

Calendar No. 532

110TH CONGRESS
1ST SESSION

S. 2135

To prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2007

Mr. DURBIN (for himself, Mr. COBURN, Mr. FEINGOLD, Mr. BROWNBACK, Mr. DODD, Mr. OBAMA, Mr. KERRY, Mr. MENENDEZ, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

DECEMBER 11, 2007

Reported by Mr. LEAHY, with an amendment

[Insert the part printed in *italic*]

A BILL

To prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Soldiers Ac-
3 countability Act of 2007”.

4 **SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND**
5 **USE OF CHILD SOLDIERS.**

6 (a) CRIME FOR RECRUITING OR USING CHILD SOL-
7 DIERS.—

8 (1) IN GENERAL.—Chapter 118 of title 18,
9 United States Code, is amended by adding at the
10 end the following:

11 **“§ 2442. Recruitment or use of child soldiers**

12 “(a) OFFENSE.—Any person who knowingly recruits,
13 enlists, or conscripts a person under 15 years of age into
14 an armed force or group or knowingly uses a person under
15 15 years of age to participate actively in hostilities—

16 “(1) shall be fined under this title, imprisoned
17 not more than 20 years, or both; and

18 “(2) if the death of any person results, shall be
19 fined under this title and imprisoned for any term
20 of years or for life.

21 “(b) ATTEMPT AND CONSPIRACY.—Any person who
22 attempts or conspires to commit an offense under this sec-
23 tion shall be punished in the same manner as a person
24 who completes the offense.

1 “(c) JURISDICTION.—There is jurisdiction over an of-
 2 fense described in subsection (a), and any attempt or con-
 3 spiracy to commit such offense, if—

4 “(1) the alleged offender is a national of the
 5 United States (as defined in section 101(a)(22) of
 6 the Immigration and Nationality Act (8 U.S.C.
 7 1101(a)(22))) or an alien lawfully admitted for per-
 8 manent residence in the United States (as defined in
 9 section 101(a)(20) of such Act (8 U.S.C.
 10 1101(a)(20));

11 “(2) the alleged offender is a stateless person
 12 whose habitual residence is in the United States;

13 “(3) the alleged offender is present in the
 14 United States, irrespective of the nationality of the
 15 alleged offender; or

16 “(4) the offense occurs in whole or in part with-
 17 in the United States.

18 “(d) DEFINITIONS.—In this section:

19 “(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—
 20 The term ‘participate actively in hostilities’ means
 21 taking part in—

22 “(A) combat or military activities related
 23 to combat, including scouting, spying, sabotage,
 24 and serving as a decoy, a courier, or at a mili-
 25 tary checkpoint; or

1 “(B) direct support functions related to
2 combat, including taking supplies to the front
3 line and other services at the front line.

4 “(2) ARMED FORCE OR GROUP.—The term
5 ‘armed force or group’ means any army, militia, or
6 other military organization, whether or not it is
7 state-sponsored.”.

8 (2) STATUTE OF LIMITATIONS.—Chapter 213
9 of title 18, United States Code is amended by add-
10 ing at the end the following:

11 **“§ 3300. Recruitment or use of child soldiers**

12 “No person may be prosecuted, tried, or punished for
13 a violation of section 2442 unless the indictment or the
14 information is filed not later than 10 years after the com-
15 mission of the offense.”.

16 (3) CLERICAL AMENDMENT.—Title 18, United
17 States Code, is amended—

18 (A) in the table of sections for chapter
19 118, by adding at the end the following:

“2442. Recruitment or use of child soldiers.”;

20 and

21 (B) in the table of sections for chapter
22 213, by adding at the end the following:

“3300. Recruitment or use of child soldiers.”.

23 (b) GROUND OF INADMISSIBILITY FOR RECRUITING
24 OR USING CHILD SOLDIERS.—Section 212(a)(3) of the

1 Immigration and Nationality Act (8 U.S.C. 1182(a)(3))
 2 is amended by adding at the end the following:

3 “(G) RECRUITMENT OR USE OF CHILD
 4 SOLDIERS.—Any alien who has committed, or-
 5 dered, incited, assisted, or otherwise partici-
 6 pated in the commission of the recruitment or
 7 use of child soldiers in violation of section 2442
 8 of title 18, United States Code, is inadmis-
 9 sible.”.

10 (c) GROUND OF REMOVABILITY FOR RECRUITING OR
 11 USING CHILD SOLDIERS.—Section 237(a)(4) of the Immi-
 12 gration and Nationality Act (8 U.S.C. 1227(a)(4)) is
 13 amended by adding at the end the following:

14 “(F) RECRUITMENT OR USE OF CHILD
 15 SOLDIERS.—Any alien described in section
 16 212(a)(3)(G) is deportable.”.

17 (d) *WITHHOLDING OF REMOVAL.*—Section
 18 241(b)(3)(B) of the *Immigration and Nationality Act* (8
 19 U.S.C. 1231(b)(3)(B)) is amended by adding at the end the
 20 following: “For purposes of clause (iii), an alien who is re-
 21 movable under section 237(a)(4)(F) or inadmissible under
 22 section 212(a)(3)(G) shall be considered an alien with re-
 23 spect to whom there are serious reasons to believe that the
 24 alien committed a serious nonpolitical crime.”.

1 (e) *ASYLUM*.—Section 208(b)(2)(B) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1158(b)(2)(B) is
3 amended by adding at the end the following:

4 “(iii) *RECRUITMENT AND USE OF*
5 *CHILD SOLDIERS*.—For purposes of clause
6 (iii) of subparagraph (A), an alien who is
7 removable under section 237(a)(4)(F) or in-
8 admissible under section 212(a)(3)(G) shall
9 be considered an alien with respect to whom
10 there are serious reasons to believe that the
11 alien committed a serious nonpolitical
12 crime.”.

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