

Union Calendar No. 217

110TH CONGRESS
1ST SESSION

H. R. 2740

[Report No. 110-352]

To require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2007

Mr. PRICE of North Carolina introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 27, 2007

Additional sponsors: Mr. DEFazio, Mr. FILNER, Ms. WOOLSEY, Mr. HALL of New York, Mr. GRIJALVA, Mr. MCGOVERN, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. SPRATT, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. BISHOP of New York, Mr. ELLISON, and Mr. BLUMENAUER

SEPTEMBER 27, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 15, 2007]

A BILL

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, is*
 9 *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 fol-*
 15 *lowing:*

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 end*
 25 *the following:*

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

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

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

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

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

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

23 (1) investigate reports that raise reasonable sus-
 24 picion of criminal misconduct by contract personnel;

1 (2) *investigate reports of fatalities resulting from*
2 *the use of force by contract personnel; and*

3 (3) *upon conclusion of an investigation of alleged*
4 *criminal misconduct, refer the case to the Attorney*
5 *General of the United States for further action, as ap-*
6 *propriate in the discretion of the Attorney General.*

7 (c) *RESPONSIBILITIES OF FEDERAL BUREAU OF IN-*
8 *VESTIGATION.—*

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

13 (2) *NOTIFICATION.—The Director of the Federal*
14 *Bureau of Investigation shall notify Congress when-*
15 *ever a Theater Investigative Unit is established or ter-*
16 *minated in accordance with this section.*

17 (d) *RESPONSIBILITIES OF OTHER FEDERAL AGEN-*
18 *CIES.—An agency operating in an area, or in close prox-*
19 *imity to an area (as designated by the Department of De-*
20 *fense), where the Armed Forces is conducting a contingency*
21 *operation shall cooperate with and support the activities*
22 *of the Theater Investigative Unit. Any investigation carried*
23 *out by the Inspector General of an agency shall be coordi-*
24 *nated with the activities of the Theater Investigative Unit*
25 *as appropriate.*

1 **SEC. 4. DEFINITIONS.**

2 *In this Act:*

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

5 (A) that is—

6 (i) a prime contract awarded by an
7 agency;

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

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

14 (B) according to which the work under such
15 contract, subcontract, or task order is carried out
16 in a region outside the United States in which
17 the Armed Forces are conducting a contingency
18 operation.

19 (2) *AGENCY.*—The term “agency” has the mean-
20 ing given the term “Executive agency” in section 105
21 of title 5, United States Code.

22 (3) *CONTINGENCY OPERATION.*—The term “con-
23 tingency operation” has the meaning given the term
24 section 101(13) of title 10, United States Code.

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

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

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

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

13 (b) *IMMEDIATE EFFECTIVENESS.*—*The provisions of*
14 *this Act shall enter into effect immediately upon the enact-*
15 *ment of this Act.*

16 (c) *IMPLEMENTATION.*—*With respect to covered con-*
17 *tracts and covered contract personnel discussed in sub-*
18 *section (a)(1), the Director of the Federal Bureau of Inves-*
19 *tigation, and the head of any other agency to which this*
20 *Act applies, shall have 90 days after the date of the enact-*
21 *ment of this Act to ensure compliance with the provisions*
22 *of this Act.*

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