

Comparative Print: Bill to Bill Differences

Comparing the base document 118hr8282ih with RCP_8282_xml.

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Text of H.R. 8282, Illegitimate Court Counteraction Act Offered by M. _____. [Showing the text of H.R. 8282, with modifications]

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.

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States and Israel are not parties to the Rome Statute or members of the International Criminal Court (ICC), and therefore the ICC has no legitimacy or jurisdiction over the United States or Israel.

(2) On May 20, 2024, the Prosecutor of the International Criminal Court, Karim Khan, announced arrest warrant applications for Israeli Prime Minister Benjamin Netanyahu and Minister of Defense Yoav Gallant and should be condemned in the strongest possible terms.

(3) The bipartisan American Servicemembers’ Protection Act was enacted in 2002 to protect United States military personnel, United States officials, and officials and military personnel of certain allied countries against criminal prosecution by an international criminal court to which the United States is not party, stating, “In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court.”.

(4) The ICC’s actions against Israel are illegitimate and baseless, including the preliminary examination and investigation of Israel and applications for arrest warrants against Israeli officials, which create a

damaging precedent that threatens the United States, Israel, and all United States partners who have not submitted to the ICC's jurisdiction.

(5) The United States must oppose any action by the ICC against the United States, Israel, or any other ally of the United States that has not consented to ICC jurisdiction or is not a state party to the Rome Statute of the ICC.

SEC. ~~2~~.3. SANCTIONS WITH RESPECT TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—~~No~~*Not* later than 60 days after the *date of* enactment of this Act, *and on an ongoing basis thereafter*, if the International Criminal Court is engaging in any attempt to investigate, arrest, detain, or prosecute any protected person, the President shall impose—

- (1) the sanctions described in subsection (b) with respect to any foreign person the President determines—
 - (A) has directly engaged in or otherwise aided any effort by the International Criminal Court to investigate, arrest, detain, or prosecute a protected person;
 - (B) has ~~or~~ materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of any effort by the International Criminal Court to investigate, arrest, detain, or prosecute a protected person; or
 - (C) is owned or controlled by, or is currently acting or purports to have acted, directly or indirectly, for or on behalf of any person that directly engages in any effort by the International Criminal Court to investigate, arrest, detain, or prosecute a protected person; and
- (2) the sanctions described in subsection (b)(2) with respect to the immediate family members of each foreign person who is subject to sanctions pursuant to paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign person described in subsection (a) are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of any foreign person described in subsection (a)(1) 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.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

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

(B) CURRENT VISAS REVOKED.—

- (i) IN GENERAL.—The visa or other entry documentation of an alien described in subparagraph (A) shall be revoked, regardless of when such visa or other entry documentation was issued.
- (ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—
 - (I) take effect immediately; and
 - (II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) IMPLEMENTATION; PENALTIES.—

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

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section 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.

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

- (1) a description of the foreign person or persons subject to the imposition of such sanctions, including the foreign person's role at or relation to the International Criminal Court;
- (2) a description of any activity undertaken by such foreign person or persons in support of efforts to investigate, arrest, detain, or prosecute any protected person; and
- (3) the specific sanctions imposed on such foreign person or persons.

(e) Waiver.—

(1) IN GENERAL.—The President may, on a case-by-case basis and for periods not to exceed 90 days each, waive the application of sanctions imposed or maintained with respect to a foreign person under this section if the President submits to the appropriate congressional committees before the waiver is to take effect a report that contains a determination of the President that the waiver is vital to the national security interests of the United States.

(2) CONTENTS.—Each report required by paragraph (1) with respect to a waiver of the application of sanctions imposed or maintained with respect to a foreign person under this section, or the renewal of such a waiver, shall include—

(A) a specific and detailed rationale for the determination that the waiver is vital to the national security interests of the United States;

(B) a description of the activity that resulted in the foreign person being subject to sanctions;

(C) a detailed description and list of actions the United States has taken to—

(i) stop the International Criminal Court from engaging in any effort to investigate, arrest, detain, or prosecute all protected persons; and

(ii) permanently close, withdraw, end, or otherwise terminate any preliminary examination, investigation, or any other effort to investigate, arrest, detain, or prosecute all protected persons.

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

(f) SPECIAL RULE.—The President may terminate the sanctions with respect to the foreign persons described in subsection (a) if the President certifies in writing to the appropriate congressional committees that the International Criminal Court—

- (1) has ceased engaging in any effort to investigate, arrest, detain, or prosecute all protected persons; and
- (2) has permanently closed, withdrawn, ended, and otherwise terminated any preliminary examination, investigation, or any other effort by the International Criminal Court to investigate, arrest, detain, or prosecute all protected persons.

SEC. 4. RESCISSION OF FUNDS FOR INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Effective on the date of the enactment of this Act, any amounts appropriated for the International Criminal Court and available for obligation as of such date of enactment are hereby rescinded.

(b) PROHIBITION ON FUTURE APPROPRIATIONS.—On and after the date of the enactment of this Act, no appropriated funds may be used for the International Criminal Court.

SEC. ~~3-5~~. DEFINITIONS.

In this Act:

- (1) ADMITTED ALIEN.—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).
- (2) ALLY OF THE UNITED STATES.—The term “ally of the United States” means—

- (A) a government of a member country of the North Atlantic Treaty Organization; or
- (B) a government of a major non-NATO ally, as that term is defined by section 2013(7) of the American Service-Members' Protection Act (22 U.S.C. 7432(7)).
- (3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term “appropriate congressional committees” means—
- (A) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and
- (B) the Committee on Foreign Relations the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.
- (4) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.
- (5) IMMEDIATE FAMILY MEMBER.—The term “immediate family member”, with respect to a foreign person, means the spouse, parent, sibling, or adult child of the person.
- (6) INTERNATIONAL CRIMINAL COURT; ROME STATUTE.—The terms “International Criminal Court” and “Rome Statute” have the meaning given those terms in section 2013 of the American Service-Members' Protection Act (22 U.S.C. 7432).
- (7) PROTECTED PERSON.—The term “protected person” means—
- (A) any United States person, unless the United States provides formal consent to International Criminal Court jurisdiction and is a state party to the Rome Statute of the International Criminal Court, including—
- (i) current or former members of the Armed Forces of the United States;
 - (ii) current or former elected or appointed officials of the United States Government; and
 - (iii) any other person currently or formerly employed by or working on behalf of the United States Government;
- (B) any foreign person that is a citizen or lawful resident of an ally of the United States that has not consented to International Criminal Court jurisdiction or is not a state party to the Rome Statute of the International Criminal Court, including—
- (i) current or former members of the Armed Forces of such ally of the United States;
 - (ii) current or former elected or appointed government officials of such ally of the United States; and
 - (iii) any other person currently or formerly employed by or working on behalf of such a government.
- (8) UNITED STATES PERSON.—The term “United States person” means—
- (A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;
- (B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or
- (C) any person in the United States.

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