into every corner of the globe. Roosevelt's foreign policy can be summed up in one sentence: ''Speak softly and carry a big stick.''

President Roosevelt will be forever known as an American icon and one of our best Presidents. It is fitting that this courthouse in Brooklyn will bear his name. I look forward to the inspiration that will be given from that courthouse to especially the young people who walk into those doors in Brooklyn. I urge that my colleagues support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2837, a bill to designate the U.S. courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''. This bill honors former President Theodore Roosevelt, who at various times served as a member of the United States Civil Service Commission, President of the New York Board of Police Commissioners, Assistant Secretary of the Navy, and as a Colonel of a voluntary cavalry regiment of the United States Army during the Spanish-American War, which became known as ''Roosevelt's Rough Riders''.

President Roosevelt also has the distinction of becoming, at the age of 42 in 1901, the youngest serving president at that time. During his two terms in office, President Roosevelt's list of achievements include facilitating and ensuring the construction of the Panama Canal, establishing the Department of Commerce and the Department of Labor, signing the Elkins Anti-Rebate Act for railroads, and greatly advancing environmental conservation efforts by providing Federal protection for close to 230 million acres of land. He was also awarded the Nobel Peace Prize in 1906, for his work in ending the Russo-Japanese War.

Becaue of his honorable and distinguished service it is appropriate to name the U.S. courthouse in Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

I urge my colleagues to join me in support of S. 2837.

Mr. KING of Iowa. I yield back the balance of my time.

Mr. CARNEY. I yield back as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the Senate bill, S. 2837.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ADDRESSING WAIVER OF ATTORNEY-CLIENT PRIVILEGE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2450) to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2450

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

SECTION 1. ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER.

(a) IN GENERAL.—Article V of the Federal Rules of Evidence is amended by adding at the end the following:

''Rule 502. Attorney-Client Privilege and Work Product; Limitations on Waiver

''The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

''(a) DISCLOSURE MADE IN A FEDERAL PROCEEDING OR TO A FEDERAL OFFICE OR AGENCY; SCOPE OF A WAIVER.—When the disclosure is made in a Federal proceeding or to a Federal office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a Federal or State proceeding only if:

''(1) the waiver is intentional;

''(2) the disclosed and undisclosed communications or information concern the same subject matter; and

''(3) they ought in fairness to be considered together.

''(b) INADVERTENT DISCLOSURE.—When made in a Federal proceeding or to a Federal office or agency, the disclosure does not operate as a waiver in a Federal or State proceeding if:

''(1) the disclosure is inadvertent;

''(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and

''(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following Federal Rule of Civil Procedure 26(b)(5)(B).

''(c) DISCLOSURE MADE IN A STATE PROCEEDING.—When the disclosure is made in a State proceeding and is not the subject of a State-court order concerning waiver, the disclosure does not operate as a waiver in a Federal proceeding if the disclosure:

''(1) would not be a waiver under this rule if it had been made in a Federal proceeding; or

''(2) is not a waiver under the law of the State where the disclosure occurred.

''(d) CONTROLLING EFFECT OF A COURT ORDER.—A Federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other Federal or State proceeding.

''(e) CONTROLLING EFFECT OF A PARTY AGREEMENT.—An agreement on the effect of disclosure in a Federal proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

''(f) CONTROLLING EFFECT OF THIS RULE.—Notwithstanding Rules 101 and 1101, this rule applies to State proceedings and to Federal court-annexed and Federal court-mandated arbitration proceedings, in the circumstances set out in the rule. And notwithstanding Rule 501, this rule applies even if State law provides the rule of decision.

''(g) DEFINITIONS.—In this rule:

''(1) 'attorney-client privilege' means the protection that applicable law provides for confidential attorney-client communications; and

''(2) 'work-product protection' means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.''.

(b) TECHNICAL AND CONFORMING CHANGES.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 501 the following:

''502. Attorney-client privilege and work-product doctrine; limitations on waiver.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply in all proceedings commenced after the date of enactment of this Act and, insofar as is just and practicable, in all proceedings pending on such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation enacts a new Federal Rule of Evidence, proposed by the Judicial Conference, to address a growing problem that is adding inordinate and unnecessary burden, expense, uncertainty, and inefficiency to litigation.

The new rule 502 reaffirms and reinforces the attorney-client privilege and work product protection by clarifying how they are affected by, and withstand, inadvertent disclosure in discovery.

As the author of the companion bill, H.R. 6610, in the House, I urge my colleagues to join me in supporting the Senate-passed bill so that we can send it to the President and enact it into law without further delay.

Doing the research on this legislation and spending time with a number of lawyers, and the American Bar Association, Mr. Speaker, I can assure you that this has no negative impact on those lawyers representing defendants or those lawyers representing plaintiffs. In fact, unlike the courthouse and the courtroom, plaintiff lawyers and defendant lawyers, the plaintiff bar and the defendant bar, have come together in a unanimous voice, indicating that this will in fact enhance their ability to represent their clients and to ensure that they may have the broadest based discovery possible.

We have asked and answered a series of questions that impact this particular legislation, including engaging the Federal bench. And so I move that

my colleagues view this enthusiastically and that it be supported.

The attorney-client privilege and work product protection are crucial to our legal system. They encourage businesses and individuals to obtain legal counsel when appropriate by protecting the confidentiality of communications between clients and their attorneys, and documents prepared by attorneys to assist their clients in litigation. In fact, this is the backbone, the infrastructure of civil and criminal litigation.

These legal protections are not absolute, however. Traditionally, persons seeking to rely on them must maintain the confidentiality of the information involved. If the information is shared outside the circle of confidentiality provided by the law, the legal protection is forfeited, or waived, as the purpose for it no longer applies.

This traditional principle can work unfair results in modern-day litigation when privileged information is disclosed by accident. Fast-moving litigation or expensive and vast litigation has both plaintiff and defendant shooting back and forth various documents, particularly in extensive discovery. In the course of the kind of voluminous discovery that often takes place, this can happen, where a privileged document is seen by the other party.

When vast amounts of documents are transmitted and stored electronically and can be searched and collected in the same manner, it is all too easy for a document containing privileged information to be overlooked, despite careful efforts to prevent it. Even in my practice of some years ago, the technology has made it different. I remember being in a massive case, a personal injury case, where documents were going back and forth, but I might say, Mr. Speaker, that it moved a lot slower than it does today.

Unfortunately, the case law has not kept up with these developments of expedited discovery and the electronic use of passing documents. Outdated legal precedents from an earlier era continue to create uncertainty. There are precedents, for example, holding that an inadvertent disclosure of a single document or communication not only can waive the privilege as to that one item, but can result in a blanket waiver as to all information concerning the same subject. That can collapse a case.

Concern about the potential adverse consequences has in recent years forced clients and their lawyers to undertake exhaustive, time-consuming, and expensive examination of documents item by item, often page by page, before they can be comfortable turning them over in discovery. That impacts, of course, negatively plaintiffs and defendants.

The document reviews can be grossly disproportionate in cost to the stakes of the underlying litigation and significantly impede the efficient processing of cases through the courts.

Courts have developed a balance rule in the case law that appropriately protects confidentiality, while guarding against abuses. But one court's order and one district's order and one circuit's order has uncertain authority, at best, in another court. Only a uniform rule can bring the certainty needed, and a uniform rule in the area of evidentiary privileges can only be achieved by an act of Congress.

The rule we are submitting today, submitted to Congress last year by the Judicial Conference, is a product of careful deliberations in its Advisory Committee on Evidence Rules, informed by years of examination of the issue in its Committee on Rules of Practice and Procedure.

The Advisory Committee enlisted the help of eminent jurists, practitioners, and legal scholars, and sought and obtained extensive public comment both in written submissions and at two hearings. The rule that resulted has wide support in the legal community. I know, Mr. Speaker. I have spent time, my staff has spent time with lawyers on both sides of the bar, and I can assure you their voices were one in arguing for the passage of this change.

In order to more fully explain how the new rule is to be interpreted and applied, the Advisory Committee also prepared an explanatory note, as is customary, for publication alongside the text of the rule. The text of the explanatory note appears in the RECORD in the Senate debate.

The proposed rule has now also undergone careful review in the House, as well as the Senate. During its consideration in the House Judiciary Committee, a number of questions arose regarding the scope and contours of the effect of the proposed rule on current law regarding attorney-client privilege and work product protection. That is a very important and cherished right, to ensure that privilege does not interfere or hamper the rights of a plaintiff, sometimes the underdog, and the defendant.

The Judicial Conference was able to answer all these questions satisfactorily, without need to revise the text of the rule as submitted to Congress. In order to further reduce any potential uncertainty regarding how the rule is to be interpreted and applied, the committee has asked and the Judicial Conference has agreed to augment the explanatory note. I would like to insert the agreed addendum to the explanatory note in the RECORD at this point.

STATEMENT OF CONGRESSIONAL INTENT REGARDING RULE 502 OF THE FEDERAL RULES OF EVIDENCE

During consideration of this rule in Congress, a number of questions were raised about the scope and contours of the effect of the proposed rule on current law regarding attorney-client privilege and work-product protection. These questions were ultimately answered satisfactorily, without need to revise the text of the rule as submitted to Congress by the Judicial Conference.

In general, these questions are answered by keeping in mind the limited though important purpose and focus of the rule. The rule addresses only the effect of disclosure, under specified circumstances, of a communication that is otherwise protected by attorney-client privilege, or of information that is protected by work-product protection, on whether the disclosure itself operates as a waiver of the privilege or protection for purposes of admissibility of evidence in a federal or state judicial or administrative proceeding. The rule does not alter the substantive law regarding attorney-client privilege or work-product protection in any other respect, including the burden on the party invoking the privilege (or protection) to prove that the particular information (or communication) qualifies for it. And it is not intended to alter the rules and practices governing use of information outside this evidentiary context.

Some of these questions are addressed more specifically below, in order to help further avoid uncertainty in the interpretation and application of the rule.

Subdivision (a)—Disclosure vs. Use

This subdivision does not alter the substantive law regarding when a party's strategic use in litigation of otherwise privileged information obliges that party to waive the privilege regarding other information concerning the same subject matter, so that the information being used can be fairly considered in context. One situation in which this issue arises, the assertion as a defense in patent-infringement litigation that a party was relying on advice of counsel, is discussed elsewhere in this Note. In this and similar situations, under subdivision (a)(1) the party using an attorney-client communication to its advantage in the litigation has, in so doing, intentionally waived the privilege as to other communications concerning the same subject matter, regardless of the circumstances in which the communication being so used was initially disclosed.

Subdivision (b)—Fairness Considerations

The standard set forth in this subdivision for determining whether a disclosure operates as a waiver of the privilege or protection is, as explained elsewhere in this Note, the majority rule in the federal courts. The majority rule has simply been distilled here into a standard designed to be predictable in its application. This distillation is not intended to foreclose notions of fairness from continuing to inform application of the standard in all aspects as appropriate in particular cases—for example, as to whether steps taken to rectify an erroneous inadvertent disclosure were sufficiently prompt under subdivision (b)(3) where the receiving party has relied on the information disclosed.

Subdivisions (a) and (b)—Disclosures to Federal Office or Agency

This rule, as a Federal Rule of Evidence, applies to admissibility of evidence. While subdivisions (a) and (b) are written broadly to apply as appropriate to disclosures of information to a federal office or agency, they do not apply to uses of information—such as routine use in government publications—that fall outside the evidentiary context. Nor do these subdivisions relieve the party seeking to protect the information as privileged from the burden of proving that the privilege applies in the first place.

Subdivision (d)—Court Orders

This subdivision authorizes a court to enter orders only in the context of litigation pending before the court. And it does not alter the law regarding waiver of privilege resulting from having acquiesced in the use of otherwise privileged information. Therefore, this subdivision does not provide a basis for a court to enable parties to agree to a selective waiver of the privilege, such as to a

federal agency conducting an investigation, while preserving the privilege as against other parties seeking the information. This subdivision is designed to enable a court to enter an order, whether on motion of one or more parties or on its own motion, that will allow the parties to conduct and respond to discovery expeditiously, without the need for exhaustive pre-production privilege reviews, while still preserving each party's right to assert the privilege to preclude use in litigation of information disclosed in such discovery. While the benefits of a court order under this subdivision would be equally available in government enforcement actions as in private actions, acquiescence by the disclosing party in use by the federal agency of information disclosed pursuant to such an order would still be treated as under current law for purposes of determining whether the acquiescence in use of the information, as opposed to its mere disclosure, effects a waiver of the privilege. The same applies to acquiescence in use by another private party.

Moreover, whether the order is entered on motion of one or more parties, or on the court's own motion, the court retains its authority to include the conditions it deems appropriate in the circumstances.

Subdivision (e)—Party Agreements

This subdivision simply makes clear that while parties to a case may agree among themselves regarding the effect of disclosures between each other in a federal proceeding, it is not binding on others unless it is incorporated into a court order. This subdivision does not confer any authority on a court to enter any order regarding the effect of disclosures. That authority must be found in subdivision (d), or elsewhere.

The new rule protects the confidentiality of privileged information against waiver in several ways. It protects information inadvertently disclosed in discovery, as long as the party has taken reasonable efforts to avoid disclosing privileged information and, upon learning of the disclosure, promptly takes reasonable steps to rectify it.

It protects against a waiver extending to other, undisclosed documents except where privileged information is being intentionally used to mislead the fact finder to the disadvantage of the other party, so that fairness requires that other information regarding the same subject matter also be available.

□ 1445

And it authorizes courts to enter orders enforceable in all jurisdictions permitting parties to make initial discovery exchanges efficiently without waiving the right to appropriately assert privilege later for documents culled for actual use as evidence.

This is sort of a back-up protection. This is your guarantee. This is an assistance to the idea of protecting privilege. This is extremely important, in that vast majority of documents exchanged in discovery, in some cases running to millions of pages, ultimately prove to be of no interest.

Importantly, the rule does not alter the law regarding when the attorney-client privilege or work product protection applies in the first instance. It is narrowly targeted to address the question of when the specified kinds of litigation-related disclosures do or do not operate as a waiver of the privilege that would otherwise apply.

Mr. Speaker, this legislation enjoys strong support in the House Judiciary Committee and the Senate Judiciary Committee and, of course, the House Judiciary Committee, with both sides of the aisle supporting it. I would like to especially commend Congressman JIM SENSENBRENNER for encouraging the Judicial Conference when he was chairman of the committee to pursue developing a new rule of evidence to address this problem.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year the U.S. Judicial Conference submitted a proposed addition to the Rules of Evidence governing waivers of the attorney-client privilege or work product immunity. Rules governing evidentiary privilege must be approved by an act of Congress.

The Judicial Conference concluded that the current law on waivers of privilege and work product is largely responsible for the rising costs of discovery, especially discovery of electronic information. The reason is that if a protected document is produced, there is a risk that a court will find a subject matter waiver that will apply not only to the instant case and document, but to other cases and documents as well. The fear of waiver also leads to extravagant claims of privilege.

Mr. Speaker, the Judicial Conference devoted great process to drafting their proposal. For more than a year, the conference's Advisory Committee on Evidentiary Rules conducted hearings that featured testimony that was submitted by eminent judges, lawyers and academics. The advisory committee later coordinated with the Conference of Chief Justices to assure that the evolving draft addressed federalism concerns raised by the individual State court systems.

In April of 2006, the advisory committee held a conference at Fordham Law School at which a selected group of academics and practitioners reviewed the draft. More revisions were developed that resulted in a revised rule that was published for public comment in August of 2006. The advisory committee received more than 70 public comments and heard testimony from 20 witnesses at two hearings.

In April of 2007, further changes were made based on this process, and the new rule 502 was released. This draft was approved by the Committee on Rules of Practice and Procedure and the full Judicial Conference. The text of S. 2450 incorporates the submission developed and approved by the Judicial Conference. The Senate passed the measure on February 27, 2008, by unanimous consent.

The content of the new rule includes the following provisions: If a waiver is found, it applies only to the information disclosed, unless a broader waiver is made necessary by the holder's intentional and misleading use of privileged or protected communications or information. An inadvertent disclosure does not operate as a waiver if the holder took reasonable steps to prevent such a disclosure and employed reasonably prompt measures to retrieve the mistakenly disclosed communications or information.

If there is a privileged or protected disclosure at the Federal level, then State courts must honor the new rule in subsequent State proceedings. If there is a disclosure in a State proceeding, then admissibility in a subsequent Federal proceeding is determined by the law that is most protective against a waiver. A Federal Court order that a disclosure does not constitute a waiver is enforceable in any Federal or State proceeding.

Finally, Mr. Speaker, parties in a Federal proceeding can enter into a confidentiality agreement providing for mutual protection against waiver in that proceeding.

Mr. Speaker, the cost of discovery has spiked in recent years based on the proliferation of e-mail and other forms of electronic recordkeeping. Litigants must constantly sift through a mountain of documents to ensure that privileged material is not inadvertently released. While most documents produced during discovery have little value, attorneys must still conduct exhaustive reviews to prevent disclosures. The cost to litigants is staggering and the time consumed by courts to supervise these activities is excessive.

The system is broken and must be fixed. S. 2450 does just that by providing a predictable standard to govern waivers of privileged information. The legislation improves the efficiency and the discovery process, while it still promotes accountability. It alters neither Federal nor State law on whether the attorney-client privilege or the work product doctrine protects specific information. The bill only modifies the consequences of an inadvertent disclosure once a privilege exists.

The process devoted to the development of new Federal Rule of Evidence 502 by the Judicial Conference was extensive. The Senate has reviewed the measure and approved it by unanimous consent with an accompanying committee report. The House Judiciary Committee spent months informally reviewing S. 2450, a process that included intense discussions with representatives of the judiciary and a Fordham Law School professor who assisted in the drafting of the rule.

Now, Mr. Speaker, it is time to act. I urge my colleagues to support S. 2450.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his

very kind remarks about the bipartisan negotiations at the level of the House Judiciary Committee. I was delighted again to also have the companion bill, H.R. 6610, on that legislation.

I do want to add a particular point of contention dealing with subdivision E, party agreements. This subdivision simply makes clear that while parties to a case may agree among themselves regarding the effect of disclosures between each other in a Federal proceeding, it is not binding on others unless it is incorporated into a court order.

I think this is very important, and it was certainly a point that others, various counsel raised, because of the impact that it might have, the far-reaching impact it might have. This particular subdivision does not confer any authority on a court to enter any order regarding the effect of the disclosures. That authority must be found in subdivision D or elsewhere. So we see that this rule has been meticulously refined in order to ensure that the sanctity of the attorney-client privilege is preserved.

This is good legislation, and I would ask my colleagues to support it.

Mr. Speaker, I yield back my time, asking for support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the Senate bill, S. 2450.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (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, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2135

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me note what a tragedy it is that we have to stand on the floor of the House in 2008 to speak about the exploitation of children as soldiers. Up to 250,000 children are exploited each day around the world in state-run armies, paramilitaries and guerilla groups. These child soldiers, boys and girls as young as 8 years old, are forced to serve as combatants and human mine detectors. They are often used to conduct suicide missions, and many are used as sex slaves. In fact, we have seen many of them turn themselves in Liberia, Sierra Leone and Colombia. In many cases they are provided with drugs and alcohol to numb them to the atrocities they are required to commit. In all cases, their childhoods are taken from them, their health and lives are endangered, and their psyches are destroyed.

It is a war crime under customary international law to recruit or use children under 15 years of age as soldiers.