

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, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

3 (a) CRIME FOR RECRUITING OR USING CHILD SOL-
4 DIERS.—

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

8 **“§ 2442. Recruitment or use of child soldiers**

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

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

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

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

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

25 “(1) the alleged offender is a national of the
26 United States (as defined in section 101(a)(22) of

1 the Immigration and Nationality Act (8 U.S.C.
 2 1101(a)(22))) or an alien lawfully admitted for per-
 3 manent residence in the United States (as defined in
 4 section 101(a)(20) of such Act (8 U.S.C.
 5 1101(a)(20));

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

8 “(3) the alleged offender is present in the
 9 United States, irrespective of the nationality of the
 10 alleged offender; or

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

13 “(d) DEFINITIONS.—In this section:

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

17 “(A) combat or military activities related
 18 to combat, including scouting, spying, sabotage,
 19 and serving as a decoy, a courier, or at a mili-
 20 tary checkpoint; or

21 “(B) direct support functions related to
 22 combat, including taking supplies to the front
 23 line and other services at the front line.

24 “(2) ARMED FORCE OR GROUP.—The term
 25 ‘armed force or group’ means any army, militia, or

1 other military organization, whether or not it is
 2 state-sponsored.”.

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

6 **“§ 3300. Recruitment or use of child soldiers**

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

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

13 (A) in the table of sections for chapter
 14 118, by adding at the end the following:

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

15 and

16 (B) in the table of sections for chapter
 17 213, by adding at the end the following:

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

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

22 “(G) RECRUITMENT OR USE OF CHILD
 23 SOLDIERS.—Any alien who has committed, or-
 24 dered, incited, assisted, or otherwise partici-

1 pated in the commission of the recruitment or
2 use of child soldiers in violation of section 2442
3 of title 18, United States Code, is inadmis-
4 sible.”.

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

9 “(F) RECRUITMENT OR USE OF CHILD
10 SOLDIERS.—Any alien described in section
11 212(a)(3)(G) is deportable.”.

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