

et request for the DTS-PO, prior to the submission of any such request by the Executive Agent.

(3) To review the performance of the DTS-PO against plans approved under paragraph (1) and the management activities and internal controls of the DTS-PO.

(4) To require from the DTS-PO any plans, reports, documents, and records the Governance Board considers necessary to perform its oversight responsibilities.

(5) To conduct and evaluate independent audits of the DTS-PO.

(6) To approve or disapprove the nomination of the Director of the DTS-PO by the Executive Agent with a majority vote of the Governance Board.

(7) To recommend to the Executive Agent the replacement of the Director of the DTS-PO with a majority vote of the Governance Board.

(f) National security interests

The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

(Pub. L. 106-567, title III, §322, as added Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2736.)

PRIOR PROVISIONS

A prior section 7302, Pub. L. 106-567, title III, §322, Dec. 27, 2000, 114 Stat. 2843; Pub. L. 107-306, title VIII, §811(b)(5)(E), Nov. 27, 2002, 116 Stat. 2425, which related to personnel, was repealed by Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2735.

§ 7303. Funding of the Diplomatic Telecommunications Service

(a) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and the DTS-PO. Funds appropriated for allocation to the DTS-PO shall remain available to the DTS-PO for a period of two fiscal years.

(b) Fees

The DTS-PO shall charge a department or agency that uses the DTS Network for only those bandwidth costs attributable to such department or agency and for specific projects carried out at the request of such department or agency, pursuant to the pricing methodology for such bandwidth costs and such projects approved under section 7302(e)(1) of this title, for which amounts have not been appropriated for allocation to the DTS-PO. The DTS-PO is authorized to directly receive payments from departments or agencies that use the DTS Network and to invoice such departments or agencies for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing such projects. Such funds received from such departments or agencies shall remain available to the DTS-PO for a period of two fiscal years.

(Pub. L. 106-567, title III, §323, as added Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2738.)

PRIOR PROVISIONS

A prior section 7303, Pub. L. 106-567, title III, §323, Dec. 27, 2000, 114 Stat. 2845, which related to Diplomatic Telecommunications Service Oversight Board, was repealed by Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2735. See section 7302 of this title.

§ 7304. Definitions

In this chapter:

(1) DTS Network

The term “DTS Network” means the worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities outside of the United States.

(2) DTS-PO

The term “DTS-PO” means the Diplomatic Telecommunications Service Program Office.

(3) Governance Board

The term “Governance Board” means the Diplomatic Telecommunications Service Governance Board established under section 7302(a)(1) of this title.

(Pub. L. 106-567, title III, §324, as added Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2738.)

PRIOR PROVISIONS

A prior section 7304, Pub. L. 106-567, title III, §324, Dec. 27, 2000, 114 Stat. 2846, which related to general provisions, was repealed by Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2735.

CHAPTER 81—INTERNATIONAL CRIMINAL COURT

SUBCHAPTER I—GENERAL PROVISIONS

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SUBCHAPTER I—GENERAL PROVISIONS

§ 7401. Restriction relating to United States accession to the International Criminal Court**(a) Prohibition**

The United States shall not become a party to the International Criminal Court except pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after November 29, 1999.

(b) Prohibition on use of funds

None of the funds authorized to be appropriated by this or any other Act may be obligated for use by, or for support of, the International Criminal Court unless the United States has become a party to the Court pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after November 29, 1999.

(c) International Criminal Court defined

In this section, the term “International Criminal Court” means the court established by 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.

(Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title VII, §705], Nov. 29, 1999, 113 Stat. 1536, 1501A–460.)

CODIFICATION

Section was formerly set out as a note under section 262–1 of this title.

SHORT TITLE

Pub. L. 107–206, title II, §2001, Aug. 2, 2002, 116 Stat. 899, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘American Servicemembers’ Protection Act of 2002.’”

§ 7402. Prohibition on extradition or transfer of United States citizens to the International Criminal Court**(a) Prohibition on extradition**

None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to extradite a United States citizen to a foreign country that is under an obligation to surrender persons to the International Criminal Court unless that foreign country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(b) Prohibition on consent to extradition by third countries

None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to provide consent to the extradition or transfer of a United States citizen by a foreign country to a third country that is under an obligation to surrender persons to the International Criminal Court, unless the third country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfac-

tory assurances to the United States that the third country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(c) Definition

In this section, the term “International Criminal Court” has the meaning given the term in section 7401(c) of this title.

(Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title VII, §706], Nov. 29, 1999, 113 Stat. 1536, 1501A–461.)

CODIFICATION

Section was formerly set out as a note under section 262–1 of this title.

SUBCHAPTER II—AMERICAN SERVICEMEMBERS’ PROTECTION

§ 7421. Findings

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the “Rome Statute of the International Criminal Court”. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: “We are left with consequences that do not serve the cause of international justice.”

(5) Ambassador Scheffer went on to tell the Congress that: “Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court’s jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational oper-