

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

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:

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

3 (e) WAIVER.—

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—

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 investi-
21 gate, 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)).

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.

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).

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.

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.