

H.R. 2740, the MEJA Expansion and Enforcement Act

“It's very important that we do everything in our power to make sure that people who are under contract to us are not only abiding by our rules but are conducting themselves in a way that makes them an asset in this war in Iraq and not a liability.”

-- Defense Secretary Robert Gates, 9/27/07

H.R. 2740, the MEJA Expansion and Enforcement Act, addresses two major concerns regarding the operation of contractors in war zones:

- (1) The bill amends the *Military Extraterritorial Jurisdiction Act* (MEJA) to ensure that all contractors are accountable under U.S. criminal law; and
- (2) The bill mandates that the Department of Justice, through the FBI, enforce MEJA by investigating and prosecuting offenses under the law.

MEJA Expansion. There are an estimated 180,000 or more contractors working in Iraq under contracts awarded by the Department of Defense, the State Department, the U.S. Agency for International Development, and other federal agencies. MEJA only extends U.S. federal criminal jurisdiction to felony crimes committed overseas by contractors working for the Defense Department. For example, in the widely reported incident of September 17, 2007, in which 11 Iraqi civilians were killed, there is no clear authority for holding the State Department-contracted employees involved legally accountable. H.R. 2740 would amend MEJA to ensure that all contractors working in war zones – regardless of contracting agency – would be held accountable under U.S. law.

MEJA Enforcement. A law by itself is not enough; the law must be proactively enforced. Given the unstable environment in Iraq, the enforcement of MEJA requires adequate law enforcement assets within the theater of conflict to enable the immediate investigation of allegations of criminal activity. H.R. 2740 would establish FBI in-theater units to investigate every incident for which there is reasonable suspicion of criminal felony misconduct. The bill would also require the Department of Justice Inspector General to examine the number and nature of alleged incidents of misconduct thus far, along with the number of investigations, indictments, and/or prosecutions involving such cases.