

9 FAM 40.38 ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS

*(CT:VISA-1213; 05-04-2009)
(Office of Origin: CA/VO/L/R)*

9 FAM 40.38 RELATED STATUTORY PROVISIONS

(CT:VISA-1213; 05-04-2009)

See INA 212(a)(3)(g), (8 USC 1182(a)(3)(g), 18 U.S.C. 2442)

Public Law 110-340—OCT. 3, 2008 122 STAT. 3735

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”.

SECTION 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:

SECTION 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. 122 STAT. 3736 Public Law 110–340—OCT. 3, 2008

(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:

SECTION 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.”