

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. ROY OF TEXAS

At the end of title XVII, insert the following:

1 **Subtitle D—International Criminal**
2 **Court Sanctions**

3 **SEC. 17____. FINDINGS.**

4 Congress finds the following:

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

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

16 (3) The bipartisan American Servicemembers'
17 Protection Act was enacted in 2002 to protect
18 United States military personnel, United States offi-
19 cials, and officials and military personnel of certain

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

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

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

22 **SEC. 17___ . SANCTIONS WITH RESPECT TO THE INTER-**
23 **NATIONAL CRIMINAL COURT.**

24 (a) **IN GENERAL.**—Not later than 60 days after the
25 date of enactment of this Act, and on an ongoing basis

1 thereafter, if the International Criminal Court is engaging
2 in any attempt to investigate, arrest, detain, or prosecute
3 any protected person, the President shall impose—

4 (1) the sanctions described in subsection (b)
5 with respect to any foreign person the President de-
6 termines—

7 (A) has directly engaged in or otherwise
8 aided any effort by the International Criminal
9 Court to investigate, arrest, detain, or prosecute
10 a protected person;

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

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

23 (2) the sanctions described in subsection (b)(2)
24 with respect to the immediate family members of

1 each foreign person who is subject to sanctions pur-
2 suant to paragraph (1).

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

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

16 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
17 SION, OR PAROLE.—

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

21 (i) inadmissible to the United States;

22 (ii) ineligible to receive a visa or other
23 documentation to enter the United States;

24 and

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

6 (B) CURRENT VISAS REVOKED.—

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

12 (ii) IMMEDIATE EFFECT.—A revoca-
13 tion under clause (i) shall—

14 (I) take effect immediately; and

15 (II) automatically cancel any
16 other valid visa or entry documenta-
17 tion that is in the alien's possession.

18 (c) IMPLEMENTATION; PENALTIES.—

19 (1) IMPLEMENTATION.—The President may ex-
20 ercise all authorities provided under sections 203
21 and 205 of the International Emergency Economic
22 Powers Act (50 U.S.C. 1702 and 1704) to carry out
23 this section.

24 (2) PENALTIES.—A person that violates, at-
25 tempts to violate, conspires to violate, or causes a

1 violation of this section or any regulation, license, or
2 order issued to carry out this section shall be subject
3 to the penalties set forth in subsections (b) and (c)
4 of section 206 of the International Emergency Eco-
5 nomic Powers Act (50 U.S.C. 1705) to the same ex-
6 tent as a person that commits an unlawful act de-
7 scribed in subsection (a) of that section.

8 (d) NOTIFICATION TO CONGRESS.—Not later than 10
9 days after any imposition of sanctions pursuant to sub-
10 section (a), the President shall brief and provide written
11 notification to the appropriate congressional committees
12 regarding the imposition of sanctions that shall include—

13 (1) a description of the foreign person or per-
14 sons subject to the imposition of such sanctions, in-
15 cluding the foreign person's role at or relation to the
16 International Criminal Court;

17 (2) a description of any activity undertaken by
18 such foreign person or persons in support of efforts
19 to investigate, arrest, detain, or prosecute any pro-
20 tected person; and

21 (3) the specific sanctions imposed on such for-
22 eign person or persons.

23 (e) WAIVER.—

24 (1) IN GENERAL.—The President may, on a
25 case-by-case basis and for periods not to exceed 90

1 days each, waive the application of sanctions im-
2 posed or maintained with respect to a foreign person
3 under this section if the President submits to the
4 appropriate congressional committees before the
5 waiver is to take effect a report that contains a de-
6 termination of the President that the waiver is vital
7 to the national security interests of the United
8 States.

9 (2) CONTENTS.—Each report required by para-
10 graph (1) with respect to a waiver of the application
11 of sanctions imposed or maintained with respect to
12 a foreign person under this section, or the renewal
13 of such a waiver, shall include—

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

17 (B) a description of the activity that re-
18 sulted in the foreign person being subject to
19 sanctions;

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

22 (i) stop the International Criminal
23 Court from engaging in any effort to inves-
24 tigate, arrest, detain, or prosecute all pro-
25 tected persons; and

1 (ii) permanently close, withdraw, end,
2 or otherwise terminate any preliminary ex-
3 amination, investigation, or any other ef-
4 fort to investigate, arrest, detain, or pros-
5 ecute all protected persons.

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

9 (f) SPECIAL RULE.—The President may terminate
10 the sanctions with respect to the foreign persons described
11 in subsection (a) if the President certifies in writing to
12 the appropriate congressional committees that the Inter-
13 national Criminal Court—

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

17 (2) has permanently closed, withdrawn, ended,
18 and otherwise terminated any preliminary examina-
19 tion, investigation, or any other effort by the Inter-
20 national Criminal Court to investigate, arrest, de-
21 tain, or prosecute all protected persons.

22 **SEC. 17___ . RESCISSION OF FUNDS FOR INTERNATIONAL**
23 **CRIMINAL COURT.**

24 (a) IN GENERAL.—Effective on the date of the enact-
25 ment of this Act, any amounts appropriated for the Inter-

1 national Criminal Court and available for obligation as of
2 such date of enactment are hereby rescinded.

3 (b) PROHIBITION ON FUTURE APPROPRIATIONS.—

4 On and after the date of the enactment of this Act, no
5 appropriated funds may be used for the International
6 Criminal Court.

7 **SEC. 17___ . DEFINITIONS.**

8 In this subtitle:

9 (1) The terms “admitted” and “alien” have the
10 meanings given those terms in section 101 of the
11 Immigration and Nationality Act (8 U.S.C. 1101).

12 (2) The term “ally of the United States”
13 means—

14 (A) a government of a member country of
15 the North Atlantic Treaty Organization; or

16 (B) a government of a major non-NATO
17 ally, as that term is defined by section 2013(7)
18 of the American Service-Members’ Protection
19 Act (22 U.S.C. 7432(7)).

20 (3) The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Foreign Affairs, the
23 Committee on Financial Services, and the Com-
24 mittee on the Judiciary of the House of Rep-
25 resentatives; and

1 (B) the Committee on Foreign Relations
2 the Committee on Banking, Housing, and
3 Urban Affairs, and the Committee on the Judi-
4 ciary of the Senate.

5 (4) The term “foreign person” means a person
6 that is not a United States person.

7 (5) The term “immediate family member”, with
8 respect to a foreign person, means the spouse, par-
9 ent, sibling, or adult child of the person.

10 (6) The terms “International Criminal Court”
11 and “Rome Statute” have the meaning given those
12 terms in section 2013 of the American Service-Mem-
13 bers’ Protection Act (22 U.S.C. 7432).

14 (7) The term “protected person” means—

15 (A) any United States person, unless the
16 United States provides formal consent to Inter-
17 national Criminal Court jurisdiction and is a
18 state party to the Rome Statute of the Inter-
19 national Criminal Court, including—

20 (i) current or former members of the
21 Armed Forces of the United States;

22 (ii) current or former elected or ap-
23 pointed officials of the United States Gov-
24 ernment; and

1 (iii) any other person currently or for-
2 merly employed by or working on behalf of
3 the United States Government;

4 (B) any foreign person that is a citizen or
5 lawful resident of an ally of the United States
6 that has not consented to International Crimi-
7 nal Court jurisdiction or is not a state party to
8 the Rome Statute of the International Criminal
9 Court, including—

10 (i) current or former members of the
11 Armed Forces of such ally of the United
12 States;

13 (ii) current or former elected or ap-
14 pointed government officials of such ally of
15 the United States; and

16 (iii) any other person currently or for-
17 merly employed by or working on behalf of
18 such a government.

19 (8) The term “United States person” means—

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

23 (B) an entity organized under the laws of
24 the United States or any jurisdiction within the

1 United States, including a foreign branch of
2 such an entity; or
3 (C) any person in the United States.

