

JUNE 2, 2024

**RULES COMMITTEE PRINT 118–37**  
**TEXT OF H.R. 8282, ILLEGITIMATE COURT**  
**COUNTERACTION ACT**

**[Showing the text of H.R. 8282, with modifications]**

**1 SECTION 1. SHORT TITLE.**

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

**4 SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) The United States and Israel are not par-  
7 ties to the Rome Statute or members of the Inter-  
8 national Criminal Court (ICC), and therefore the  
9 ICC has no legitimacy or jurisdiction over the  
10 United States or Israel.

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

17          (3) The bipartisan American Servicemembers’  
18 Protection Act was enacted in 2002 to protect

1 United States military personnel, United States offi-  
2 cials, and officials and military personnel of certain  
3 allied countries against criminal prosecution by an  
4 international criminal court to which the United  
5 States is not party, stating, “In addition to exposing  
6 members of the Armed Forces of the United States  
7 to the risk of international criminal prosecution, the  
8 Rome Statute creates a risk that the President and  
9 other senior elected and appointed officials of the  
10 United States Government may be prosecuted by the  
11 International Criminal Court.”.

12 (4) The ICC’s actions against Israel are illegit-  
13 imate and baseless, including the preliminary exam-  
14 ination and investigation of Israel and applications  
15 for arrest warrants against Israeli officials, which  
16 create a damaging precedent that threatens the  
17 United States, Israel, and all United States partners  
18 who have not submitted to the ICC’s jurisdiction.

19 (5) The United States must oppose any action  
20 by the ICC against the United States, Israel, or any  
21 other ally of the United States that has not con-  
22 sented to ICC jurisdiction or is not a state party to  
23 the Rome Statute of the ICC.

1 **SEC. 3. SANCTIONS WITH RESPECT TO THE INTER-**  
2 **NATIONAL CRIMINAL COURT.**

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

8 (1) the sanctions described in subsection (b)  
9 with respect to any foreign person the President de-  
10 termines—

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

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

21 (C) is owned or controlled by, or is cur-  
22 rently acting or purports to have acted, directly  
23 or indirectly, for or on behalf of any person  
24 that directly engages in any effort by the Inter-  
25 national Criminal Court to investigate, arrest,  
26 detain, or prosecute a protected person; and

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

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

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

18          (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-  
19      SION, OR PAROLE.—

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

23           (i) inadmissible to the United States;

1 (ii) ineligible to receive a visa or other  
2 documentation to enter the United States;  
3 and

4 (iii) otherwise ineligible to be admitted  
5 or paroled into the United States or to re-  
6 ceive any other benefit under the Immigra-  
7 tion and Nationality Act (8 U.S.C. 1101 et  
8 seq.).

9 (B) CURRENT VISAS REVOKED.—

10 (i) IN GENERAL.—The visa or other  
11 entry documentation of an alien described  
12 in subparagraph (A) shall be revoked, re-  
13 gardless of when such visa or other entry  
14 documentation was issued.

15 (ii) IMMEDIATE EFFECT.—A revoca-  
16 tion under clause (i) shall—

17 (I) take effect immediately; and

18 (II) automatically cancel any  
19 other valid visa or entry documenta-  
20 tion that is in the alien's possession.

21 (c) IMPLEMENTATION; PENALTIES.—

22 (1) IMPLEMENTATION.—The President may ex-  
23 ercise all authorities provided under sections 203  
24 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) WAIVER.—

4           (1) IN GENERAL.—The President may, on a  
5       case-by-case basis and for periods not to exceed 90  
6       days each, waive the application of sanctions im-  
7       posed or maintained with respect to a foreign person  
8       under this section if the President submits to the  
9       appropriate congressional committees before the  
10      waiver is to take effect a report that contains a de-  
11      termination of the President that the waiver is vital  
12      to the national security interests of the United  
13      States.

14          (2) CONTENTS.—Each report required by para-  
15      graph (1) with respect to a waiver of the application  
16      of sanctions imposed or maintained with respect to  
17      a foreign person under this section, or the renewal  
18      of such a waiver, shall include—

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

22              (B) a description of the activity that re-  
23      sulted in the foreign person being subject to  
24      sanctions;

1 (C) a detailed description and list of ac-  
2 tions the United States has taken to—

3 (i) stop the International Criminal  
4 Court from engaging in any effort to inves-  
5 tigate, arrest, detain, or prosecute all pro-  
6 tected persons; and

7 (ii) permanently close, withdraw, end,  
8 or otherwise terminate any preliminary ex-  
9 amination, investigation, or any other ef-  
10 fort to investigate, arrest, detain, or pros-  
11 ecute all protected persons.

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

15 (f) SPECIAL RULE.—The President may terminate  
16 the sanctions with respect to the foreign persons described  
17 in subsection (a) if the President certifies in writing to  
18 the appropriate congressional committees that the Inter-  
19 national Criminal Court—

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

23 (2) has permanently closed, withdrawn, ended,  
24 and otherwise terminated any preliminary examina-  
25 tion, investigation, or any other effort by the Inter-



1 national Criminal Court to investigate, arrest, de-  
2 tain, or prosecute all protected persons.

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

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

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

13 **SEC. 5. DEFINITIONS.**

14 In this Act:

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

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

21 (A) a government of a member country of  
22 the North Atlantic Treaty Organization; or

23 (B) a government of a major non-NATO  
24 ally, as that term is defined by section 2013(7)

1 of the American Service-Members' Protection  
2 Act (22 U.S.C. 7432(7)).

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

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

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

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

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

21 (6) INTERNATIONAL CRIMINAL COURT; ROME  
22 STATUTE.—The terms “International Criminal  
23 Court” and “Rome Statute” have the meaning given  
24 those terms in section 2013 of the American Service-  
25 Members' Protection Act (22 U.S.C. 7432).

1 (7) PROTECTED PERSON.—The term “protected  
2 person” means—

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

8 (i) current or former members of the  
9 Armed Forces of the United States;

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

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

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

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

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

4 (iii) any other person currently or for-  
5 merly employed by or working on behalf of  
6 such a government.

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

9 (A) an individual who is a United States  
10 citizen or an alien lawfully admitted for perma-  
11 nent residence to the United States;

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

16 (C) any person in the United States.

