

.....
(Original Signature of Member)

118TH CONGRESS
2D 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”.

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

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

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 or materially assisted, sponsored,
16 or 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) 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.