

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 to Congress under paragraphs (1) through (5) of subsection (c).

(Pub. L. 110–457, title IV, §405, Dec. 23, 2008, 122 Stat. 5090; Pub. L. 115–425, title II, §212(c), Jan. 8, 2019, 132 Stat. 5486.)

Editorial Notes

REFERENCES IN TEXT

Sections 2370c to 2370c–2 of this title, referred to in subsec. (c)(1), (3), (5), 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

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AMENDMENTS

2019—Subsec. (c). Pub. L. 115–425, §212(c)(1)(A), in introductory provisions, struck out “, during any of the 5 years following December 23, 2008,” after “If” and substituted “waiver” for “wavier”.

Subsec. (c)(2) to (5). Pub. L. 115–425, §212(c)(1)(B)–(D), added par. (2), redesignated former pars. (2) to (4) as (3) to (5), respectively, and in par. (5), inserted “and the amount” after “a description”.

Subsec. (d). Pub. L. 115–425, §212(c)(2), added subsec. (d).

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.

Executive Documents

DELEGATION OF AUTHORITY

Memorandum of President of the United States, June 14, 2012, 77 F.R. 37551, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 405(c) of the Child Soldiers Prevention Act of 2008, title IV of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457).

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

BARACK OBAMA.

§ 2371. Prohibition on assistance to governments supporting international terrorism**(a) Prohibition**

The United States shall not provide any assistance under this chapter, the Food for Peace Act [7 U.S.C. 1691 et seq.], the Peace Corps Act [22 U.S.C. 2501 et seq.], or the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

(b) Publication of determinations

Each determination of the Secretary of State under subsection (a), including each determination in effect on December 12, 1989, shall be published in the Federal Register.

(c) Rescission

A determination made by the Secretary of State under subsection (a) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

(1) before the proposed rescission would take effect, a report certifying that—

(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(B) that government is not supporting acts of international terrorism; and

(C) that government has provided assurances that it will not support acts of international terrorism in the future; or

(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

(B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(d) Waiver

Assistance prohibited by subsection (a) may be provided to a country described in that subsection if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver of subsection (a), except that

humanitarian reasons may not be used to justify assistance under subchapter II of this chapter (including part IV, part VI, and part VIII), or the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.]; and

(2) at least 15 days before the waiver takes effect, the President consults with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require the waiver;

(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

(D) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance under this chapter which is also prohibited by section 2780 of this title.

(Pub. L. 87-195, pt. III, §620A, as added Pub. L. 94-329, title III, §303, June 30, 1976, 90 Stat. 753; amended Pub. L. 99-83, title V, §503(a), Aug. 8, 1985, 99 Stat. 220; Pub. L. 99-190, §101(i) [title V, §521], Dec. 19, 1985, 99 Stat. 1291, 1305; Pub. L. 101-222, §5, Dec. 12, 1989, 103 Stat. 1897; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d), was in the original “this Act” and “the Foreign Assistance Act of 1961”, respectively, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Food for Peace Act, referred to in subsec. (a), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Peace Corps Act, referred to in subsec. (a), is Pub. L. 87-293, Sept. 22, 1961, 75 Stat. 612, as amended, which is classified principally to chapter 34 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Export-Import Bank Act of 1945, referred to in subsecs. (a) and (d)(1), is act July 31, 1945, ch. 341, 59 Stat. 526, as amended, which is classified generally to chapter 6A (§635 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 635 of Title 12 and Tables.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

1989—Pub. L. 101-222 amended section generally, in subsec. (a) substituting provisions prohibiting assistance if Secretary of State determines country has repeatedly supported terrorism, for provisions prohibiting assistance if President determines country grants