

109TH CONGRESS  
2D SESSION

# H. R. 5966

To end the use of child soldiers in hostilities around the world, and for  
other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. SMITH of New Jersey introduced the following bill; which was referred  
to the Committee on International Relations

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## A BILL

To end the use of child soldiers in hostilities around the  
world, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Child Soldier Preven-  
5       tion Act of 2006”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) According to the September 7, 2005, report  
9       to the United Nations General Assembly by the Spe-  
10      cial Representative of the Secretary General for

1 Children and Armed Conflict, “In the last decade,  
2 two million children have been killed in situations of  
3 armed conflict, while six million children have been  
4 permanently disabled or injured. Over 250,000 chil-  
5 dren continue to be exploited as child soldiers and  
6 tens of thousands of girls are being subjected to  
7 rape and other forms of sexual violence.”.

8 (2) According to the Center for Emerging  
9 Threats and Opportunities (CETO), Marine Corps  
10 Warfighting Laboratory, “The Child Soldier Phe-  
11 nomenon has become a post-Cold War epidemic that  
12 has proliferated to every continent with the excep-  
13 tion of Antarctica and Australia.”.

14 (3) Many of the children currently serving in  
15 armed forces or paramilitaries were forcibly con-  
16 scripted through kidnapping or coercion, while oth-  
17 ers joined military units due to economic necessity,  
18 to avenge the loss of a family member, or for their  
19 own personal safety.

20 (4) Some military and militia commanders force  
21 child soldiers to commit gruesome acts of ritual  
22 killings or torture, including acts of violence, against  
23 other children.

24 (5) Many female child soldiers face the addi-  
25 tional psychological and physical horrors of rape and

1 sexual abuse, enslavement for sexual purposes by mi-  
2 litia commanders, and severe social stigma should  
3 they return home.

4 (6) Some military and militia commanders tar-  
5 get children for recruitment because of their psycho-  
6 logical immaturity and vulnerability to manipulation  
7 and indoctrination. Children are often separated  
8 from their families in order to foster dependence on  
9 military units and leaders. Consequently, many of  
10 these children suffer from deep trauma and are in  
11 need of psychological counseling and rehabilitation.

12 (7) Child soldiers are exposed to hazardous con-  
13 ditions and are at risk of physical injury and dis-  
14 ability, psychological trauma, sexually transmitted  
15 diseases, respiratory and skin infections, and often  
16 death.

17 (8) On May 25, 2000, the United Nations  
18 adopted and opened for signature, ratification, and  
19 accession the Optional Protocol to the Convention on  
20 the Rights of the Child on the Involvement of Chil-  
21 dren in Armed Conflict, which establishes 18 as the  
22 minimum age for conscription, forced recruitment,  
23 or direct participation in hostilities.

1           (9) On June 18, 2002, the Senate unanimously  
2       approved the resolution advising and consenting to  
3       the ratification of the Optional Protocol.

4           (10) On December 23, 2002, the United States  
5       presented the ratified optional protocol to the United  
6       Nations.

7           (11) One hundred and six governments world-  
8       wide have ratified the optional protocol, establishing  
9       a clear international norm prohibiting the use of  
10      children in combat.

11          (12) It is in the national and security interests  
12      of the United States to reduce the chances that  
13      members of the United States Armed Forces will be  
14      forced to encounter children in combat situations.

15          (13) Section 502B(a)(3) of the Foreign Assist-  
16      ance Act of 1961 (22 U.S.C. 2304(a)(3)) provides  
17      that “the President is directed to formulate and con-  
18      duct international security assistance programs of  
19      the United States in a manner which will promote  
20      and advance human rights and avoid identification  
21      of the United States, through such programs, with  
22      governments which deny to their people internation-  
23      ally recognized human rights and fundamental free-  
24      doms, in violation of international law or in con-

1       travention of the policy of the United States as ex-  
2       pressed in this section or otherwise.”.

3   **SEC. 3. CHILD SOLDIER DEFINED.**

4       In this Act, the term “child soldier” means—

5           (1) any person under the age of 18 years old  
6       who is—

7           (A) forcibly recruited or conscripted—

8           (i) to serve in any type of regular or  
9           irregular armed force or armed group in  
10          any capacity, including in a support role  
11          such as cook, porter, or messenger; or

12          (ii) to accompany such a force or  
13          group, other than as a direct family mem-  
14          ber; or

15          (B) serving in hostilities as part of a reg-  
16          ular armed force or armed group; and

17          (2) any person under the age of 16 years old  
18          serving in any capacity as part of a regular or irreg-  
19          ular armed force or armed group.

20   **SEC. 4. STATEMENT OF CONGRESS; SENSE OF CONGRESS.**

21          (a) STATEMENT OF CONGRESS.—Congress condemns  
22          the conscription, forced recruitment, or use of children by  
23          governments, paramilitaries, or other organizations in hos-  
24          tilities.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that—

3 (1) the United States should support and,  
4 where practicable, lead efforts to establish and up-  
5 hold international standards designed to end the  
6 conscription, forced recruitment, or use of children  
7 by governments, paramilitaries, or other organiza-  
8 tions in hostilities;

9 (2) the United States should expand ongoing  
10 services to rehabilitate recovered child soldiers and  
11 to reintegrate them back into their communities  
12 by—

13 (A) offering ongoing psychological services  
14 to help victims recover from their trauma and  
15 relearn how to deal with others in nonviolent  
16 ways such that they are no longer a danger to  
17 their community; and

18 (B) facilitating reconciliation with their  
19 communities through negotiations with tradi-  
20 tional leaders and elders to enable recovered  
21 abductees to resume normal lives in their com-  
22 munities;

23 (3) the United States should work with the  
24 international community on efforts to bring to jus-  
25 tice rebel organizations that kidnap children for use

1 as child soldiers, such as the Lord's Resistance  
2 Army (LRA) in Uganda, Fuerzas Armadas  
3 Revolucionarias de Colombia (FARC), and the Com-  
4 munist Party of Nepal (CPN), including through re-  
5 gional cooperation, where feasible, to arrest the lead-  
6 ers of such groups and recover those children who  
7 have been abducted;

8 (4) United States diplomatic missions in coun-  
9 tries in which governments use or tolerate child sol-  
10 diers should develop, as part of annual program  
11 planning, strategies to promote efforts to end the  
12 conscription, forced recruitment, or use of children  
13 by governments, paramilitaries, or other organiza-  
14 tions in hostilities; and

15 (5) in allocating or recommending the allocation  
16 of funds or recommending candidates for programs  
17 and grants funded by the United States, United  
18 States diplomatic missions should give particular  
19 consideration to those programs and candidates  
20 deemed to promote the end to the conscription,  
21 forced recruitment, or use of children by govern-  
22 ments, paramilitaries, or other organizations in hos-  
23 tilities.

1 **SEC. 5. PROHIBITION.**

2 (a) IN GENERAL.—Subject to subsections (b), (c),  
3 and (d), none of the funds appropriated or otherwise made  
4 available for international military education and training,  
5 foreign military financing, foreign military sales, direct  
6 commercial sales, or excess defense articles by the Foreign  
7 Operations, Export Financing, and Related Programs Ap-  
8 propriations Act, 2006 (Public Law 109–102) or any  
9 other Act making appropriations for foreign operations,  
10 export financing, and related programs may be obligated  
11 or otherwise made available to the government of a coun-  
12 try that is clearly identified by the Department of State  
13 in the Department of State’s most recent Country Reports  
14 on Human Rights Practices as having governmental  
15 armed forces or government supported armed groups, in-  
16 cluding paramilitaries, militias, or civil defense forces, that  
17 recruit or use child soldiers.

18 (b) NOTIFICATION TO COUNTRIES IN VIOLATION OF  
19 THE STANDARDS OF THIS ACT.—Not later than March  
20 15 of each year, the Secretary of State shall formally no-  
21 tify any government identified pursuant to subsection (a).

22 (c) NATIONAL INTEREST WAIVER.—

23 (1) WAIVER.—The President may waive the ap-  
24 plication to a country of the prohibition described in  
25 subsection (a) if the President determines that such



1 waiver is in the national interest of the United  
2 States.

3 (2) PUBLICATION AND NOTIFICATION.—The  
4 President shall publish in the Federal Register each  
5 waiver granted under paragraph (1) and shall notify  
6 the Committee on International Relations and the  
7 Committee on Appropriations of the House of Rep-  
8 resentatives and the Committee on Foreign Rela-  
9 tions and the Committee on Appropriations of the  
10 Senate of each such waiver, including the justifica-  
11 tion for such waiver, in accordance with the regular  
12 notification procedures of such Committees.

13 (d) REINSTATEMENT OF ASSISTANCE.—The Presi-  
14 dent may provide to a country assistance otherwise prohib-  
15 ited under subsection (a) upon the submission of a certifi-  
16 cation to Congress that the government of such country—

17 (1) is implementing effective measures to come  
18 into compliance with the standards of this Act; and

19 (2) is implementing effective policies and mech-  
20 anisms to prohibit and prevent future placement of  
21 children in combat roles and to ensure that no chil-  
22 dren are recruited before the age of 16 years old or  
23 forcibly recruited or conscripted before the age of 18  
24 years old.

1 (e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED  
2 TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS.—

3 (1) IN GENERAL.—The President may provide  
4 to a country assistance for international military  
5 education and training otherwise prohibited under  
6 subsection (a) upon certifying to Congress that the  
7 assistance provided by the United States Govern-  
8 ment to the government of such country will go to  
9 programs that will directly support addressing the  
10 problem of child soldiers.

11 (2) LIMITATION.—The exception under para-  
12 graph (1) may not remain in effect for more than  
13 two years after the date of notification under sub-  
14 section (b).

15 **SEC. 6. ROLE OF UNDER SECRETARY FOR DEMOCRACY AND**  
16 **GLOBAL AFFAIRS AS LEAD ON CHILD SOL-**  
17 **DIER ISSUES.**

18 (a) IN GENERAL.—The Under Secretary for Democ-  
19 racy and Global Affairs shall coordinate United States pol-  
20 icy on child soldier issues, including by performing the fol-  
21 lowing functions:

22 (1) Serving as a principal adviser to the Presi-  
23 dent and the Secretary of State regarding matters  
24 affecting the use of child soldiers, including making  
25 recommendations regarding—

1 (A) the policies of the United States to-  
2 ward governments that use child soldiers; and

3 (B) policies to promote the end to the use  
4 of child soldiers in conflicts around the world.

5 (2) Preparing and submitting the reports re-  
6 quired under section 7 and 8.

7 **SEC. 7. REPORTS.**

8 (a) PREPARATION OF REPORTS REGARDING CHILD  
9 SOLDIERS.—The Secretary of State shall ensure that  
10 United States missions abroad maintain a consistent re-  
11 porting standard and thoroughly investigate reports of the  
12 use of child soldiers.

13 (b) INFORMATION FOR ANNUAL COUNTRY REPORTS  
14 ON HUMAN RIGHTS PRACTICES.—The Under Secretary  
15 for Democracy and Global Affairs shall assist the Sec-  
16 retary of State in preparing those portions of the annual  
17 Country Reports on Human Rights Practices (prepared  
18 in accordance with sections 116(d) and 502B(b) of the  
19 Foreign Assistance Act of 1961 (22 U.S.C. 2151n and  
20 2304(b))) that relate to child soldiers and assure that such  
21 reports shall include a description of the use of child sol-  
22 diers in each foreign country, including—

23 (1) trends toward improvement in such country  
24 of the status of child soldiers or the continued or in-  
25 creased tolerance of such practices; and

1           (2) the role of the government of such country  
2           in engaging in or tolerating the use of child soldiers.

3           (c) INCLUSION OF INFORMATION ON VIOLATIONS.—

4   If the Secretary of State, in consultation with the Under  
5   Secretary for Democracy and Global Affairs, determines  
6   that the government of a country or a regular or irregular  
7   armed force or armed group in such country has violated  
8   the standards of this Act, the Secretary shall clearly indi-  
9   cate that fact in the relevant annual Country Reports on  
10  Human Rights Practices.

11          (d) ANNUAL REPORTS TO CONGRESS.—Not later  
12  than June 15 of each year, the President shall submit to  
13  the Committee on International Relations and the Com-  
14  mittee on Appropriations of the House of Representatives  
15  and the Committee on Foreign Relations and the Com-  
16  mittee on Appropriations of the Senate—

17           (1) a list of the governments receiving notifica-  
18           tion that they are in violation of the standards of  
19           this Act;

20           (2) a list of any waivers or exceptions exercised  
21           under this Act;

22           (3) justification for those waivers and excep-  
23           tions; and

24           (4) a description of any assistance provided  
25           pursuant to this Act.

1 **SEC. 8. REPORT ON IMPLEMENTATION OF ACT.**

2 Not later than 180 days after the date of the enact-  
3 ment of this Act, the President shall submit to the Com-  
4 mittee on International Relations and the Committee on  
5 Appropriations of the House of Representatives and the  
6 Committee on Foreign Relations and the Committee on  
7 Appropriations of the Senate a report setting forth a strat-  
8 egy for achieving the policy objectives of this Act, includ-  
9 ing a description of an effective mechanism for coordina-  
10 tion of United States efforts to implement this strategy.

11 **SEC. 9. TRAINING FOR FOREIGN SERVICE OFFICERS.**

12 Section 708 of the Foreign Service Act of 1980 (22  
13 U.S.C. 4028) is amended by adding at the end the fol-  
14 lowing new subsection:

15 “(c) The Secretary of State, with the assistance of  
16 other relevant officials, shall establish as part of the stand-  
17 ard training provided after January 1, 2007, for members  
18 of the Service instruction on the rights of child soldiers.”.

19 **SEC. 10. EFFECTIVE DATE; APPLICABILITY.**

20 This Act shall take effect 180 days after the date of  
21 the enactment of this Act and shall apply to funds obli-  
22 gated after such effective date.

