

**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.

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**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]

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**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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