

national Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribes and other inducements not authorized

This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

(Pub. L. 107–206, title II, §2008, Aug. 2, 2002, 116 Stat. 905.)

§ 7428. Alliance command arrangements

(a) Report on alliance command arrangements

Not later than 6 months after August 2, 2002, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) Description of measures to achieve enhanced protection for members of the Armed Forces of the United States

Not later than 1 year after August 2, 2002, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) Submission in classified form

The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

(Pub. L. 107–206, title II, §2009, Aug. 2, 2002, 116 Stat. 906.)

§ 7429. Withholdings

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 7401 of this title are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

(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 Af-

fairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 7433. Assistance to international efforts

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.

(Pub. L. 107–206, title II, §2015, Aug. 2, 2002, 116 Stat. 909.)

CHAPTER 82—AFGHANISTAN FREEDOM SUPPORT

Sec.

7501. Definition.

SUBCHAPTER I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

- 7511. Declaration of policy.
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SUBCHAPTER II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

7531 to 7538. Omitted.

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- 7551. Requirement to comply with procedures relating to the prohibition on assistance to drug traffickers.
- 7552. Sense of Congress regarding protecting Afghanistan's President.
- 7553. Donor contributions to Afghanistan and reports.
- 7554. Reports.
- 7555. Formulation of long-term strategy for Afghanistan.
- 7556. Benchmarks to evaluate the progress being made toward the transition of security responsibilities for Afghanistan to the Government of Afghanistan.

§ 7501. Definition

In this chapter, the term “Government of Afghanistan” includes—

- (1) the government of any political subdivision of Afghanistan; and
- (2) any agency or instrumentality of the Government of Afghanistan.

(Pub. L. 107–327, §1(c), Dec. 4, 2002, 116 Stat. 2797.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–458, title VII, §7104(a), Dec. 17, 2004, 118 Stat. 3780, provided that: “This section [enacting sections 7536a and 7555 of this title, amending sections 7513, 7514, 7518, 7536, 7537, 7538, and 7554 of this title, repealing section 2374 of this title, and enacting provisions set out as notes under sections 7511, 7513, 7514, and 7536 of this title] may be cited as the ‘Afghanistan Freedom Support Act Amendments of 2004’.”

SHORT TITLE

Pub. L. 107–327, §1(a), Dec. 4, 2002, 116 Stat. 2797, provided that: “This Act [enacting this chapter] may be cited as the ‘Afghanistan Freedom Support Act of 2002’.”

SUBCHAPTER I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

§ 7511. Declaration of policy

Congress makes the following declarations:

(1) The United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.

(2) The United States, in particular, should provide its expertise to meet immediate humanitarian and refugee needs, fight the production and flow of illicit narcotics, and aid in the reconstruction of Afghanistan.

(3) By promoting peace and security in Afghanistan and preventing a return to conflict, the United States and the international community can help ensure that Afghanistan does not again become a source for international terrorism.

(4) The United States should support the objectives agreed to on December 5, 2001, in Bonn, Germany, regarding the provisional arrangement for Afghanistan as it moves toward the establishment of permanent institutions and, in particular, should work intensively toward ensuring the future neutrality of Afghanistan, establishing the principle that neighboring countries and other countries in the region do not threaten or interfere in one another's sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal.

(5) The special emergency situation in Afghanistan, which from the perspective of the American people combines security, humanitarian, political, law enforcement, and development imperatives, requires that the President should receive maximum flexibility in designing, coordinating, and administering efforts with respect to assistance for Afghanistan and that a temporary special program of such assistance should be established for this purpose.

(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in the broader Central Asia region.

(Pub. L. 107–327, title I, §101, Dec. 4, 2002, 116 Stat. 2798.)

Statutory Notes and Related Subsidiaries

MEANINGFUL INCLUSION OF AFGHAN WOMEN IN PEACE NEGOTIATIONS

Pub. L. 116–92, div. A, title XII, §1216, Dec. 20, 2019, 133 Stat. 1633, provided that:

“(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Defense, shall seek to en-