

(Pub. L. 107–206, title II, §2010, Aug. 2, 2002, 116 Stat. 906.)

**§ 7430. Application of sections 7423 and 7425 to exercise of constitutional authorities**

**(a) In general**

Sections 7423 and 7425 of this title shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

**(b) Notification to Congress**

**(1) In general**

Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 7423 or 7425 of this title, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

**(2) Exception**

If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

**(c) Construction**

Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

(Pub. L. 107–206, title II, §2011, Aug. 2, 2002, 116 Stat. 907.)

**§ 7431. Nondelegation**

The authorities vested in the President by sections 7422 and 7430(a) of this title may not be delegated by the President pursuant to section 301 of title 3 or any other provision of law. The authority vested in the President by section 7424(c)(3) of this title may not be delegated by the President pursuant to section 301 of title 3 or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

(Pub. L. 107–206, title II, §2012, Aug. 2, 2002, 116 Stat. 907.)

**§ 7432. Definitions**

As used in this subchapter and in section 7402 of this title:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

**(2) Classified national security information**

The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

**(3) Covered allied persons**

The term “covered allied persons” means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

**(4) Covered United States persons**

The term “covered United States persons” means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

**(5) Extradition**

The terms “extradition” and “extradite” mean the extradition of a person in accordance with the provisions of chapter 209 of title 18 (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

**(6) International Criminal Court**

The term “International Criminal Court” means the court established by the Rome Statute.

**(7) Major non-NATO ally**

The term “major non-NATO ally” means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961 [22 U.S.C. 2321k].

**(8) Participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations**

The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a

United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

**(9) Party to the International Criminal Court**

The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

**(10) Peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations**

The term “peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

**(11) Rome Statute**

The term “Rome Statute” means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

**(12) Support**

The term “support” means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(Pub. L. 107–206, title II, § 2013, Aug. 2, 2002, 116 Stat. 907; Pub. L. 109–364, div. A, title XII, § 1222, Oct. 17, 2006, 120 Stat. 2423; Pub. L. 110–181, div. A, title XII, § 1212(b)(2), Jan. 28, 2008, 122 Stat. 371.)

**Editorial Notes**

**REFERENCES IN TEXT**

Executive Order 12958, referred to in par. (2), which was formerly set out as a note under section 435 (now section 3161) of Title 50, War and National Defense, was revoked by Ex. Ord. No. 13526, § 6.2(g), Dec. 29, 2009, 75 F.R. 731.

**AMENDMENTS**

2008—Par. (13). Pub. L. 110–181 struck out par. (13) which defined “United States military assistance”.

2006—Par. (13)(A). Pub. L. 109–364 struck out “or 5” before “of part II”.

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 7433. Assistance to international efforts**

**(a) Assistance**

Nothing in this subchapter shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda,<sup>1</sup> leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity, or from rendering assistance to the International Criminal Court to assist with investigations and prosecutions of foreign nationals related to the Situation in Ukraine, including to support victims and witnesses.

**(b) Authority**

Assistance made available pursuant to subsection (a) of this section may be made available notwithstanding section 7401 of this title, except that none of the funds made available pursuant to this subsection may be made available for the purpose of supporting investigations or prosecutions of U.S. servicemembers or other covered United States persons or covered allied persons as such terms are defined in section 7432 of this title.

**(c) Notification**

The Secretary of State shall notify the Committees on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, of any amounts obligated pursuant to subsection (b) not later than 15 days before such obligation is made.

(Pub. L. 107–206, title II, § 2015, Aug. 2, 2002, 116 Stat. 909; Pub. L. 117–328, div. K, title VII, § 7073(b), Dec. 29, 2022, 136 Stat. 5092.)

**Editorial Notes**

**AMENDMENTS**

2022—Pub. L. 117–328 substituted subsecs. (a) to (c) for “Nothing in this subchapter shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.”

**Statutory Notes and Related Subsidiaries**

**RULE OF CONSTRUCTION**

Nothing in amendment by Pub. L. 117–328 to be construed to modify the existing roles or authorities of any Federal agency or official, see section 7073(c) of Pub. L. 117–328, set out as a note under section 7423 of this title.

**CHAPTER 82—AFGHANISTAN FREEDOM SUPPORT**

Sec.  
7501. Definition.

<sup>1</sup> So in original.