

AMENDMENTS

2019—Par. (2)(A)(i) to (iii). Pub. L. 115-425, § 212(a)(1), inserted “, police, or other security forces” after “governmental armed forces”.

Par. (2)(B). Pub. L. 115-425, § 212(a)(2), substituted “clause” for “clauses”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 110-457, title IV, § 407, Dec. 23, 2008, 122 Stat. 5491, 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].”

FINDINGS

Pub. L. 115-425, title II, § 211, Jan. 8, 2019, 132 Stat. 5485, provided that: “Congress finds the following:

“(1) The recruitment or use of children in armed conflict is unacceptable for any government or government-supported entity receiving United States assistance.

“(2) The recruitment or use of children in armed conflict, including direct combat, support roles, and sexual slavery, occurred during 2016 or 2017 in Afghanistan, Iran, Mali, Niger, South Sudan, Sudan, Burma, the Democratic Republic of the Congo, Iraq, Nigeria, Rwanda, Somalia, Syria, and Yemen.

“(3) Entities of the Government of Afghanistan, particularly the Afghan Local Police and Afghan National Police, continue to recruit children to serve as combatants or as servants, including as sex slaves.

“(4) Police forces of the Government of Afghanistan participate in counterterrorism operations, direct and indirect combat, security operations, fight alongside regular armies, and are targeted for violence by the Taliban and other opposition groups.

“(5) In February 2016, a 10-year-old boy was assassinated by the Taliban after he had been publicly honored by Afghan local police forces for his assistance in combat operations against the Taliban.

“(6) Recruitment and use of children in armed conflict by government forces has continued in South Sudan with the return to hostilities.

“(7) At least 19,000 children have been recruited since South Sudan’s civil war began in 2013.”

§ 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, police, or other security forces, or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or 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**(A) In general**

Not later than 45 days after the date on which each report is submitted under section 7107(b) of this title, the Secretary of State shall formally notify each government included in the list under paragraph (1) that such government is included in such list.

(B) Congressional notification

As soon as practicable after making all of the notifications required under subparagraph (A) with respect to a report, the Secretary of State shall notify the appropriate congressional committees that the requirements of subparagraph (A) have been met.

(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 and certifies to the appropriate congressional committees that the government of such country is taking effective and continuing steps to address the problem of child soldiers.

(2) Publication and notification

Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver and the justification for granting such waiver.

(d) Reinstatement of assistance

The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in subsection (b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) Exception for programs directly related to addressing the problem of child soldiers or professionalization of the military**(1) In general**

The President may provide assistance under section 2347 of this title through the Defense Institute for International Legal Studies or the Center for Civil-Military Relations at the Naval Post-Graduate School, and may provide nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10), to a country subject to the prohibition under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective

measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) Limitation

The exception under paragraph (1) may not remain in effect for a country for more than 5 years.

(f) Exception for peacekeeping operations

The limitation set forth in subsection (a) that relates to section 2348 of this title shall not apply to programs that support military professionalization, security sector reform, heightened respect for human rights, peacekeeping preparation, or the demobilization and reintegration of child soldiers.

(Pub. L. 110-457, title IV, § 404, Dec. 23, 2008, 122 Stat. 5089; Pub. L. 113-4, title XII, § 1208, Mar. 7, 2013, 127 Stat. 142; Pub. L. 115-425, title II, § 212(b), Jan. 8, 2019, 132 Stat. 5485.)

Editorial Notes

REFERENCES IN TEXT

Sections 2370c to 2370c-2 of this title, referred to in subsecs. (a) and (b)(1), 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 this Act 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.

AMENDMENTS

2019—Subsec. (a). Pub. L. 115-425, § 212(b)(1), inserted “, police, or other security forces,” after “governmental armed forces” and substituted “recruit or use child soldiers” for “recruit and use child soldiers”.

Subsec. (b)(2). Pub. L. 115-425, § 212(b)(2), amended par. (2) generally. Prior to amendment, text read as follows: “The Secretary of State shall formally notify any government identified pursuant to subsection (a).”

Subsec. (c)(1). Pub. L. 115-425, § 212(b)(3), inserted before period at end “and certifies to the appropriate congressional committees that the government of such country is taking effective and continuing steps to address the problem of child soldiers”.

Subsec. (e)(1). Pub. L. 115-425, § 212(b)(4), in introductory provisions, substituted “under section 2347 of this title through the Defense Institute for International Legal Studies or the Center for Civil-Military Relations at the Naval Post-Graduate School, and may provide nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10), to a country subject to the prohibition under subsection (a)” for “to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10) otherwise prohibited under subsection (a)”.

2013—Subsec. (a). Pub. L. 113-4, § 1208(1), substituted “(b) through (f), the authorities contained in sections 2321j, 2347, and 2348 of this title” for “(b), (c), and (d), the authorities contained in section 2321j or 2347 of this title”.

Subsec. (f). Pub. L. 113-4, § 1208(2), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 180 days after Dec. 23, 2008, see section 407 of Pub. L. 110-457, set out as a note under section 2370c of this title.

§ 2370c-2. Reports

(a) Investigation of allegations regarding child soldiers

United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) Information for annual Human Rights Reports

In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 2151n and 2304 of this title, the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) Annual report to Congress

If a country is notified pursuant to section 2370c-1(b)(2) of this title, or a waiver is granted pursuant to section 2370c-1(c)(1) of this title, the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year. The report shall include—

(1) a list of the countries receiving notification that they are in violation of the standards under sections 2370c to 2370c-2 of this title;

(2) a description and the amount of any assistance withheld under this title pursuant to the application to those countries of the prohibition in section 2370c-1(a) of this title;

(3) a list of any waivers or exceptions exercised under sections 2370c to 2370c-2 of this title;

(4) justification for any such waivers and exceptions; and

(5) a description and the amount of any assistance provided under sections 2370c to 2370c-2 of this title pursuant to the issuance of such waiver.

(d) Information to be included in annual trafficking in persons report

If the Secretary of State notifies a country pursuant to section 2370c-1(b)(2) of this title, or the President grants a waiver pursuant to section 2370c-1(c)(1) of this title, the Secretary of State shall include, in each report required under section 7107(b) of this title, the information required to be included in the annual report