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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “MEJA Expansion and Enforcement Act of 2007”.

SEC. 2. LEGAL STATUS OF CONTRACT PERSONNEL.

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

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

(A) by striking “or” at the end of paragraph (1);

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

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

“(3) while employed under a contract (or sub-contract at any tier) awarded by any department or agency of the United States, where the work under such contract is carried out in an area, or in close proximity to an area (as designated by the Department of Defense), where the Armed Forces is conducting a contingency operation,”.

(2) DEFINITION.—Section 3267 of title 18, United States Code, is amended by adding at the end the following:
“(5) The term ‘contingency operation’ has the
meaning given such term in section 101(a)(13) of
title 10.”.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL

REPORT.—

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

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

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

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

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

(iii) the number of criminal cases
opened by the Department of Justice; and
(iv) the number and result of criminal cases closed by the Department of Justice;

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

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

(i) a list of each charge brought against contractors or contract personnel performing work under such a covered contract, including—

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

(II) the disposition of such charge; and

(ii) a description of any legal actions taken by the United States Government against contractors or contract personnel as a result of—
(I) a criminal charge brought against such contractors or contract personnel; or
(II) a complaint received regarding the activities of such contractors or contract personnel.

(3) FORMAT OF REPORT.—The report under paragraph (1) shall be submitted in unclassified format, but may contain a classified annex as appropriate.

SEC. 3. FEDERAL BUREAU OF INVESTIGATION INVESTIGATIVE UNIT FOR CONTINGENCY OPERATIONS.

(a) ESTABLISHMENT OF THEATER INVESTIGATIVE UNIT.—The Director of the Federal Bureau of Investigation shall ensure that there are adequate personnel through the creation of Theater Investigative Units to investigate allegations of criminal violations of section 3261 of title 18, United States Code, by contract personnel.

(b) RESPONSIBILITIES OF THEATER INVESTIGATIVE UNIT.—The Theater Investigative Unit established for a theater of operations shall—
(1) investigate reports that raise reasonable suspicion of criminal misconduct by contract personnel;
(2) investigate reports of fatalities resulting from the potentially unlawful use of force by contract personnel; and

(3) upon conclusion of an investigation of alleged criminal misconduct, refer the case to the Attorney General of the United States for further action, as appropriate in the discretion of the Attorney General.

(e) Responsibilities of Federal Bureau of Investigation.—

(1) Resources.—The Director of the Federal Bureau of Investigation shall ensure that each Theater Investigative Unit has adequate resources and personnel to carry out its responsibilities.

(2) Notification.—The Director of the Federal Bureau of Investigation shall notify Congress whenever a Theater Investigative Unit is established or terminated in accordance with this section.

(3) Security.—The Director of the Federal Bureau of Investigation shall request security assistance from the Secretary of Defense in any case in which a Theater Investigative Unit does not have the resources or is otherwise unable to provide adequate security to ensure the safety of such Unit. The Director may not request or provide for security for
a Theater Investigative Unit from any individual or entity other than the Federal Bureau of Investigation or the Secretary of Defense.

(d) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—In consultation with the Director of the Federal Bureau of Investigation, the Attorney General may request assistance from the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, or the head of any other Executive agency, notwithstanding any statute, rule, or regulation to the contrary, including the assignment of additional personnel and resources to a Theater Investigative Unit.

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

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

(2) the number of reports received by Theater Investigative Units relating to fatalities resulting from the use of force by contractors or contract personnel;
(3) the number of cases referred by Theater Investigative Units to the Attorney General for further investigation or other action; and

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

SEC. 4. DEFINITIONS.

In this Act:

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

(A) that is—

(i) a prime contract awarded by an agency;

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

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

(B) according to which the work under such contract, subcontract, or task order is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation.
(2) AGENCY.—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

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

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

(5) CONTRACT PERSONNEL.—The term “contract personnel” means persons assigned by a contractor (including subcontractors at any tier) to perform work under a covered contract.

SEC. 5. EFFECTIVE DATE.

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

(b) IMMEDIATE EFFECTIVENESS.—The provisions of this Act shall enter into effect immediately upon the enactment of this Act.
(c) **IMPLEMENTATION.**—With respect to covered contracts and covered contract personnel discussed in subsection (a)(1), the Director of the Federal Bureau of Investigation, and the head of any other agency to which this Act applies, shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this Act.

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

Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act.


Attest:

Clerk.
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AN ACT

H. R. 2740

110th Congress 1st Session