

President shall transmit to the appropriate congressional committees a report on the implementation of this section.

**(d) Effective Date**

This section shall take effect 60 days after May 11, 2005, and shall apply to funds obligated after such date for fiscal year 2005 and any subsequent fiscal year.

(Pub. L. 109-13, div. A, title II, §2110, May 11, 2005, 119 Stat. 268.)

CODIFICATION

Section was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

ASSIGNMENT OF FUNCTIONS RELATING TO THE REPORT TO THE CONGRESS ON IMPLEMENTATION OF HUMANITARIAN ASSISTANCE CODE OF CONDUCT

Memorandum of President of the United States, May 12, 2006, 71 F.R. 30549, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3, United States Code, the functions of the President under section 2110(c) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (title II of Public Law 109-13) (22 U.S.C. 2370b), are assigned to the Secretary of State.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

**§ 2370c. Definitions**

In sections 2370c to 2370c-2 of this title:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Appropriations of the Senate;
- (C) the Committee on Foreign Affairs of the House of Representatives; and
- (D) the Committee on Appropriations of the House of Representatives.

**(2) Child soldier**

Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term “child soldier”—

(A) means—

- (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or
- (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses<sup>1</sup> (ii), (iii), or (iv) of subparagraph (A)

who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

(Pub. L. 110-457, title IV, § 402, Dec. 23, 2008, 122 Stat. 5088.)

REFERENCES IN TEXT

Sections 2370c to 2370c-2 of this title, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 110-457, Dec. 23, 2008, 122 Stat. 5087, known as the Child Soldiers Prevention Act of 2008, which is classified principally to sections 2370c to 2370c-2 of this title. For complete classification of title IV to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Child Soldiers Prevention Act of 2008, and also as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

EFFECTIVE DATE

Pub. L. 110-457, title IV, § 407, Dec. 23, 2008, 122 Stat. 5091, provided that: “This title [enacting this section and sections 2370c-1 and 2370c-2 of this title, amending section 4028 of this title, and enacting provisions set out as a note under section 2151 of this title], and the amendments made by this title, shall take effect 180 days after the date of the enactment of this Act [Dec. 23, 2008].”

**§ 2370c-1. Prohibition**

**(a) In general**

Subject to subsections (b) through (f), the authorities contained in sections 2321j, 2347, and 2348 of this title or section 2763 of this title may not be used to provide assistance to, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b), for the most recent year preceding the fiscal year in which the authorities or license would have been used or issued in the absence of a violation of sections 2370c to 2370c-2 of this title, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit and use child soldiers.

**(b) Identification and notification to countries in violation of standards**

**(1) Publication of list of foreign governments**

The Secretary of State shall include a list of the foreign governments that have violated the standards under sections 2370c to 2370c-2 of this title and are subject to the prohibition in subsection (a) in the report required under section 7107(b) of this title.

**(2) Notification of foreign countries**

The Secretary of State shall formally notify any government identified pursuant to subsection (a).

**(c) National interest waiver**

**(1) Waiver**

The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

<sup>1</sup> So in original. Probably should be “clause”.