

FLAKE), the Senator from New York (Mrs. GILLIBRAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Hawaii (Mr. SCHATZ) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 498, a resolution expressing the sense of the Senate regarding United States support for the State of Israel as it defends itself against unprovoked rocket attacks from the Hamas terrorist organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. McCASKILL, Mrs. SHAHEEN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. HEINRICH):

S. 2598. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I reintroduce the Civilian Extraterritorial Jurisdiction Act, CEJA. The United States has huge numbers of Government employees and contractors working overseas, but the legal framework governing them is unclear and outdated. To promote accountability, Congress must make sure that our criminal laws reach serious misconduct by U.S. government employees and contractors wherever they act. The Civilian Extraterritorial Jurisdiction Act accomplishes this important and common sense goal by allowing United States contractors and employees working overseas who commit specific crimes to be tried and sentenced under U.S. law.

Tragic events in Iraq and Afghanistan highlight the need to strengthen the laws providing for jurisdiction over American government employees and contractors working abroad. In September 2007, Blackwater security contractors working for the State Department shot more than 20 unarmed civilians on the streets of Baghdad, killing at least 14 of them, and causing a rift in our relations with the Iraqi government. Efforts to prosecute those responsible for these shootings have been fraught with difficulties. The Blackwater trial is only just now under way, seven years after this tragedy, and the defendants continue to argue in court that the U.S. government does not have jurisdiction to prosecute them.

I worked with Senator SESSIONS and others in 2000 to pass the Military Extraterritorial Jurisdiction Act, MEJA, and then, again, to amend it in 2004, so that U.S. criminal laws would extend to all members of the U.S. military, to those who accompany them, and to contractors who work with the military. That law provides criminal

jurisdiction over Defense Department employees and contractors, but it does not explicitly cover people working for other Federal agencies, like the Blackwater security contractors. Had jurisdiction in the tragic Blackwater incident been clear, it could have prevented some of the problems that have plagued the case.

Other incidents have made all too clear that the Blackwater case was not an isolated incident. Private security contractors have been involved in violent incidents and serious misconduct in Iraq and Afghanistan, including other shooting incidents in which civilians have been seriously injured or killed. MEJA does not cover many of the thousands of U.S. contractors and employees who are working abroad. The legislation I introduce today fills this gap.

Ensuring criminal accountability will also improve our national security and protect Americans overseas. Importantly, in those instances where the local justice system may be less than fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the United States, rather than leaving them subject to potentially hostile and unpredictable local courts. Our allies, including those countries most essential to our counterterrorism and national security efforts, work best with us when we hold our own accountable.

In 2011, the Senate Judiciary Committee heard testimony from the Justice Department and from experts in the area of contractor accountability about the many diplomatic and national security benefits of expanding criminal jurisdiction over American employees and contractors overseas. That hearing also explored how best to ensure that our Nation's intelligence activities would not be impaired by CEJA. The legislation I propose today has been carefully crafted to ensure that the intelligence community can continue its authorized activities unimpeded.

This bill would also provide greater protection to American victims of crime, as it would lead to more accountability for crimes committed by U.S. Government contractors and employees against Americans working abroad. The Committee has previously heard testimony from Jamie Leigh Jones, a young woman from Texas who took a job with Halliburton in Iraq in 2005 when she was 20 years old. In her first week on the job, she was drugged and gang-raped by coworkers. When she reported this assault, her employers moved her to a locked trailer, where she was kept by armed guards and freed only when the State Department intervened.

Ms. Jones testified about the arbitration clause in her contract that prevented her from suing Halliburton for this outrageous conduct. But criminal jurisdiction over these kinds of atrocious crimes abroad remains complicated and depends on the specific lo-

cation of the crime, which makes prosecutions inconsistent and sometimes impossible. We must fix the law to help avoid arbitrary injustice and ensure that victims will not see their attackers escape accountability.

This legislation also provides another important benefit: It will lay the groundwork to expand U.S. preclearance operations in Canada—thereby enhancing national security and facilitating commerce and tourism with our largest trading partner. The United States currently stations U.S. Customs and Border Protection, CBP, Officers in select locations in Canada to inspect passengers and cargo bound for the United States before they leave Canada. These operations relieve congestion at U.S. airports, improve commerce, save money, and provide national security benefits. The United States and Canada are in ongoing conversations about an expansion of land, rail, marine and air preclearance operations that would greatly benefit the U.S. economy. But one barrier in these discussions is that the United States lacks legal authority to prosecute U.S. officials engaged in preclearance operations if they commit crimes while stationed in Canada. CEJA would ensure that the U.S. has legal authority to hold our own officials accountable if they engage in wrongdoing, and thereby help pave the way to finalizing the expanded Canada preclearance agreement.

In the past, legislation in this area has been bipartisan. I hope Senators of both parties will work together to pass this important reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2598

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 "Civilian Extraterritorial Jurisdiction Act of 2014" or the "CEJA".

SEC. 2. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—

(1) IN GENERAL.—Chapter 212A of title 18, United States Code, is amended—

(A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking "this chapter" and inserting "this section";

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

§ 3272. Offenses committed by Federal contractors and employees outside the United States

"(a)(1) Whoever, while employed by any department or agency of the United States other than the Department of Defense or accompanying any department or agency of

the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in paragraph (3) had the conduct been engaged in within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(2) A prosecution may not be commenced against a person under this subsection if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“(3) The offenses covered by paragraph (1) are the following:

“(A) Any offense under chapter 5 (arson) of this title.

“(B) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

“(C) Any offense under section 201 (bribery of public officials and witnesses) of this title.

“(D) Any offense under section 499 (military, naval, or official passes) of this title.

“(E) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

“(F) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

“(G) Any offense under chapter 42 (extortionate credit transactions) of this title.

“(H) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

“(I) Any offense under chapter 50A (genocide) of this title.

“(J) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

“(K) Any offense under chapter 55 (kidnapping) of this title.

“(L) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

“(M) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

“(N) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

“(O) Any offense under chapter 109A (sexual abuse) of this title.

“(P) Any offense under chapter 113B (terrorism) of this title.

“(Q) Any offense under chapter 113C (torture) of this title.

“(R) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

“(S) Any offense under section 2442 (child soldiers) of this title.

“(T) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

“(b) In addition to the jurisdiction under subsection (a), whoever, while employed by any department or agency of the United States other than the Department of Defense and stationed or deployed in a country outside of the United States pursuant to a treaty or executive agreement in furtherance of a border security initiative with that country, engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense for which a person may be prosecuted in a court of the United States had the conduct been engaged in within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(c) In this section:

“(1) The term ‘employed by any department or agency of the United States other than the Department of Defense’ means—

“(A) an individual is—

“(i) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

“(ii) present or residing outside the United States in connection with such employment; and

“(iii) not a national of or ordinarily resident in the host nation; and

“(B) in the case of an individual who is such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States.

“(2) The term ‘accompanying any department or agency of the United States other than the Department of Defense’ means an individual is—

“(A) a dependant, family member, or member of household of—

“(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

“(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee

employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

“(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.

“(3) The term ‘grant agreement’ means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

“(4) The term ‘grantee’ means a party, other than the United States, to a grant agreement.

“(5) The term ‘host nation’ means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

“§ 3273. Regulations

“The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.”

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of title 18, United States Code, is amended to read as follows:

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);”.

(b) VENUE.—Chapter 211 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 3245. Optional venue for offenses involving Federal employees and contractors overseas

“In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

“(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any 1 of 2 or more joint offenders; or

“(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any 1 of 2 or more joint offenders is accompanying.”.

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3287 the following new section:

“§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas

“The statute of limitations for an offense under section 3272 of this title shall be suspended for the period during which the individual is outside the United States or is a fugitive from justice within the meaning of section 3290 of this title.”.

(d) TECHNICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of title 18, United States Code, is amended to read as follows:

“CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT”.

(2) TABLES OF SECTIONS.—(A) The table of sections for chapter 211 of title 18, United States Code, is amended by adding at the end the following new item:

“3245. Optional venue for offenses involving Federal employees and contractors overseas.”.

(B) The table of sections for chapter 212A of title 18, United States Code, is amended by striking the item relating to section 3272 and inserting the following new items:

“3272. Offenses committed by Federal contractors and employees outside the United States.

“3273. Regulations.”.

(C) The table of sections for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3287 the following new item:

“3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas.”.

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters for part II of title 18, United States Code, is amended to read as follows:

“212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government 3271”.

SEC. 3. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the head of any other department or agency of the Federal Government responsible for employing contractors or persons overseas, shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other employees of the Federal Government for that purpose.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of this Act and the amendments made by this Act, and shall have the authority to initiate, conduct, and supervise investigations of any alleged offense under this Act or an amendment made by this Act.

(2) LAW ENFORCEMENT AUTHORITY.—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as amended by section 2(a) of this Act), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) PROSECUTION.—The Attorney General may establish such procedures as the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as amended by section 2(a) of this Act), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of

State, or the head of any other department or agency of the Federal Government to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional employees and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Attorney General shall, in consultation with the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a), including the organization and training of employees and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and the provisions of this section.

(c) DEFINITIONS.—In this section, the terms “agency” and “department” have the meanings given such terms in section 6 of title 18, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy employees overseas.

SEC. 4. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this Act or an amendment made by this Act applies shall have 90 days after the date of enactment of this Act to ensure compliance with this Act and the amendments made by this Act.

SEC. 5. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act or any amendment made by this Act shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) INTELLIGENCE ACTIVITIES.—Nothing in this Act or any amendment made by this Act shall apply to the authorized intelligence activities of the United States Government.

SEC. 6. FUNDING.

If any amounts are appropriated to carry out this Act or an amendment made by this Act, the amounts shall be from amounts which would have otherwise been made available or appropriated to the Department of Justice.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 501—COMMEMORATING THE 20TH ANNIVERSARY OF THE WRIGHT MUSEUM OF WWII HISTORY IN WOLFEBORO, NEW HAMPSHIRE

Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 501

Whereas on July 16, 1994, the Wright Museum of WWII History opened as an educational institution in Wolfeboro, New Hampshire, founded by David Wright;

Whereas for the past 20 years the Wright Museum has fulfilled its mission to preserve and share the stories of the people of the United States during World War II, and is the only United States museum that exclusively focuses on the contributions and enduring legacy of World War II-era Americans;

Whereas the Wright Museum accomplishes its mission through the careful preservation and thoughtful display of its extensive permanent collection of World War II-era items and memorabilia from the years between 1939 and 1945;

Whereas the Wright Museum is unique among traditional World War II museums in that the over 14,000 items in its permanent collection are representative of both the battle field and the United States home front;

Whereas the Wright Museum has established a national reputation as a repository for historically significant World War II-era items and memorabilia;

Whereas the Wright Museum uses its permanent collection to introduce visitors to a seminal period in United States history and place that period into historical context;

Whereas for 2 decades the Wright Museum has educated, entertained, and inspired over 200,000 visitors from across the United States and around the world; and

Whereas the Wright Museum remains dedicated to David Wright’s vision of providing a vivid perspective on the profound and enduring impact of the World War II experience on United States society: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Wright Museum of WWII History staff, volunteers, and board of directors for their efforts to encourage the study of a significant period in United States history;

(2) applauds the Wright Museum of WWII History’s mission to raise awareness of the contributions and lasting legacy of World War II-era Americans; and

(3) recognizes the significance of July 16, 2014 as the 20th anniversary of the opening of the Wright Museum of WWII History.

SENATE CONCURRENT RESOLUTION 40—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO AWARD CONGRESSIONAL GOLD MEDALS IN HONOR OF THE MEN AND WOMEN WHO PERISHED AS A RESULT OF THE TERRORIST ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. CASEY submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration: