

118TH CONGRESS
1ST SESSION

S. 224

To impose sanctions with respect to associates of the International Criminal Court engaged in investigations of personnel of the United States and its allies.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2023

Mr. COTTON (for himself, Mr. CRUZ, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions with respect to associates of the International Criminal Court engaged in investigations of personnel 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 of 2023”.

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

8 (a) IN GENERAL.—If the International Criminal
9 Court is conducting an active investigation of, is engaged

1 in a preliminary examination of, or is pursuing charges
2 against a protected person, the President shall impose—

3 (1) the sanctions described in subsection (b)
4 with respect to a covered International Criminal
5 Court employee or associate; and

6 (2) the sanctions described in subsection (b)(2)
7 with respect to any foreign person who is—

8 (A) an employee of the International
9 Criminal Court;

10 (B) determined to be acting as an agent of
11 the International Criminal Court or an em-
12 ployee of the International Criminal Court; or

13 (C) an immediate family member of a cov-
14 ered International Criminal Court employee or
15 associate.

16 (b) SANCTIONS DESCRIBED.—The sanctions de-
17 scribed in this subsection that shall be imposed with re-
18 spect to a covered International Criminal Court employee
19 or associate are the following:

20 (1) PROPERTY BLOCKING.—The President shall
21 exercise all of the powers granted by the Inter-
22 national Emergency Economic Powers Act (50
23 U.S.C. 1701 et seq.) to the extent necessary to block
24 and prohibit all transactions in all property and in-
25 terests in property of the covered International

1 Criminal Court employee or associate if such prop-
2 erty and interests in property are in the United
3 States, come within the United States, or are or
4 come within the possession or control of a United
5 States person.

6 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
7 SION, OR PAROLE.—

8 (A) VISAS, ADMISSION, OR PAROLE.—In
9 the case of an alien, the alien is—

10 (i) inadmissible to the United States;

11 (ii) ineligible to receive a visa or other
12 documentation to enter the United States;
13 and

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

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—The visa or other
21 entry documentation of an alien described
22 in subparagraph (A) shall be revoked, re-
23 gardless of when such visa or other entry
24 documentation was issued.

1 (ii) IMMEDIATE EFFECT.—A revoca-
2 tion under clause (i) shall—

3 (I) take effect immediately; and

4 (II) automatically cancel any
5 other valid visa or entry documenta-
6 tion that is in the alien's possession.

7 (c) IMPLEMENTATION; PENALTIES.—

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

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

22 (d) EXCEPTIONS.—

23 (1) EXCEPTION RELATING TO IMPORTATION OF
24 GOODS.—

1 (A) IN GENERAL.—A requirement to block
2 and prohibit all transactions in all property and
3 interests in property under this section shall not
4 include the authority or a requirement to im-
5 pose sanctions on the importation of goods.

6 (B) GOOD.—In this paragraph, the term
7 “good” means any article, natural or manmade
8 substance, material, supply or manufactured
9 product, including inspection and test equip-
10 ment, and excluding technical data.

11 (2) EXCEPTION TO COMPLY WITH UNITED NA-
12 TIONS HEADQUARTERS AGREEMENT AND LAW EN-
13 FORCEMENT OBJECTIVES.—Sanctions under sub-
14 section (b)(2) shall not apply with respect to an
15 alien if admitting or paroling the alien into the
16 United States—

17 (A) would further important United States
18 law enforcement objectives; or

19 (B) is necessary to permit the United
20 States to comply with the Agreement regarding
21 the Headquarters of the United Nations, signed
22 at Lake Success June 26, 1947, and entered
23 into force November 21, 1947, between the
24 United Nations and the United States, or other

1 applicable international obligations of the
2 United States.

3 **SEC. 3. 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) COVERED INTERNATIONAL CRIMINAL COURT
10 EMPLOYEE OR ASSOCIATE.—The term “covered
11 International Criminal Court employee or associate”
12 means a foreign person that—

13 (A) has directly or indirectly engaged in or
14 otherwise aided any effort or action by the
15 International Criminal Court to investigate, ar-
16 rest, detain, or prosecute a protected person;

17 (B) has materially assisted, sponsored, or
18 provided financial, material, or technological
19 support for, or goods or services to or in sup-
20 port of such efforts by the International Crimi-
21 nal Court described in subparagraph (A); or

22 (C) is owned or controlled by, or has acted
23 or purports to have acted, directly or indirectly,
24 for or on behalf of any person that engages in

1 such efforts by the International Criminal
2 Court described in subparagraph (A).

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

6 (4) 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 (5) PROTECTED PERSON.—The term “protected
11 person” means—

12 (A) a member of the Armed Forces of the
13 United States;

14 (B) a former member of the Armed Forces
15 of the United States who is being investigated
16 by the International Criminal Court for alleged
17 actions that occurred while the individual was a
18 member of the Armed Forces;

19 (C) an employee or contractor of the
20 United States Government who—

21 (i) assists the Armed Forces of the
22 United States; or

23 (ii) has any role in creating or imple-
24 menting policies of the Armed Forces;

1 (D) a former employee or contractor of the
2 United States Government who—

3 (i) as an employee or contractor, as-
4 sisted the Armed Forces or had any role in
5 creating or implementing policies of the
6 Armed Forces; and

7 (ii) is being investigated by the Inter-
8 national Criminal Court for alleged actions
9 that occurred while the individual was an
10 employee or contractor of the United
11 States Government;

12 (E) a member of the armed forces of a
13 country that—

14 (i) is a treaty ally or partner of the
15 United States;

16 (ii) is not a state party to the Rome
17 Statute of the International Criminal
18 Court; and

19 (iii) has not consented to the involve-
20 ment of the International Criminal Court
21 in the relevant investigation; or

22 (F) an individual who—

23 (i) is a former member of the armed
24 forces of a country that—

1 (I) is a treaty ally or partner of
2 the United States;

3 (II) is not a state party to the
4 Rome Statute of the International
5 Criminal Court; and

6 (III) has not consented to the in-
7 volvement of the International Crimi-
8 nal Court in the relevant investiga-
9 tion; and

10 (ii) is being investigated by the Inter-
11 national Criminal Court for alleged actions
12 that occurred while the individual was a
13 member of the armed forces of such coun-
14 try.

15 (6) TREATY ALLY OR PARTNER OF THE UNITED
16 STATES.—The term “treaty ally or partner of the
17 United States” means any of the following:

18 (A) A foreign country that is a party to
19 any of the following:

20 (i) The North Atlantic Treaty, signed
21 at Washington, April 4, 1949.

22 (ii) The Security Treaty Between
23 Australia, New Zealand, and the United
24 States of America, signed at San Fran-
25 cisco, September 1, 1951.

1 (iii) The Mutual Defense Treaty Be-
 2 tween the United States of America and
 3 the Republic of the Philippines, signed at
 4 Washington, August 30, 1951.

5 (iv) The Treaty of Mutual Coopera-
 6 tion and Security Between the United
 7 States of America and Japan, signed at
 8 Washington, January 19, 1960.

9 (v) The Mutual Defense Treaty Be-
 10 tween the United States of America and
 11 the Republic of Korea, signed at Wash-
 12 ington, October 1, 1953.

13 (B) Israel.

14 (C) Taiwan.

15 (D) Sweden.

16 (E) Finland.

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

19 (A) an individual who is a United States
 20 citizen or an alien lawfully admitted for perma-
 21 nent residence to the United States;

22 (B) an entity organized under the laws of
 23 the United States or any jurisdiction within the
 24 United States, including a foreign branch of
 25 such an entity; or

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(C) any person in the United States.

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