

AMENDMENT TO H.R. 1646, AS REPORTED
OFFERED BY MR. DELAY OF TEXAS

Page 90, after line 8, add the following:

1 **Subtitle B—American**
2 **Servicemembers’ Protection Act**

3 **SEC. 631. SHORT TITLE.**

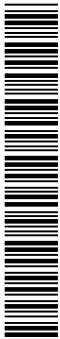
4 This subtitle may be cited as the “American
5 Servicemembers’ Protection Act of 2001”.

6 **SEC. 632. FINDINGS.**

7 Congress makes the following findings:

8 (1) On July 17, 1998, the United Nations Dip-
9 lomatic Conference of Plenipotentiaries on the Es-
10 tablishment of an International Criminal Court,
11 meeting in Rome, Italy, adopted the “Rome Statute
12 of the International Criminal Court.” The vote on
13 whether to proceed with the Statute was 120 in
14 favor to 7 against, with 21 countries abstaining. The
15 United States voted against final adoption of the
16 Rome Statute.

17 (2) As of April 30, 2001, 139 countries had
18 signed the Rome Statute and 30 had ratified it. Pur-
19 suant to Article 126 of the Rome Statute, the Stat-
20 ute will enter into force on the first day of the
21 month after the 60th day following the date on



1 which the 60th country deposits an instrument rati-
2 fying the Statute.

3 (3) Since adoption of the Rome Statute, a Pre-
4 paratory Commission for the International Criminal
5 Court has met regularly to draft documents to im-
6 plement the Rome Statute, including Rules of Proce-
7 dure and Evidence, Elements of Crimes, and a defi-
8 nition of the Crime of Aggression.

9 (4) During testimony before the Congress fol-
10 lowing the adoption of the Rome Statute, the lead
11 United States negotiator, Ambassador David
12 Scheffer stated that the United States could not
13 sign the Rome Statute because certain critical nego-
14 tiating objectives of the United States had not been
15 achieved. As a result, he stated: “We are left with
16 consequences that do not serve the cause of inter-
17 national justice.”

18 (5) Ambassador Scheffer went on to tell the
19 Congress that: “Multinational peacekeeping forces
20 operating in a country that has joined the treaty can
21 be exposed to the Court’s jurisdiction even if the
22 country of the individual peacekeeper has not joined
23 the treaty. Thus, the treaty purports to establish an
24 arrangement whereby United States armed forces
25 operating overseas could be conceivably prosecuted

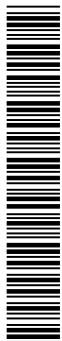


1 by the international court even if the United States
2 has not agreed to be bound by the treaty. Not only
3 is this contrary to the most fundamental principles
4 of treaty law, it could inhibit the ability of the
5 United States to use its military to meet alliance ob-
6 ligations and participate in multinational operations,
7 including humanitarian interventions to save civilian
8 lives. Other contributors to peacekeeping operations
9 will be similarly exposed.”.

10 (6) Notwithstanding these concerns, President
11 Clinton directed that the United States sign the
12 Rome Statute on December 31, 2000. In a state-
13 ment issued that day, he stated that in view of the
14 unremedied deficiencies of the Rome Statute, “I will
15 not, and do not recommend that my successor sub-
16 mit the Treaty to the Senate for advice and consent
17 until our fundamental concerns are satisfied”.

18 (7) Any American prosecuted by the Inter-
19 national Criminal Court will, under the Rome Stat-
20 ute, be denied procedural protections to which all
21 Americans are entitled under the Bill of Rights to
22 the United States Constitution, such as the right to
23 trial by jury.

24 (8) Members of the Armed Forces of the
25 United States deserve the full protection of the



1 United States Constitution wherever they are sta-
2 tioned or deployed around the world to protect the
3 vital national interests of the United States. The
4 United States Government has an obligation to pro-
5 tect the members of its Armed Forces, to the max-
6 imum extent possible, against criminal prosecutions
7 carried out by United Nations officials under proce-
8 dures that deny them their constitutional rights.

9 (9) In addition to exposing members of the
10 Armed Forces of the United States to the risk of
11 international criminal prosecution, the Rome Statute
12 creates a risk that the President and other senior
13 elected and appointed officials of the United States
14 Government may be prosecuted by the International
15 Criminal Court. Particularly if the Preparatory
16 Commission agrees on a definition of the Crime of
17 Aggression over United States objections, senior
18 United States officials may be at risk of criminal
19 prosecution for national security decisions involving
20 such matters as responding to acts of terrorism, pre-
21 venting the proliferation of weapons of mass destruc-
22 tion, and deterring aggression. No less than mem-
23 bers of the Armed Forces of the United States, sen-
24 ior officials of the United States Government deserve
25 the full protection of the United States Constitution



1 with respect to official actions taken by them to pro-
2 tect the national interests of the United States.

3 **SEC. 633. WAIVER AND TERMINATION OF PROHIBITIONS OF**
4 **THIS ACT.**

5 (a) **AUTHORITY TO INITIALLY WAIVE SECTIONS 635**
6 **AND 637.**—The President is authorized to waive the prohi-
7 bitions and requirements of sections 635 and 637 for a
8 single period of one year. Such a waiver may be issued
9 only if the President at least 15 days in advance of exer-
10 cising such authority—

11 (1) notifies the appropriate congressional com-
12 mittees of the intention to exercise such authority;
13 and

14 (2) determines and reports to the appropriate
15 congressional committees that the International
16 Criminal Court has entered into a binding agree-
17 ment that—

18 (A) prohibits the International Criminal
19 Court from seeking to exercise jurisdiction over
20 the following persons with respect to actions
21 undertaken by them in an official capacity:

- 22 (i) covered United States persons;
23 (ii) covered allied persons; and



1 (iii) individuals who were covered
2 United States persons or covered allied
3 persons; and

4 (B) ensures that no person described in
5 subparagraph (A) will be arrested, detained,
6 prosecuted, or imprisoned by or on behalf of the
7 International Criminal Court.

8 (b) AUTHORITY TO EXTEND WAIVER OF SECTIONS
9 635 AND 637.—The President is authorized to waive the
10 prohibitions and requirements of sections 635 and 637 for
11 successive periods of one year each upon the expiration
12 of a previous waiver pursuant to subsection (a) or this
13 subsection. Such a waiver may be issued only if the Presi-
14 dent at least fifteen days in advance of exercising such
15 authority—

16 (1) notifies the appropriate congressional com-
17 mittees of the intention to exercise such authority;
18 and

19 (2) determines and reports to the appropriate
20 congressional committees that the International
21 Criminal Court—

22 (A) remains party to, and has continued to
23 abide by, a binding agreement that—

24 (i) prohibits the International Crimi-
25 nal Court from seeking to exercise jurisdic-



1 tion over the following persons with respect
2 to actions undertaken by them in an offi-
3 cial capacity:

4 (I) covered United States per-
5 sons;

6 (II) covered allied persons; and

7 (III) individuals who were cov-
8 ered United States persons or covered
9 allied persons; and

10 (ii) ensures that no person described
11 in clause (i) will be arrested, detained,
12 prosecuted, or imprisoned by or on behalf
13 of the International Criminal Court; and

14 (B) has taken no steps to arrest, detain,
15 prosecute, or imprison any person described in
16 clause (i) of subparagraph (A).

17 (c) **AUTHORITY TO WAIVE SECTIONS 634 AND 636**
18 **WITH RESPECT TO AN INVESTIGATION OR PROSECUTION**
19 **OF A NAMED INDIVIDUAL.**—The President is authorized
20 to waive the prohibitions and requirements of sections 634
21 and 636 to the degree they would prevent United States
22 cooperation with an investigation or prosecution of a
23 named individual by the International Criminal Court.
24 Such a waiver may be issued only if the President at least
25 15 days in advance of exercising such authority—



1 (1) notifies the appropriate congressional com-
2 mittees of the intention to exercise such authority;
3 and

4 (2) determines and reports to the appropriate
5 congressional committees that—

6 (A) a waiver pursuant to subsection (a) or
7 (b) of the prohibitions and requirements of sec-
8 tions 635 and 637 is in effect;

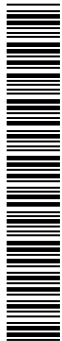
9 (B) there is reason to believe that the
10 named individual committed the crime or
11 crimes that are the subject of the International
12 Criminal Court's investigation or prosecution;

13 (C) it is in the national interest of the
14 United States for the International Criminal
15 Court's investigation or prosecution of the
16 named individual to proceed; and

17 (D) in investigating events related to ac-
18 tions by the named individual, none of the fol-
19 lowing persons will be investigated, arrested,
20 detained, prosecuted, or imprisoned by or on
21 behalf of the International Criminal Court with
22 respect to actions undertaken by them in an of-
23 ficial capacity:

24 (i) Covered United States persons.

25 (ii) Covered allied persons.



1 (iii) Individuals who were covered
2 United States persons or covered allied
3 persons.

4 (d) TERMINATION OF WAIVER PURSUANT TO SUB-
5 SECTION (c).—Any waiver or waivers exercised pursuant
6 to subsection (c) of the prohibitions and requirements of
7 sections 634 and 636 shall terminate at any time that a
8 waiver pursuant to subsection (a) or (b) of the prohibitions
9 and requirements of sections 635 and 637 expires and is
10 not extended pursuant to subsection (b).

11 (e) TERMINATION OF PROHIBITIONS OF THIS ACT.—
12 The prohibitions and requirements of sections 634, 635,
13 636, and 637 shall cease to apply, and the authority of
14 section 638 shall terminate, if the United States becomes
15 a party to the International Criminal Court pursuant to
16 a treaty made under article II, section 2, clause 2 of the
17 Constitution of the United States.

18 **SEC. 634. PROHIBITION ON COOPERATION WITH THE**
19 **INTERNATIONAL CRIMINAL COURT.**

20 (a) CONSTRUCTION.—The provisions of this
21 section—

22 (1) apply only to cooperation with the Inter-
23 national Criminal Court and shall not be construed
24 to apply to cooperation with an ad hoc international
25 criminal tribunal established by the United Nations



1 Security Council before or after the date of the en-
2 actment of this Act to investigate and prosecute war
3 crimes committed in a specific country or during a
4 specific conflict; and

5 (2) shall not be construed to prohibit—

6 (A) any action permitted under section
7 638;

8 (B) any other action taken by members of
9 the Armed Forces of the United States outside
10 the territory of the United States while engaged
11 in military operations involving the threat or
12 use of force when necessary to protect such per-
13 sonnel from harm or to ensure the success of
14 such operations; or

15 (C) communication by the United States to
16 the International Criminal Court of its policy
17 with respect to a particular matter.

18 (b) PROHIBITION ON RESPONDING TO REQUESTS
19 FOR COOPERATION.—No agency or entity of the United
20 States Government or of any State or local government,
21 including any court, may cooperate with the International
22 Criminal Court in response to a request for cooperation
23 submitted by the International Criminal Court pursuant
24 to Part 9 of the Rome Statute.



1 (c) PROHIBITION ON SPECIFIC FORMS OF COOPERA-
2 TION AND ASSISTANCE.—No agency or entity of the
3 United States Government or of any State or local govern-
4 ment, including any court, may provide financial support
5 or other cooperation, support, or assistance to the Inter-
6 national Criminal Court, including by undertaking any ac-
7 tion described in the following articles of the Rome Statute
8 with the purpose or intent of cooperating with, or other-
9 wise providing support or assistance to, the International
10 Criminal Court:

11 (1) Article 89 (relating to arrest, extradition,
12 and transit of suspects).

13 (2) Article 92 (relating to provisional arrest of
14 suspects).

15 (3) Article 93 (relating to seizure of property,
16 asset forfeiture, execution of searches and seizures,
17 service of warrants and other judicial process, taking
18 of evidence, and similar matters).

19 (d) RESTRICTION ON ASSISTANCE PURSUANT TO
20 MUTUAL LEGAL ASSISTANCE TREATIES.—The United
21 States shall exercise its rights to limit the use of assist-
22 ance provided under all treaties and executive agreements
23 for mutual legal assistance in criminal matters, multilat-
24 eral conventions with legal assistance provisions, and ex-
25 tradition treaties, to which the United States is a party,

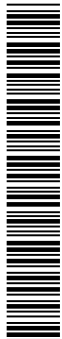


1 and in connection with the execution or issuance of any
2 letter rogatory, to prevent the transfer to, or other use
3 by, the International Criminal Court of any assistance
4 provided by the United States under such treaties and let-
5 ters rogatory.

6 (e) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF
7 AGENTS.—No agent of the International Criminal Court
8 may conduct, in the United States or any territory subject
9 to the jurisdiction of the United States, any investigative
10 activity relating to a preliminary inquiry, investigation,
11 prosecution, or other proceeding at the International
12 Criminal Court.

13 **SEC. 635. RESTRICTION ON UNITED STATES PARTICIPA-**
14 **TION IN CERTAIN UNITED NATIONS PEACE-**
15 **KEEPING OPERATIONS.**

16 (a) POLICY.—Effective beginning on the date on
17 which the Rome Statute enters into force pursuant to Ar-
18 ticle 126 of the Rome Statute, the President should use
19 the voice and vote of the United States in the United Na-
20 tions Security Council to ensure that each resolution of
21 the Security Council authorizing any peacekeeping oper-
22 ation under chapter VI of the charter of the United Na-
23 tions or peace enforcement operation under chapter VII
24 of the charter of the United Nations permanently exempts,
25 at a minimum, members of the Armed Forces of the



1 United States participating in such operation from crimi-
2 nal prosecution by the International Criminal Court for
3 actions undertaken by such personnel in connection with
4 the operation.

5 (b) RESTRICTION.—Members of the Armed Forces of
6 the United States may not participate in any peacekeeping
7 operation under chapter VI of the charter of the United
8 Nations or peace enforcement operation under chapter VII
9 of the charter of the United Nations, the creation of which
10 is authorized by the United Nations Security Council on
11 or after the date that the Rome Statute enters into effect
12 pursuant to Article 126 of the Rome Statute, unless the
13 President has submitted to the appropriate congressional
14 committees a certification described in subsection (c) with
15 respect to such operation.

16 (c) CERTIFICATION.—The certification referred to in
17 subsection (b) is a certification by the President that
18 members of the Armed Forces of the United States are
19 able to participate in the peacekeeping or peace enforce-
20 ment operation without risk of criminal prosecution by the
21 International Criminal Court because—

22 (1) in authorizing the operation, the United
23 Nations Security Council permanently exempted, at
24 a minimum, members of the Armed Forces of the
25 United States participating in the operation from



1 criminal prosecution by the International Criminal
2 Court for actions undertaken by them in connection
3 with the operation;

4 (2) each country in which members of the
5 Armed Forces of the United States participating in
6 the operation will be present is either not a party to
7 the International Criminal Court and has not in-
8 voked the jurisdiction of the International Criminal
9 Court pursuant to Article 12 of the Rome Statute,
10 or has entered into an agreement in accordance with
11 Article 98 of the Rome Statute preventing the Inter-
12 national Criminal Court from proceeding against
13 members of the Armed Forces of the United States
14 present in that country; or

15 (3) the United States has taken other appro-
16 priate steps to guarantee that members of the
17 Armed Forces of the United States participating in
18 the operation will not be prosecuted by the Inter-
19 national Criminal Court for actions undertaken by
20 such personnel in connection with the operation.



1 **SEC. 636. PROHIBITION ON DIRECT OR INDIRECT TRANS-**
2 **FER OF CERTAIN CLASSIFIED NATIONAL SE-**
3 **CURITY INFORMATION TO THE INTER-**
4 **NATIONAL CRIMINAL COURT.**

5 (a) **DIRECT TRANSFER.**—Not later than the date on
6 which the Rome Statute enters into force, the President
7 shall ensure that appropriate procedures are in place to
8 prevent the transfer of classified national security infor-
9 mation to the International Criminal Court.

10 (b) **INDIRECT TRANSFER.**—Not later than the date
11 on which the Rome Statute enters into force, the President
12 shall ensure that appropriate procedures are in place to
13 prevent the transfer of classified national security infor-
14 mation relevant to matters under consideration by the
15 International Criminal Court to the United Nations and
16 to the government of any country that is a party to the
17 International Criminal Court unless the United Nations
18 or that government, as the case may be, has provided writ-
19 ten assurances that such information will not be made
20 available to the International Criminal Court.

21 (c) **CONSTRUCTION.**—The provisions of this section
22 shall not be construed to prohibit any action permitted
23 under section 638.



1 **SEC. 637. PROHIBITION OF UNITED STATES MILITARY AS-**
2 **SISTANCE TO PARTIES TO THE INTER-**
3 **NATIONAL CRIMINAL COURT.**

4 (a) PROHIBITION OF MILITARY ASSISTANCE.—Sub-
5 ject to subsections (b) and (c), no United States military
6 assistance may be provided to the government of a country
7 that is a party to the International Criminal Court.

8 (b) WAIVER.—The President may waive the prohibi-
9 tion of subsection (a) with respect to a particular
10 country—

11 (1) for one or more periods not exceeding one
12 year each, if the President determines and reports to
13 the appropriate congressional committees that it is
14 vital to the national interest of the United States to
15 waive such prohibition; and

16 (2) permanently, if the President determines
17 and reports to the appropriate congressional com-
18 mittees that such country has entered into an agree-
19 ment with the United States pursuant to Article 98
20 of the Rome Statute preventing the International
21 Criminal Court from proceeding against United
22 States personnel present in such country.

23 (c) EXEMPTION.—The prohibition of subsection (a)
24 shall not apply to the government of—

25 (1) a NATO member country;



1 (2) a major non-NATO ally (including, inter
2 alia, Australia, Egypt, Israel, Japan, the Republic of
3 Korea, and New Zealand); or

4 (3) Taiwan.

5 **SEC. 638. AUTHORITY TO FREE MEMBERS OF THE ARMED**
6 **FORCES OF THE UNITED STATES AND CER-**
7 **TAIN OTHER PERSONS HELD CAPTIVE BY OR**
8 **ON BEHALF OF THE INTERNATIONAL CRIMI-**
9 **NAL COURT.**

10 (a) **AUTHORITY.**—The President is authorized to use
11 all means necessary and appropriate to bring about the
12 release from captivity of any person described in sub-
13 section (b) who is being detained or imprisoned against
14 that person's will by or on behalf of the International
15 Criminal Court.

16 (b) **PERSONS AUTHORIZED TO BE FREED.**—The au-
17 thority of subsection (a) shall extend to the following per-
18 sons:

19 (1) Covered United States persons.

20 (2) Covered allied persons.

21 (3) Individuals detained or imprisoned for offi-
22 cial actions taken while the individual was a covered
23 United States person or a covered allied person, and
24 in the case of a covered allied person, upon the re-
25 quest of such government.



1 (c) AUTHORIZATION OF LEGAL ASSISTANCE.—When
2 any person described in subsection (b) is arrested, de-
3 tained, prosecuted, or imprisoned by or on behalf of the
4 International Criminal Court, the authority under sub-
5 section (a) may be used—

6 (1) for the provision of legal representation and
7 other legal assistance to that person (including, in
8 the case of a person entitled to assistance under sec-
9 tion 1037 of title 10, United States Code, represen-
10 tation and other assistance in the manner provided
11 in that section); and

12 (2) for the provision of exculpatory evidence on
13 behalf of that person.

14 (d) BRIBES AND OTHER INDUCEMENTS NOT AU-
15 THORIZED.—Subsection (a) does not authorize the pay-
16 ment of bribes or the provision of other incentives to in-
17 duce the release from captivity of a person described in
18 subsection (b).

19 **SEC. 639. ALLIANCE COMMAND ARRANGEMENTS.**

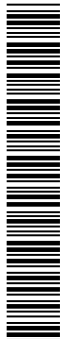
20 (a) REPORT ON ALLIANCE COMMAND ARRANGE-
21 MENTS.—Not later than 6 months after the date of the
22 enactment of this Act, the President shall transmit to the
23 appropriate congressional committees a report with re-
24 spect to each military alliance to which the United States
25 is party—



1 (1) describing the degree to which members of
2 the Armed Forces of the United States may, in the
3 context of military operations undertaken by or pur-
4 suant to that alliance, be placed under the command
5 or operational control of foreign military officers
6 subject to the jurisdiction of the International Crimi-
7 nal Court because they are nationals of a party to
8 the International Criminal Court; and

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

16 (b) DESCRIPTION OF MEASURES TO ACHIEVE EN-
17 HANCED PROTECTION FOR MEMBERS OF THE ARMED
18 FORCES OF THE UNITED STATES.—Not later than one
19 year after the date of the enactment of this Act, the Presi-
20 dent shall transmit to the appropriate congressional com-
21 mittees a description of modifications to command and
22 operational control arrangements within military alliances
23 to which the United States is a party that could be made
24 in order to reduce any risks to members of the Armed



1 Forces of the United States identified pursuant to sub-
2 section (a)(2).

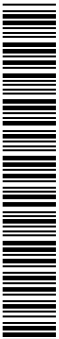
3 (c) SUBMISSION IN CLASSIFIED FORM.—The report
4 under subsection (a), and the description of measures
5 under subsection (b), or appropriate parts thereof, may
6 be submitted in classified form.

7 **SEC. 640. WITHHOLDINGS.**

8 Funds withheld from the United States share of as-
9 sessments to the United Nations or any other inter-
10 national organization during any fiscal year pursuant to
11 section 705 of the Admiral James W. Nance and Meg
12 Donovan Foreign Relations Authorization Act, Fiscal
13 Years 2000 and 2001 (as enacted by section 1000(a)(7)
14 of Public Law 106–113; 113 Stat. 1501A–460), are au-
15 thorized to be transferred to the Embassy Security, Con-
16 struction and Maintenance Account of the Department of
17 State.

18 **SEC. 641. NONDELEGATION.**

19 The authorities vested in the President by sections
20 633, 635(c), and 637(b) may not be delegated by the
21 President pursuant to section 301 of title 3, United States
22 Code, or any other provision of law.



1 **SEC. 642. DEFINITIONS.**

2 As used in this Act and in sections 705 and 706 of
3 the Admiral James W. Nance and Meg Donovan Foreign
4 Relations Authorization Act, Fiscal Years 2000 and 2001:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means the Committee on International Re-
8 lations of the House of Representatives and the
9 Committee on Foreign Relations of the Senate.

10 (2) CLASSIFIED NATIONAL SECURITY INFORMA-
11 TION.—The term “classified national security infor-
12 mation” means information that is classified or clas-
13 sifiable under Executive Order 12958 or a successor
14 Executive order.

15 (3) COVERED ALLIED PERSONS.—The term
16 “covered allied persons” means military personnel,
17 elected or appointed officials, and other persons em-
18 ployed by or working on behalf of the government of
19 a NATO member country, a major non-NATO ally
20 (including, inter alia, Australia, Egypt, Israel,
21 Japan, the Republic of Korea, and New Zealand), or
22 Taiwan, for so long as that government is not a
23 party to the International Criminal Court and wish-
24 es its officials and other persons working on its be-
25 half to be exempted from the jurisdiction of the
26 International Criminal Court.



1 (4) COVERED UNITED STATES PERSONS.—The
2 term “covered United States persons” means mem-
3 bers of the Armed Forces of the United States,
4 elected or appointed officials of the United States
5 Government, and other persons employed by or
6 working on behalf of the United States Government,
7 for so long as the United States is not a party to
8 the International Criminal Court.

9 (5) EXTRADITION.—The terms “extradition”
10 and “extradite” include both “extradition” and “sur-
11 render” as those terms are defined in article 102 of
12 the Rome Statute.

13 (6) INTERNATIONAL CRIMINAL COURT.—The
14 term “International Criminal Court” means the
15 court established by the Rome Statute.

16 (7) MAJOR NON-NATO ALLY.—The term “major
17 non-NATO ally” means a country that has been so
18 designated in accordance with section 517 of the
19 Foreign Assistance Act of 1961.

20 (8) PARTY TO THE INTERNATIONAL CRIMINAL
21 COURT.—The term “party to the International
22 Criminal Court” means a government that has de-
23 posited an instrument of ratification, acceptance, ap-
24 proval, or accession to the Rome Statute, and has



1 not withdrawn from the Rome Statute pursuant to
2 Article 127 thereof.

3 (9) PEACEKEEPING OPERATION UNDER CHAP-
4 TER VI OF THE CHARTER OF THE UNITED NATIONS
5 OR PEACE ENFORCEMENT OPERATION UNDER CHAP-
6 TER VII OF THE CHARTER OF THE UNITED NA-
7 TIONS.—The term “peacekeeping operation under
8 chapter VI of the charter of the United Nations or
9 peace enforcement operation under chapter VII of
10 the charter of the United Nations” means any mili-
11 tary operation to maintain or restore international
12 peace and security that—

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

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

20 (10) ROME STATUTE.—The term “Rome Stat-
21 ute” means the Rome Statute of the International
22 Criminal Court, adopted by the United Nations Dip-
23 lomatic Conference of Plenipotentiaries on the Es-
24 tablishment of an International Criminal Court on
25 July 17, 1998.



1 (11) SUPPORT.—The term “support” means as-
2 sistance of any kind, including financial support,
3 material support, services, intelligence sharing, law
4 enforcement cooperation, the training or detail of
5 personnel, and the arrest or detention of individuals.

6 (12) UNITED STATES MILITARY ASSISTANCE.—
7 The term “United States military assistance”
8 means—

9 (A) assistance provided under chapters 2
10 through 6 of part II of the Foreign Assistance
11 Act of 1961 (22 U.S.C. 2311 et seq.);

12 (B) defense articles or defense services fur-
13 nished with the financial assistance of the
14 United States Government, including through
15 loans and guarantees; or

16 (C) military training or education activities
17 provided by any agency or entity of the United
18 States Government.

19 Such term does not include activities reportable
20 under title V of the National Security Act of 1947
21 (50 U.S.C. 413 et seq.).

