

108TH CONGRESS  
2D SESSION

# H. R. 4390

To extend the Military Extraterritorial Jurisdiction Act (MEJA) to provide for the arrest and commitment of contractor personnel who commit Federal offenses or war crimes while supporting the mission of the Department of Defense overseas.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2004

Mr. PRICE of North Carolina (for himself and Mr. SHAYS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To extend the Military Extraterritorial Jurisdiction Act (MEJA) to provide for the arrest and commitment of contractor personnel who commit Federal offenses or war crimes while supporting the mission of the Department of Defense overseas.

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 “MEJA Clarification  
5 Act”.

1 **SEC. 2. ARREST AND COMMITMENT OF CONTRACTOR PER-**  
2 **SONNEL WHO COMMIT FEDERAL OFFENSES**  
3 **OR WAR CRIMES WHILE SUPPORTING THE**  
4 **MISSION OF THE DEPARTMENT OF DEFENSE**  
5 **OVERSEAS.**

6 (a) DUTY TO ENSURE ARREST AND COMMITMENT.—  
7 Section 3262 of title 18, United States Code, is amended  
8 by adding at the end the following new subsection:

9 “(c) For each case in which there is probable cause  
10 to believe that a person described in section 3261(a) has  
11 violated such section and is outside the United States, it  
12 shall be the duty of the Secretary of Defense to ensure,  
13 through the exercise of the authority under this chapter  
14 and of any other authority available to the Secretary, that  
15 such person is arrested and delivered to an authority with  
16 jurisdiction to prosecute such person.”.

17 (b) COVERAGE OF PERSONNEL AND CONTRACTOR  
18 PERSONNEL OF ANY OTHER AGENCY OR PROVISIONAL  
19 AUTHORITY.—Section 3267(1)(A) of such title is amend-  
20 ed to read as follows:

21 “(A) employed as—

22 “(i) a civilian employee of—

23 “(I) the Department of Defense  
24 (including a nonappropriated fund in-  
25 strumentality of the Department); or

1 “(II) any other Federal agency,  
2 or any provisional authority, to the  
3 extent such employment relates to  
4 supporting the mission of the Depart-  
5 ment of Defense overseas or to oper-  
6 ating within territory with respect to  
7 which the United States, solely or  
8 jointly, is an occupying power;

9 “(ii) a contractor (including a subcon-  
10 tractor at any tier) of—

11 “(I) the Department of Defense  
12 (including a nonappropriated fund in-  
13 strumentality of the Department); or

14 “(II) any other Federal agency,  
15 or any provisional authority, to the  
16 extent such employment relates to  
17 supporting the mission of the Depart-  
18 ment of Defense overseas or to oper-  
19 ating within territory with respect to  
20 which the United States, solely or  
21 jointly, is an occupying power; or

22 “(iii) an employee of a contractor (or  
23 subcontractor at any tier) of—

1 “(I) the Department of Defense  
 2 (including a nonappropriated fund in-  
 3 strumentality of the Department); or

4 “(II) any other Federal agency,  
 5 or any provisional authority, to the  
 6 extent such employment relates to  
 7 supporting the mission of the Depart-  
 8 ment of Defense overseas or to oper-  
 9 ating within territory with respect to  
 10 which the United States, solely or  
 11 jointly, is an occupying power;”.

12 (c) COVERAGE OF DEPENDENTS OF SUCH PER-  
 13 SONS.—Section 3267(2)(A) of such title is amended—

14 (1) by inserting “or” at the end of clause (i);  
 15 and

16 (2) by amending clauses (ii) and (iii) to read as  
 17 follows:

18 “(ii) a civilian employee described in  
 19 paragraph (1)(A)(i); or

20 “(iii) a contractor described in para-  
 21 graph (1)(A)(ii) or an employee of a con-  
 22 tractor described in paragraph  
 23 (1)(A)(iii);”.

24 (d) COVERAGE OF WAR CRIMES.—Section 3261(a) of  
 25 such title is amended in the matter preceding paragraph

1 (1) by inserting after “territorial jurisdiction of the United  
2 States” the following: “(or that would constitute a war  
3 crime (as defined in section 2441(c) of this title))”.

4 (e) DEADLINE FOR INITIAL REGULATIONS.—Not  
5 later than 90 days after the date of the enactment of this  
6 Act, the Secretary of Defense shall submit, under sub-  
7 section (c) of section 3266 of title 18, United States Code,  
8 a report containing the initial regulations required by such  
9 section.

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