**TITLE 22**

**UNITED STATES CODE**

**§ 7422.  Waiver and termination of prohibitions of this title**

**(a)** Authority to initially waive section 2005. The President is authorized to waive the prohibitions and requirements of section 2005 [[22 U.S.C. § 7424](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=2&_butInline=1&_butinfo=22%20USC%207424&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=8d75427293cdcc5f60e178a71a1fef56)] for a single period of 1 year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority--

**(1)** notifies the appropriate congressional committees of the intention to exercise such authority; and

**(2)** determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that--

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

**(i)** covered United States persons;

**(ii)** covered allied persons; and

**(iii)** individuals who were covered United States persons or covered allied persons; and

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

**(b)** Authority to extend waiver of section 2005. The President is authorized to waive the prohibitions and requirements of section 2005 [[22 U.S.C. § 7424](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=3&_butInline=1&_butinfo=22%20USC%207424&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=8c0328af026eb88a9bcc2f49428eccb7)] for successive periods of 1 year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority--

**(1)** notifies the appropriate congressional committees of the intention to exercise such authority; and

**(2)** determines and reports to the appropriate congressional committees that the International Criminal Court--

**(A)** remains party to, and has continued to abide by, a binding agreement that--

**(i)** prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

**(I)** covered United States persons;

**(II)** covered allied persons; and

**(III)** individuals who were covered United States persons or covered allied persons; and

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

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

**(c)** Authority to waive sections 4 and 6 [2004 and 2006] with respect to an investigation or prosecution of a named individual. The President is authorized to waive the prohibitions and requirements of sections 2004 and 2006 [[22 U.S.C. §§ 7423](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=4&_butInline=1&_butinfo=22%20USC%207423&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=247d1a99ca1ff37e314ef988b335ae73), [7425](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=5&_butInline=1&_butinfo=22%20USC%207425&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=6966e7c0a9ee69c4ab94ba5543bcc0b2)] to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority--

**(1)** notifies the appropriate congressional committees of the intention to exercise such authority; and

**(2)** determines and reports to the appropriate congressional committees that--

**(A)** a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of section 2005 [[22 U.S.C. § 7424](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=6&_butInline=1&_butinfo=22%20USC%207424&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=c904d83fe9a0329ebfa3886f3109f34a)] is in effect;

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

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

**(D)** in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

**(i)** Covered United States persons.

**(ii)** Covered allied persons.

**(iii)** Individuals who were covered United States persons or covered allied persons.

**(d)** Termination of waiver pursuant to subsection (c). Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 2004 and 2006 [[22 U.S.C. §§ 7423](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=7&_butInline=1&_butinfo=22%20USC%207423&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=03de3229048bdc1d46e7e7a4e86f2501), [7425](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=8&_butInline=1&_butinfo=22%20USC%207425&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=983db4b884e1a80cfb634cf485065fcc)] shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of section 2005 [[22 U.S.C. § 7424](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=9&_butInline=1&_butinfo=22%20USC%207424&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=9818a52c19711f6c2443fa4afa720be3)] expires and is not extended pursuant to subsection (b).

**(e)** Termination of prohibitions of this title. The prohibitions and requirements of sections 2004, 2005, and 2006 [[22 U.S.C. §§ 7423](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=10&_butInline=1&_butinfo=22%20USC%207423&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=e75cda05219482d3034dcece93777cc8), [7424](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=11&_butInline=1&_butinfo=22%20USC%207424&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=14fcf14e705702a60fbb695ee2fd567d), and [7425](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=12&_butInline=1&_butinfo=22%20USC%207425&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=ab11a7849b8bb6ed8528dae3faf67ee7)] shall cease to apply, and the authority of section 2008 [[22 U.S.C. § 7427](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=13&_butInline=1&_butinfo=22%20USC%207427&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=86ca2f48ce001e087b67874ce6aefb01)] shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under [article II, section 2, clause 2 of the Constitution of the United States.](http://www.lexis.com/research/buttonTFLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=14&_butInline=1&_butinfo=USCONST%20ART%20II%202%20CL%202&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=046543b13193fefd9dfd59017894b00e)

Credits

(As amended Jan. 28, 2008, [P.L. 110-181](http://www.lexis.com/research/buttonLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=17&_butInline=1&_butinfo=LXE_110_PL_181&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=218fb754d5dce9a2676d0dfe2767326c), Div A, Title XII, Subtitle A, § 1212(b)(1), [122 Stat. 371](http://www.lexis.com/research/buttonLink?_m=4303fb12c6fb30669460bf24c7a4562f&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b22%20USCS%20%a7%207422%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=18&_butInline=1&_butinfo=LXE_122_STAT_371&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLzVzz-zSkAb&_md5=975d6e70c191747c3f9f39f936d80b2c).)