

110TH CONGRESS  
1ST SESSION

# H. R. 2740

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

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## 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

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## 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,*

3       **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

10 “(3) while employed under a contract (or sub-  
11 contract at any tier) awarded by any department or  
12 agency of the United States, where the work under  
13 such contract is carried out in a region outside the  
14 United States in which the Armed Forces are con-  
15 ducting a contingency operation,”.

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

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

22 (b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL  
23 REPORT.—

24 (1) REPORT REQUIRED.—Not later than 30  
25 days after the date of the enactment of this Act, the

1 Inspector General of the Department of Justice shall  
2 submit to Congress a report in accordance with this  
3 subsection.

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

6 (A) a description of the status of Depart-  
7 ment of Justice investigations of abuses alleged  
8 to have been committed by contract personnel,  
9 which shall include—

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

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

15 (iii) the number of criminal cases  
16 opened by the Department of Justice; and

17 (iv) the number and result of criminal  
18 cases closed by the Department of Justice;  
19 and

20 (B) findings and recommendations about  
21 the capacity and effectiveness of the Depart-  
22 ment of Justice in prosecuting misconduct by  
23 contract personnel.

24 (3) FORMAT OF REPORT.—The report under  
25 paragraph (1) shall be submitted in unclassified for-

1 mat, but may contain a classified annex as appro-  
2 priate.

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

5 (a) ESTABLISHMENT OF THEATER INVESTIGATIVE  
6 UNIT.—For each theater of operations established in con-  
7 nection with a contingency operation in which contract  
8 personnel are carrying out work under a covered contract,  
9 the Director of the Federal Bureau of Investigation shall  
10 establish a Theater Investigative Unit, which shall be re-  
11 sponsible for investigating allegations of criminal mis-  
12 conduct under section 3261 of title 18, United States  
13 Code, by contract personnel.

14 (b) RESPONSIBILITIES OF THEATER INVESTIGATIVE  
15 UNIT.—The Theater Investigative Unit established for a  
16 theater of operations shall—

17 (1) investigate reports that raise reasonable  
18 suspicion of criminal misconduct by contract per-  
19 sonnel;

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

22 (3) upon conclusion of an investigation of al-  
23 leged criminal misconduct, refer the case to the At-  
24 torney General of the United States for further ac-

1       tion, as appropriate in the discretion of the Attorney  
2       General.

3       (c) RESPONSIBILITIES OF FEDERAL BUREAU OF IN-  
4       VESTIGATION.—

5               (1) RESOURCES.—The Director of the Federal  
6       Bureau of Investigation shall ensure that each The-  
7       ater Investigative Unit has adequate resources and  
8       personnel to carry out its responsibilities.

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

13      (d) RESPONSIBILITIES OF OTHER FEDERAL AGEN-  
14      CIES.—An agency operating in a theater of operations in  
15      which a Theater Investigative Unit is established shall co-  
16      operate with and support the activities of the Theater In-  
17      vestigative Unit. Any investigation carried out by the In-  
18      specter General of an agency shall be coordinated with the  
19      activities of the Theater Investigative Unit as appropriate.

20   **SEC. 4. DEFINITIONS.**

21      In this Act:

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

24                       (A) that is—

1 (i) a prime contract awarded by an  
2 agency;

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

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

9 (B) according to which the work under  
10 such contract, subcontract, or task order is car-  
11 ried out in a region outside the United States  
12 in which the Armed Forces are conducting a  
13 contingency operation.

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

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

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

23 (5) CONTRACT PERSONNEL.—The term “con-  
24 tract personnel” means persons assigned by a con-

1        tractor (including subcontractors at any tier) to per-  
2        form work under a covered contract.

3    **SEC. 5. EFFECTIVE DATE.**

4        (a) APPLICABILITY.—The provisions of this Act shall  
5        apply to all covered contracts and all covered contract per-  
6        sonnel in which the work under the contract is carried out  
7        in a theater of operations in which the United States is  
8        conducting contingency operations on or after the date of  
9        the enactment of this Act.

10       (b) IMMEDIATE EFFECTIVENESS.—The provisions of  
11       this Act shall enter into effect immediately upon the enact-  
12       ment of this Act.

13       (c) IMPLEMENTATION.—With respect to covered con-  
14       tracts and covered contract personnel discussed in sub-  
15       section (a)(1), the Director of the Federal Bureau of In-  
16       vestigation, and the head of any other agency to which  
17       this Act applies, shall have 90 days after the date of the  
18       enactment of this Act to ensure compliance with the provi-  
19       sions of this Act.

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