—A person that violates, at-
17 tempts to violate, conspires to violate, or causes a
18 violation of this section or any regulation, license, or
19 order issued to carry out this section shall be subject
20 to the penalties set forth in subsections (b) and (c)
21 of section 206 of the International Emergency Eco-
22 nomic Powers Act (50 U.S.C. 1705) to the same ex-
23 tent as a person that commits an unlawful act de-
24 scribed in subsection (a) of that section.

1 (d) NOTIFICATION TO CONGRESS.—Not later than 10
2 days after any imposition of sanctions pursuant to sub-
3 section (a), the President shall brief and provide written
4 notification to the appropriate congressional committees
5 regarding the imposition of sanctions that shall include—

6 (1) a description of the foreign person or per-
7 sons subject to the imposition of such sanctions, in-
8 cluding the foreign person's role at or relation to the
9 International Criminal Court;

10 (2) a description of any activity undertaken by
11 such foreign person or persons in support of efforts
12 to investigate, arrest, detain, or prosecute any pro-
13 tected person; and

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

16 (e) WAIVER.—

17 (1) IN GENERAL.—The President may, on a
18 case-by-case basis and for periods not to exceed 90
19 days each, waive the application of sanctions im-
20 posed or maintained with respect to a foreign person
21 under this section if the President submits to the
22 appropriate congressional committees before the
23 waiver is to take effect a report that contains a de-
24 termination of the President that the waiver is vital

1 to the national security interests of the United
2 States.

3 (2) CONTENTS.—Each report required by para-
4 graph (1) with respect to a waiver of the application
5 of sanctions imposed or maintained with respect to
6 a foreign person under this section, or the renewal
7 of such a waiver, shall include—

8 (A) a specific and detailed rationale for the
9 determination that the waiver is vital to the na-
10 tional security interests of the United States;

11 (B) a description of the activity that re-
12 sulted in the foreign person being subject to
13 sanctions;

14 (C) a detailed description and list of ac-
15 tions the United States has taken to stop the
16 International Criminal Court from engaging in
17 any effort to investigate, arrest, detain, or pros-
18 ecute all protected persons; and

19 (D) a detailed description and list of ac-
20 tions the International Criminal Court has
21 taken to permanently close, withdraw, end, or
22 otherwise terminate any preliminary examina-
23 tion, investigation, or any other effort to inves-
24 tigate, arrest, detain, or prosecute all protected
25 persons.

1 (3) FORM.—Each report required by paragraph
2 by paragraph (1) shall be submitted in unclassified
3 form but may include a classified annex.

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

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

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

17 **SEC. 4. RESCISSION OF FUNDS FOR INTERNATIONAL**
18 **CRIMINAL COURT.**

19 (a) IN GENERAL.—Effective on the date of the enact-
20 ment of this Act, any amounts appropriated for the Inter-
21 national Criminal Court and available for obligation as of
22 such date of enactment are hereby rescinded.

23 (b) PROHIBITION ON FUTURE APPROPRIATIONS.—
24 On and after the date of the enactment of this Act, no

1 appropriated funds may be used for the International
2 Criminal Court.

3 **SEC. 5. DEFINITIONS.**

4 In this Act:

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

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

11 (A) a government of a member country of
12 the North Atlantic Treaty Organization; or

13 (B) a government of a major non-NATO
14 ally, as that term is defined by section 2013(7)
15 of the American Service-Members’ Protection
16 Act (22 U.S.C. 7432(7)).

17 (3) **APPROPRIATE CONGRESSIONAL COMMIT-**
18 **TEES DEFINED.**—The term “appropriate congress-

19 sional committees” means—
20 (A) the Committee on Foreign Affairs, the
21 Committee on Financial Services, and the Com-
22 mittee on the Judiciary of the House of Rep-
23 resentatives; and

24 (B) the Committee on Foreign Relations
25 the Committee on Banking, Housing, and

1 Urban Affairs, and the Committee on the Judi-
2 ciary of the Senate.

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

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

10 (6) INTERNATIONAL CRIMINAL COURT; ROME
11 STATUTE.—The terms “International Criminal
12 Court” and “Rome Statute” have the meaning given
13 those terms in section 2013 of the American Service-
14 Members’ Protection Act (22 U.S.C. 7432).

15 (7) PROTECTED PERSON.—The term “protected
16 person” means—

17 (A) any United States person, unless the
18 United States provides formal consent to Inter-
19 national Criminal Court jurisdiction and is a
20 state party to the Rome Statute of the Inter-
21 national Criminal Court, including—

22 (i) current or former members of the
23 Armed Forces of the United States;

1 (ii) current or former elected or ap-
2 pointed officials of the United States Gov-
3 ernment; and

4 (iii) any other person currently or for-
5 merly employed by or working on behalf of
6 the United States Government;

7 (B) any foreign person that is a citizen or
8 lawful resident of an ally of the United States
9 that has not consented to International Crimi-
10 nal Court jurisdiction or is not a state party to
11 the Rome Statute of the International Criminal
12 Court, including—

13 (i) current or former members of the
14 Armed Forces of such ally of the United
15 States;

16 (ii) current or former elected or ap-
17 pointed government officials of such ally of
18 the United States; and

19 (iii) any other person currently or for-
20 merly employed by or working on behalf of
21 such a government.

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

1 (A) an individual who is a United States
2 citizen or an alien lawfully admitted for perma-
3 nent residence to the United States;

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

8 (C) any person in the United States.