

110TH CONGRESS
1ST SESSION

H. R. 2740

AN ACT

To require accountability for contractors and contract personnel under Federal contracts, 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 “MEJA Expansion and
3 Enforcement Act of 2007”.

4 **SEC. 2. LEGAL STATUS OF CONTRACT PERSONNEL.**

5 (a) CLARIFICATION OF THE MILITARY
6 EXTRATERRITORIAL JURISDICTION ACT.—

7 (1) INCLUSION OF CONTRACTORS.—Subsection
8 (a) of section 3261 of title 18, United States Code,
9 is amended—

10 (A) by striking “or” at the end of para-
11 graph (1);

12 (B) by striking the comma at the end of
13 paragraph (2) and inserting “; or”; and

14 (C) by inserting after paragraph (2) the
15 following:

16 “(3) while employed under a contract (or sub-
17 contract at any tier) awarded by any department or
18 agency of the United States, where the work under
19 such contract is carried out in an area, or in close
20 proximity to an area (as designated by the Depart-
21 ment of Defense), where the Armed Forces is con-
22 ducting a contingency operation,”.

23 (2) DEFINITION.—Section 3267 of title 18,
24 United States Code, is amended by adding at the
25 end the following:

1 “(5) The term ‘contingency operation’ has the
2 meaning given such term in section 101(a)(13) of
3 title 10.”.

4 (b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL
5 REPORT.—

6 (1) REPORT REQUIRED.—Not later than 180
7 days after the date of the enactment of this Act, the
8 Inspector General of the Department of Justice shall
9 submit to Congress a report in accordance with this
10 subsection.

11 (2) CONTENT OF REPORT.—The report under
12 paragraph (1) shall include—

13 (A) a description of the status of Depart-
14 ment of Justice investigations of alleged viola-
15 tions of section 3261 of title 18, United States
16 Code, to have been committed by contract per-
17 sonnel, which shall include—

18 (i) the number of complaints received
19 by the Department of Justice;

20 (ii) the number of investigations into
21 complaints opened by the Department of
22 Justice;

23 (iii) the number of criminal cases
24 opened by the Department of Justice; and

1 (iv) the number and result of criminal
2 cases closed by the Department of Justice;

3 (B) findings and recommendations about
4 the number of criminal cases prosecuted by the
5 Department of Justice involving violations of
6 section 3261 of title 18, United States Code;
7 and

8 (C) with respect to covered contracts where
9 the work under such contracts is carried out in
10 Iraq or Afghanistan—

11 (i) a list of each charge brought
12 against contractors or contract personnel
13 performing work under such a covered con-
14 tract, including—

15 (I) a description of the offense
16 with which a contractor or contract
17 personnel were charged; and

18 (II) the disposition of such
19 charge; and

20 (ii) a description of any legal actions
21 taken by the United States Government
22 against contractors or contract personnel
23 as a result of—

1 (I) a criminal charge brought
2 against such contractors or contract
3 personnel; or

4 (II) a complaint received regard-
5 ing the activities of such contractors
6 or contract personnel.

7 (3) **FORMAT OF REPORT.**—The report under
8 paragraph (1) shall be submitted in unclassified for-
9 mat, but may contain a classified annex as appro-
10 priate.

11 **SEC. 3. FEDERAL BUREAU OF INVESTIGATION INVESTIGA-**
12 **TIVE UNIT FOR CONTINGENCY OPERATIONS.**

13 (a) **ESTABLISHMENT OF THEATER INVESTIGATIVE**
14 **UNIT.**—The Director of the Federal Bureau of Investiga-
15 tion shall ensure that there are adequate personnel
16 through the creation of Theater Investigative Units to in-
17 vestigate allegations of criminal violations of section 3261
18 of title 18, United States Code, by contract personnel.

19 (b) **RESPONSIBILITIES OF THEATER INVESTIGATIVE**
20 **UNIT.**—The Theater Investigative Unit established for a
21 theater of operations shall—

22 (1) investigate reports that raise reasonable
23 suspicion of criminal misconduct by contract per-
24 sonnel;

1 (2) investigate reports of fatalities resulting
2 from the potentially unlawful use of force by con-
3 tract personnel; and

4 (3) upon conclusion of an investigation of al-
5 leged criminal misconduct, refer the case to the At-
6 torney General of the United States for further ac-
7 tion, as appropriate in the discretion of the Attorney
8 General.

9 (c) RESPONSIBILITIES OF FEDERAL BUREAU OF IN-
10 VESTIGATION.—

11 (1) RESOURCES.—The Director of the Federal
12 Bureau of Investigation shall ensure that each The-
13 ater Investigative Unit has adequate resources and
14 personnel to carry out its responsibilities.

15 (2) NOTIFICATION.—The Director of the Fed-
16 eral Bureau of Investigation shall notify Congress
17 whenever a Theater Investigative Unit is established
18 or terminated in accordance with this section.

19 (3) SECURITY.—The Director of the Federal
20 Bureau of Investigation shall request security assist-
21 ance from the Secretary of Defense in any case in
22 which a Theater Investigative Unit does not have
23 the resources or is otherwise unable to provide ade-
24 quate security to ensure the safety of such Unit. The
25 Director may not request or provide for security for

1 a Theater Investigate Unit from any individual or
2 entity other than the Federal Bureau of Investiga-
3 tion or the Secretary of Defense.

4 (d) ASSISTANCE ON REQUEST OF ATTORNEY GEN-
5 ERAL.—In consultation with the Director of the Federal
6 Bureau of Investigation, the Attorney General may re-
7 quest assistance from the Secretary of State, the Secretary
8 of Defense, the Secretary of Homeland Security, or the
9 head of any other Executive agency, notwithstanding any
10 statute, rule, or regulation to the contrary, including the
11 assignment of additional personnel and resources to a
12 Theater Investigative Unit.

13 (e) ANNUAL REPORT.—Not later than one year after
14 the date on which the Director of the Federal Bureau of
15 Investigation ensures compliance with the provisions of
16 this Act pursuant to section 5(c), and annually thereafter,
17 the Director of the Federal Bureau of Investigation shall
18 submit to Congress a report containing—

19 (1) the number of reports received by Theater
20 Investigative Units relating to suspected criminal
21 misconduct by contractors or contract personnel;

22 (2) the number of reports received by Theater
23 Investigative Units relating to fatalities resulting
24 from the use of force by contractors or contract per-
25 sonnel;

1 (3) the number of cases referred by Theater In-
2 vestigative Units to the Attorney General for further
3 investigation or other action; and

4 (4) any recommended changes to Federal law
5 that the Director considers necessary to perform the
6 duties of the Director under this Act.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) **COVERED CONTRACT.**—The term “covered
10 contract” means an agreement—

11 (A) that is—

12 (i) a prime contract awarded by an
13 agency;

14 (ii) a subcontract at any tier under
15 any prime contract awarded by an agency;

16 or

17 (iii) a task order issued under a task
18 or delivery order contract entered into by
19 an agency; and

20 (B) according to which the work under
21 such contract, subcontract, or task order is car-
22 ried out in a region outside the United States
23 in which the Armed Forces are conducting a
24 contingency operation.

1 (2) AGENCY.—The term “agency” has the
2 meaning given the term “Executive agency” in sec-
3 tion 105 of title 5, United States Code.

4 (3) CONTINGENCY OPERATION.—The term
5 “contingency operation” has the meaning given the
6 term section 101(13) of title 10, United States
7 Code.

8 (4) CONTRACTOR.—The term “contractor”
9 means an entity performing a covered contract.

10 (5) CONTRACT PERSONNEL.—The term “con-
11 tract personnel” means persons assigned by a con-
12 tractor (including subcontractors at any tier) to per-
13 form work under a covered contract.

14 **SEC. 5. EFFECTIVE DATE.**

15 (a) APPLICABILITY.—The provisions of this Act shall
16 apply to all covered contracts and all covered contract per-
17 sonnel in which the work under the contract is carried out
18 in an area, or in close proximity to an area (as designated
19 by the Department of Defense), where the Armed Forces
20 is conducting a contingency operation on or after the date
21 of the enactment of this Act.

22 (b) IMMEDIATE EFFECTIVENESS.—The provisions of
23 this Act shall enter into effect immediately upon the enact-
24 ment of this Act.

1 (c) IMPLEMENTATION.—With respect to covered con-
2 tracts and covered contract personnel discussed in sub-
3 section (a)(1), the Director of the Federal Bureau of In-
4 vestigation, and the head of any other agency to which
5 this Act applies, shall have 90 days after the date of the
6 enactment of this Act to ensure compliance with the provi-
7 sions of this Act.

8 **SEC. 6. RULE OF CONSTRUCTION.**

9 Nothing in this Act shall be construed to affect intel-
10 ligence activities that are otherwise permissible prior to
11 the enactment of this Act.

Passed the House of Representatives October 4,
2007.

Attest:

Clerk.

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