Public Law 110–340  
110th Congress  
An Act  

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.  

Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  

This Act may be cited as the "Child Soldiers Accountability  
Act of 2008".  

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

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—  

(1) In general.—Chapter 118 of title 18, United States  
Code, is amended by adding at the end the following:  

"§ 2442. Recruitment or use of child soldiers  

"(a) Offense.—Whoever knowingly—  
"(1) recruits, enlists, or conscripts a person to serve while  
such person is under 15 years of age in an armed force or  
group; or  
"(2) uses a person under 15 years of age to participate  
actively in hostilities;  
knowing such person is under 15 years of age, shall be punished  
as provided in subsection (b).  
"(b) Penalty.—Whoever violates, or attempts or conspires to  
violate, subsection (a) shall be fined under this title or imprisoned  
not more than 20 years, or both and, if death of any person results,  
shall be fined under this title and imprisoned for any term of  
years or for life.  
"(c) Jurisdiction.—There is jurisdiction over an offense  
described in subsection (a), and any attempt or conspiracy to commit  
such offense, if—  
"(1) the alleged offender is a national of the United States  
as defined in section 101(a)(22) of the Immigration and Nationality  
Act (8 U.S.C. 1101(a)(22)) or an alien lawfully admitted  
for permanent residence in the United States as defined in  
section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));  
"(2) the alleged offender is a stateless person whose  
habitual residence is in the United States;  
"(3) the alleged offender is present in the United States,  
irrespective of the nationality of the alleged offender; or  
"(4) the offense occurs in whole or in part within the  
United States."
"(d) DEFINITIONS.—In this section:

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

"(A) combat or military activities related to combat, including sabotage and serving as a decoy, a courier, or at a military checkpoint; or

"(B) direct support functions related to combat, including transporting supplies or providing other services.

"(2) ARMED FORCE OR GROUP.—The term ‘armed force or group’ means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.”.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

"§ 3300. Recruitment or use of child soldiers

"No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.”.

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

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

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

and

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

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

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.”.

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

"(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is deportable.”.

(d) ASYLUM AND WITHHOLDING OF REMOVAL.—

(1) ISSUANCE OF REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Homeland Security shall promulgate final regulations establishing that, for purposes of sections 241(b)(3)(B)(iii) and 208(b)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)(iii); 8 U.S.C. 1158(b)(2)(A)(iii)), an alien who is deportable under section 237(a)(4)(F) of such Act (8 U.S.C. 1227(a)(4)(F)) or inadmissible under section 212(a)(3)(G) of such Act (8 U.S.C. 1182(a)(3)(G)) shall be considered an alien with respect to whom there are
serious reasons to believe that the alien committed a serious nonpolitical crime.

(2) Authority to waive certain regulatory requirements.—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedure Act"), chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), or any other law relating to rulemaking, information collection, or publication in the Federal Register, shall not apply to any action to implement paragraph (1) to the extent the Attorney General or the Secretary Homeland of Security determines that compliance with any such requirement would impede the expeditious implementation of such paragraph.