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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Illegitimate Court Counteraction Act of 2023”.

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

(a) IN GENERAL.—If the International Criminal Court is conducting an active investigation of, is engaged
in a preliminary examination of, or is pursuing charges
against a protected person, the President shall impose—
(1) the sanctions described in subsection (b)
with respect to a covered International Criminal
Court employee or associate; and
(2) the sanctions described in subsection (b)(2)
with respect to any foreign person who is—
(A) an employee of the International
Criminal Court;
(B) determined to be acting as an agent of
the International Criminal Court or an em-
ployee of the International Criminal Court; or
(C) an immediate family member of a cov-
ered International Criminal Court employee or
associate.
(b) SANCTIONS DESCRIBED.—The sanctions de-
scribed in this subsection that shall be imposed with re-
spect to a covered International Criminal Court employee
or associate are the following:
(1) PROPERTY BLOCKING.—The President shall
exercise all of the powers granted by the Inter-
national 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 in-
terests in property of the covered International
Criminal Court employee or associate if such prop-
erty 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, ADMIS-
SION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—In
the case of an alien, 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 re-
ceive any other benefit under the Immigra-
tion 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, re-
gardless 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.

(e) **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) **Exceptions.**—

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

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

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

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

(B) is necessary to permit the United
States to comply with the Agreement regarding
the Headquarters of the United Nations, signed
at Lake Success June 26, 1947, and entered
into force November 21, 1947, between the
United Nations and the United States, or other
applicable international obligations of the
United States.

SEC. 3. 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

(2) COVERED INTERNATIONAL CRIMINAL COURT
EMPLOYEE OR ASSOCIATE.—The term “covered
International Criminal Court employee or associate”
means a foreign person that—

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

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

(C) is owned or controlled by, or has acted
or purports to have acted, directly or indirectly,
for or on behalf of any person that engages in
such efforts by the International Criminal Court described in subparagraph (A).

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

(4) 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.

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

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

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

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

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

(ii) has any role in creating or implementing policies of the Armed Forces;
(D) a former employee or contractor of the United States Government who—

(i) as an employee or contractor, assisted the Armed Forces or had any role in creating or implementing policies of the Armed Forces; and

(ii) is being investigated by the International Criminal Court for alleged actions that occurred while the individual was an employee or contractor of the United States Government;

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

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

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

(iii) has not consented to the involvement of the International Criminal Court in the relevant investigation; or

(F) an individual who—

(i) is a former member of the armed forces of a country that—
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(I) is a treaty ally or partner of
the United States;

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

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

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

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

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

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

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


(B) Israel.

(C) Taiwan.

(D) Sweden.

(E) Finland.

(7) 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.