

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

H.R. 2642

An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

Intended to be proposed by Mr. _____ to the
amendment of the House amendment to the amendment
of the Senate to the bill H.R. 2642

Viz: In lieu of the language proposed to be inserted, insert
the following:

1 TITLE XII
2 POLICY REGARDING OPERATIONS IN IRAQ
3 UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION
4 CAPABLE

5 SEC. 12001. (a) The Congress finds that it is the pol-
6 icy of the Department of Defense that units should not
7 be deployed for combat unless they are rated “fully mis-
8 sion capable”.

9 (b) None of the funds made available by this Act may
10 be used to deploy any unit of the Armed Forces to Iraq
11 unless the President has certified in writing to the Com-
12 mittees on Appropriations and the Committees on Armed
13 Services of the House of Representatives and the Senate
14 at least 15 days in advance of the deployment that the
15 unit is fully mission capable in advance of entry into Iraq.

16 (c) For purposes of subsection (b), the term “fully
17 mission capable” means capable of performing assigned
18 mission essential tasks to the prescribed standards under
19 the conditions expected in the theater of operation, con-
20 sistent with the guidelines set forth in the DoD Directive
21 7730.65, Subject: Department of Defense Readiness Re-
22 porting System; the Interim Force Allocation Guidance to
23 the Global Force Management Board, dated February 6,
24 2008; and Army Regulation 220-1, Subject: Unit Status
25 Reporting, dated December 19, 2006.

1 (d) The President, by certifying in writing to the
2 Committees on Appropriations and the Committees on
3 Armed Services of the House of Representatives and the
4 Senate that the deployment to Iraq of a unit that is not
5 assessed mission capable is required for reasons of na-
6 tional security and by submitting along with the certifi-
7 cation a report in classified and unclassified form detailing
8 the particular reason or reasons why the unit's deployment
9 is necessary despite the unit commander's assessment that
10 the unit is not mission capable, may waive the limitations
11 prescribed in subsection (b) on a unit-by-unit basis.

12 TIME LIMIT ON COMBAT DEPLOYMENTS

13 SEC. 12002. (a) The Congress finds that it is the pol-
14 icy of the Department of Defense that Army, Army Re-
15 serve, and National Guard units should not be deployed
16 for combat beyond 365 days or that Marine Corps and
17 Marine Corps Reserve units should not be deployed for
18 combat beyond 210 days.

19 (b) None of the funds made available in this or any
20 other Act may be obligated or expended to initiate the de-
21 velopment of, continue the development of, or execute any
22 order that has the effect of extending the deployment for
23 Operation Iraqi Freedom of—

24 (1) any unit of the Army, Army Reserve, or
25 Army National Guard beyond 365 days; or

1 (2) any unit of the Marine Corps or Marine
2 Corps Reserve beyond 210 days.

3 (c) The limitation prescribed in subsection (b) shall
4 not be construed to require force levels in Iraq to be de-
5 creased below the total United States force levels in Iraq
6 as of January 9, 2007.

7 (d) The President may waive the limitations pre-
8 scribed in subsection (b) on a unit-by-unit basis if the
9 President certifies in writing to the Committees on Appro-
10 priations and the Committees on Armed Services of the
11 House of Representatives and the Senate that the exten-
12 sion of a unit's deployment in Iraq beyond the period ap-
13 plicable to the unit under such subsection is required for
14 reasons of national security. The certification shall include
15 a report, in classified and unclassified form, detailing the
16 particular reason or reasons why the unit's extended de-
17 ployment is necessary.

18 DWELL TIME BETWEEN COMBAT DEPLOYMENTS

19 SEC. 12003. (a) The Congress finds that it is the pol-
20 icy of the Department of Defense that an Army, Army
21 Reserve, or National Guard unit should not be redeployed
22 for combat if the unit has been deployed within the pre-
23 vious 365 consecutive days and that a Marine Corps or
24 Marine Corps Reserve unit should not be redeployed for
25 combat if the unit has been deployed within the previous
26 210 days.

1 (b) None of the funds made available in this or any
2 other Act may be obligated or expended to initiate the de-
3 velopment of, continue the development of, or execute any
4 order that has the effect of deploying for Operation Iraqi
5 Freedom of—

6 (1) any unit of the Army, Army Reserve, or
7 Army National Guard if such unit has been deployed
8 within the previous 365 consecutive days; or

9 (2) any unit of the Marine Corps or Marine
10 Corps Reserve if such unit has been deployed within
11 the previous 210 consecutive days.

12 (c) The limitation prescribed in subsection (b) shall
13 not be construed to require force levels in Iraq to be de-
14 creased below the total United States force levels in Iraq
15 as of January 9, 2007.

16 (d) The President may waive the limitations pre-
17 scribed in subsection (b) on a unit-by-unit basis if the
18 President certifies in writing to the Committees on Appro-
19 priations and the Committees on Armed Services of the
20 House of Representatives and the Senate that the rede-
21 ployment of a unit to Iraq in advance of the expiration
22 of the period applicable to the unit under such subsection
23 is required for reasons of national security. The certifi-
24 cation shall include a report, in classified and unclassified

1 form, detailing the particular reason or reasons why the
2 unit's early redeployment is necessary.

3 PROHIBITION OF PERMANENT BASES IN IRAQ

4 SEC. 12004. None of the funds appropriated or other-
5 wise made available in this or any other Act may be obli-
6 gated or expended by the United States Government for
7 a purpose as follows:

8 (1) To establish any military installation or
9 base for the purpose of providing for the permanent
10 stationing of United States Armed Forces in Iraq.

11 (2) To exercise United States control over any
12 oil resource of Iraq.

13 TRANSITION OF THE MISSION OF UNITED STATES FORCES
14 IN IRAQ

15 SEC. 12005. It is the sense of Congress that the mis-
16 sions of the United States Armed Forces in Iraq should
17 be transitioned to counterterrorism operations; training,
18 equipping and supporting Iraqi forces; and force protec-
19 tion, with the goal of completing that transition by June
20 2009.

21 LIMITATION ON DEFENSE AGREEMENTS WITH THE
22 GOVERNMENT OF IRAQ

23 SEC. 12006. None of the funds appropriated or other-
24 wise made available by this Act or any other Act shall
25 be available for the implementation of any agreement be-
26 tween the United States and the Republic of Iraq con-

1 taining a security commitment, arrangement, or assurance
2 unless the agreement has entered into force in the form
3 of a Treaty under section 2, clause 2 of Article II of the
4 Constitution of the United States or has been authorized
5 by a law enacted pursuant to section 7, clause 2 of Article
6 I of the Constitution of the United States.

7 PROHIBITION ON AGREEMENTS SUBJECTING ARMED
8 FORCES TO IRAQI CRIMINAL JURISDICTION

9 SEC. 12007. None of the funds made available in this
10 or any other Act may be used to negotiate, enter into,
11 or implement an agreement with the Government of Iraq
12 that would subject members of the Armed Forces of the
13 United States to the jurisdiction of Iraq criminal courts
14 or punishment under Iraq law.

15 REPORT ON IRAQ BUDGET

16 SEC. 12008. As part of the report required by section
17 609 of division L of the Consolidated Appropriations Act,
18 2008 (Public Law 110–161), the Secretary of Defense
19 shall submit to Congress a report on the most recent an-
20 nual budget for the Government of Iraq, including—

21 (1) a description of amounts budgeted for sup-
22 port of Iraqi security and police forces and an as-
23 sessment of how planned funding will impact the
24 training, equipping and overall readiness of those
25 forces;

1 (2) an assessment of the capacity of the Gov-
2 ernment of Iraq to implement the budget as
3 planned, including reports on year-to-year spend
4 rates, if available; and

5 (3) a description of any budget surplus or def-
6 icit, if applicable.

7 PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

8 SEC. 12009. (a) Not more than 20 percent of the
9 funds made available in this Act under the heading “Oper-
10 ation and Maintenance, Defense-Wide” for the Office of
11 the Secretary of Defense or Washington Headquarters
12 Services may be obligated or expended unless and until
13 the agreement described in subsection (b)(1) is complete
14 and the report required by subsection (b)(2) has been
15 transmitted to Congress, except that the limitation in this
16 subsection may be waived if the President determines and
17 certifies to the Committees on Appropriations of the
18 House of Representatives and Senate that such waiver is
19 in the national security interests of the United States.

20 (b) Not later than 90 days after enactment of this
21 Act, the President shall—

22 (1) complete an agreement with the Govern-
23 ment of Iraq to subsidize fuel costs for United
24 States Armed Forces operating in Iraq so the price
25 of fuel per gallon to those forces is equal to the dis-
26 counted price per gallon at which the Government of

1 Iraq is providing fuel for domestic Iraqi consump-
 2 tion; and

3 (2) transmit a report to the House and Senate
 4 Committees on Appropriations on the details and
 5 terms of that agreement.

6 (c) Amounts received from the Government of Iraq
 7 under an agreement described in subsection (b)(1) shall
 8 be credited to the appropriations or funds that incurred
 9 obligations for the fuel costs being subsidized, as deter-
 10 mined by the Secretary of Defense.

11 PROHIBITION ON WAR PROFITEERING

12 SEC. 12010. (a) PROHIBITION ON WAR PROFIT-
 13 EERING.—

14 (1) IN GENERAL.—Chapter 47 of title 18,
 15 United States Code, is amended by adding at the
 16 end the following:

17 **“§ 1041. War profiteering and fraud**

18 “(a) PROHIBITION.—Whoever, in any matter involv-
 19 ing a contract with, or the provision of goods or services
 20 to, the United States or a provisional authority, in connec-
 21 tion with a mission of the United States Government over-
 22 seas, knowingly—

23 “(1)(A) executes or attempts to execute a
 24 scheme or artifice to defraud the United States or
 25 that authority; or

1 “(B) materially overvalues any good or service
2 with the intent to defraud the United States or that
3 authority;

4 shall be fined not more than \$1,000,000 or impris-
5 oned not more than 20 years, or both; or

6 “(2) in connection with the contract or the pro-
7 vision of those goods or services—

8 “(A) falsifies, conceals, or covers up by any
9 trick, scheme, or device a material fact;

10 “(B) makes any materially false, fictitious,
11 or fraudulent statements or representations; or

12 “(C) makes or uses any materially false
13 writing or document knowing the same to con-
14 tain any materially false, fictitious, or fraudu-
15 lent statement or entry;

16 shall be fined not more than \$1,000,000 or impris-
17 oned not more than 10 years, or both.

18 “(b) EXTRATERRITORIAL JURISDICTION.—There is
19 extraterritorial Federal jurisdiction over an offense under
20 this section.

21 “(c) VENUE.—A prosecution for an offense under
22 this section may be brought—

23 “(1) as authorized by chapter 211 of this title;

24 “(2) in any district where any act in further-
25 ance of the offense took place; or

1 (2) by inserting “or directly connected with or
2 related to the authorized use of the Armed Forces”
3 after “prosecution of the war”;

4 (3) by striking “three years” and inserting “5
5 years”;

6 (4) by striking “proclaimed by the President”
7 and inserting “proclaimed by a Presidential procla-
8 mation, with notice to Congress,”; and

9 (5) by adding at the end the following: “For
10 purposes of applying such definitions in this section,
11 the term ‘war’ includes a specific authorization for
12 the use of the Armed Forces, as described in section
13 5(b) of the War Powers Resolution (50 U.S.C.
14 1544(b)).”.

15 CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO
16 LARGE-SCALE INFRASTRUCTURE PROJECTS, COM-
17 BINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ
18 SEC. 12012. (a) LARGE-SCALE INFRASTRUCTURE
19 PROJECTS.—

20 (1) LIMITATION ON AVAILABILITY OF UNITED
21 STATES FUNDS FOR PROJECTS.—Amounts appro-
22 priated by this Act for the Department of Defense
23 for United States assistance (other than amounts
24 described in paragraph (3)) may not be obligated or
25 expended for any large-scale infrastructure project

1 in Iraq that is commenced after the date of the en-
2 actment of this Act.

3 (2) FUNDING OF RECONSTRUCTION PROJECTS
4 BY THE GOVERNMENT OF IRAQ.—The Secretary of
5 Defense shall work with the Government of Iraq to
6 provide that the Government of Iraq shall obligate
7 and expend funds of the Government of Iraq for re-
8 construction projects in Iraq that are not large-scale
9 infrastructure projects before obligating and expend-
10 ing funds appropriated by this Act for the Depart-
11 ment of Defense (other than amounts described in
12 paragraph (3)) for such projects.

13 (3) EXCEPTION FOR CERP.—The limitations in
14 paragraphs (1) and (2) do not apply to amounts ap-
15 propriated by this Act for the Commanders' Emer-
16 gency Response Program (CERP).

17 (4) LARGE-SCALE INFRASTRUCTURE PROJECT
18 DEFINED.—In this subsection, the term “large-scale
19 infrastructure project” means any construction
20 project for infrastructure in Iraq that is estimated
21 by the United States Government at the time of the
22 commencement of the project to cost at least
23 \$2,000,000.

24 (b) COMBINED OPERATIONS.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall initiate negotiations with the Government of
3 Iraq on an agreement under which the Government
4 of Iraq shall share with the United States Govern-
5 ment the costs of combined operations of the Gov-
6 ernment of Iraq and the Multinational Forces Iraq
7 undertaken as part of Operation Iraqi Freedom.

8 (2) REPORT.—Not later than 90 days after the
9 date of the enactment of this Act, the Secretary of
10 Defense shall submit to Congress a report describing
11 the status of negotiations under paragraph (1).

12 (c) IRAQI SECURITY FORCES.—

13 (1) IN GENERAL.—The United States Govern-
14 ment shall take actions to ensure that Iraq funds
15 are used to pay the following:

16 (A) The costs of the salaries, training,
17 equipping, and sustainment of Iraqi Security
18 Forces.

19 (B) The costs associated with the Sons of
20 Iraq.

21 (2) REPORTS.—Not later than 90 days after
22 the date of the enactment of this Act, the President
23 shall submit to Congress a report setting forth an
24 assessment of the progress made in meeting the re-
25 quirements of paragraph (1).

1 NOTIFICATION OF THE RED CROSS

2 SEC. 12013. (a) REQUIREMENT.—None of the funds
3 appropriated by this or any other Act may be used to de-
4 tain any individual who is in the custody or under the ef-
5 fective control of an element of the intelligence community
6 (as that term is defined in section 3 of the National Secu-
7 rity Act of 1947 (50 U.S.C. 401a)) or an instrumentality
8 of such element if the International Committee of the Red
9 Cross is not provided notification of the detention of such
10 individual and access to such individual in a manner con-
11 sistent with the practices of the Armed Forces.

12 (b) CONSTRUCTION.—Nothing in this subsection
13 shall be construed—

14 (1) to create or otherwise imply the authority to
15 detain; or

16 (2) to limit or otherwise affect any other rights
17 or obligations which may arise under the Geneva
18 Conventions or other laws, or to state all of the situ-
19 ations under which notification to and access for the
20 International Committee of the Red Cross is re-
21 quired or allowed.

22 (c) INSTRUMENTALITY DEFINED.—In this section,
23 the term “instrumentality”, with respect to an element of
24 the intelligence community, means a contractor or subcon-

1 tractor at any tier of the element of the intelligence com-
2 munity.

3 SEC. 12014. (a) Of the amount appropriated or oth-
4 erwise made available by the Act for the Department of
5 Defense, up to \$3,000,000 shall be available to a Federally
6 Funded Research and Development Center (FFRDC) to
7 conduct an examination and analysis of the feasibility and
8 mechanics of implementing a safe and orderly phased re-
9 deployment of United States military forces from Iraq
10 over a 12-month time period and an 18-month time pe-
11 riod. The examination and analysis of a safe and orderly
12 phased redeployment pursuant to this subsection shall (1)
13 assume a scenario in which 40,000 United States military
14 forces remain in Iraq for the purpose of protecting United
15 States and coalition personnel and infrastructure, training
16 and equipping Iraqi forces, and conducting targeted
17 counterterrorism operations and (2) assume a scenario in
18 which 100,000 United States military forces remains in
19 Iraq for such purpose.

20 (b) Not later than 180 days after the date of the en-
21 actment of this Act the FFRDC shall provide the analysis
22 and examination developed pursuant to subsection (a) to
23 the Secretary of Defense. The Secretary shall submit the
24 analysis and examination to the congressional defense

1 committees in classified form, and shall include an unclas-
2 sified summary of key judgments.

3 **TITLE XIII—MILITARY**
4 **EXTRATERRITORIAL JURIS-**
5 **DICTION MATTERS**

6 **SEC. 13001. SHORT TITLE.**

7 This title may be cited as the “MEJA Expansion and
8 Enforcement Act of 2008”.

9 **SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.**

10 (a) CLARIFICATION OF MILITARY
11 EXTRATERRITORIAL JURISDICTION ACT.—

12 (1) INCLUSION OF FEDERAL EMPLOYEES AND
13 CONTRACTORS.—Section 3261(a) of title 18, United
14 States Code, is amended—

15 (A) in paragraph (1), by striking “or” at
16 the end;

17 (B) in paragraph (2), by striking the
18 comma at the end and inserting a semicolon;
19 and

20 (C) by inserting after paragraph (2) the
21 following new paragraphs:

22 “(3) while employed by any Department or
23 agency of the United States other than the Armed
24 Forces in a foreign country in which the Armed

1 Forces are conducting a qualifying military oper-
2 ation; or

3 “(4) while employed as a security officer or se-
4 curity contractor by any Department or agency of
5 the United States other than the Armed Forces,”.

6 (2) DEFINITIONS.—Section 3267 of title 18,
7 United States Code, is amended—

8 (A) in paragraph (1), by striking subpara-
9 graph (A) and inserting the following new sub-
10 paragraph:

11 “(A) employed by or performing services
12 under a contract with or grant from the De-
13 partment of Defense (including a non-
14 appropriated fund instrumentality of the De-
15 partment) as—

16 “(i) a civilian employee (including an
17 employee from any other Executive agency
18 on temporary assignment to the Depart-
19 ment of Defense);

20 “(ii) a contractor (including a subcon-
21 tractor at any tier); or

22 “(iii) an employee of a contractor (in-
23 cluding a subcontractor at any tier);”; and

24 (B) by adding at the end the following new
25 paragraphs:

1 “(5) The term ‘employed by any Department or
2 agency of the United States other than the Armed
3 Forces’ means—

4 “(A) employed by or performing services
5 under a contract with or grant from any De-
6 partment or agency of the United States, or
7 any provisional authority funded in whole or
8 substantial part or created by the United States
9 Government, other than the Department of De-
10 fense as—

11 “(i) a civilian employee;

12 “(ii) a contractor (including a subcon-
13 tractor at any tier); or

14 “(iii) an employee of a contractor (in-
15 cluding a subcontractor at any tier);

16 “(B) present or residing outside the
17 United States in connection with such employ-
18 ment; and

19 “(C) not a national of or ordinarily a resi-
20 dent in the host nation.

21 “(6) The term ‘employed as a security officer or
22 security contractor by any Department or agency of
23 the United States other than the Armed Forces’
24 means—

1 “(A) employed by or performing services
2 under a contract with or grant from any De-
3 partment or agency of the United States, or
4 any provisional authority funded in whole or
5 substantial part or created by the United States
6 Government, other than the Department of De-
7 fense as—

8 “(i) a civilian employee;

9 “(ii) a contractor (including a subcon-
10 tractor at any tier); or

11 “(iii) an employee of a contractor (in-
12 cluding a subcontractor at any tier);

13 “(B) authorized in the course of such em-
14 ployment—

15 “(i) to provide physical protection to
16 or security for persons, places, buildings,
17 facilities, supplies, or means of transpor-
18 tation;

19 “(ii) to carry or possess a firearm or
20 dangerous weapon, as defined by section
21 930(g)(2) of this title;

22 “(iii) to use force against another; or

23 “(iv) to supervise individuals per-
24 forming the activities described in clause
25 (i), (ii) or (iii);

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

3 “(D) not a national of or ordinarily resi-
4 dent in the host nation.

5 “(7) The term ‘qualifying military operation’
6 means—

7 “(A) a military operation covered by a dec-
8 laration of war or an authorization of the use
9 of military force by Congress;

10 “(B) a contingency operation (as defined
11 in section 101 of title 10); or

12 “(C) any other military operation outside
13 of the United States, including a humanitarian
14 assistance or peace keeping operation, provided
15 such operation is conducted pursuant to an
16 order from or approved by the Secretary of De-
17 fense.”.

18 (b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL
19 REPORT.—

20 (1) REPORT REQUIRED.—Not later than 180
21 days after the date of the enactment of this Act, the
22 Inspector General of the Department of Justice, in
23 consultation with the Inspectors General of the De-
24 partment of Defense, the Department of State, the
25 United States Agency for International Develop-

1 ment, the Department of Agriculture, the Depart-
2 ment of Energy, and other appropriate Federal de-
3 partments and agencies, shall submit to Congress a
4 report in accordance with this subsection.

5 (2) CONTENT OF REPORT.—The report under
6 paragraph (1) shall include, for the period beginning
7 on October 1, 2001, and ending on the date of the
8 report—

9 (A) unless the description pertains to non-
10 public information that relates to an ongoing
11 investigation or criminal or civil proceeding
12 under seal, a description of any alleged viola-
13 tions of section 3261 of title 18, United States
14 Code, reported to the Inspector Generals identi-
15 fied in paragraph (1) or the Department of
16 Justice, including—

17 (i) the date of the complaint and the
18 type of offense alleged;

19 (ii) whether any investigation was
20 opened or declined based on the complaint;

21 (iii) whether the investigation was
22 closed, and if so, when it was closed;

23 (iv) whether a criminal or civil case
24 was filed as a result of the investigation,
25 and if so, when it was filed; and

1 (v) any charges or complaints filed in
2 those cases; and

3 (B) unless the description pertains to non-
4 public information that relates to an ongoing
5 investigation or criminal or civil proceeding
6 under seal, and with appropriate safeguards for
7 the protection of national security information,
8 a description of any shooting or escalation of
9 force incidents in Iraq or Afghanistan involving
10 alleged misconduct by persons employed as a
11 security officer or security contractor by any
12 Department or agency of the United States,
13 and any official action taken against such per-
14 sons.

15 (3) FORM OF REPORT.—The report under para-
16 graph (1) shall be submitted in unclassified form,
17 but may contain a classified annex as appropriate.

18 **SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTOR**
19 **OVERSIGHT.**

20 (a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR
21 CONTRACTOR OVERSIGHT.—

22 (1) IN GENERAL.—The Attorney General, in
23 consultation with the Secretary of Defense, the Sec-
24 retary of State, the Secretary of Homeland Security,
25 and the heads of any other Federal departments or

1 agencies responsible for employing private security
2 contractors or contractors (or subcontractors at any
3 tier) in a foreign country where the Armed Forces
4 are conducting a qualifying military operation—

5 (A) shall assign adequate personnel and re-
6 sources through the creation of Investigative
7 Units for Contractor Oversight to investigate
8 allegations of criminal violations under para-
9 graphs (3) and (4) of section 3261(a) of title
10 18, United States Code (as amended by section
11 13002(a) of this Act); and

12 (B) may authorize the overseas deployment
13 of law enforcement agents and other Depart-
14 ment of Justice personnel for that purpose.

15 (2) RULE OF CONSTRUCTION.—Nothing in this
16 subsection shall limit any existing authority of the
17 Attorney General or any Federal law enforcement
18 agency to investigate violations of Federal law or de-
19 ploy personnel overseas.

20 (b) REFERRAL FOR PROSECUTION.—Upon conclu-
21 sion of an investigation of an alleged violation of sections
22 3261(a)(3) and 3261(a)(4) of title 18, United States
23 Code, an Investigative Unit for Contractor Oversight may
24 refer the matter to the Attorney General for further ac-

1 tion, as appropriate in the discretion of the Attorney Gen-
2 eral.

3 (c) RESPONSIBILITIES OF THE ATTORNEY GEN-
4 ERAL.—

5 (1) INVESTIGATION.—The Attorney General
6 shall have the principal authority for the enforce-
7 ment of sections 3261(a)(3) and 3261(a)(4) of title
8 18, United States Code, and shall have the authority
9 to initiate, conduct, and supervise investigations of
10 any alleged violations of such sections 3261(a)(3)
11 and 3261(a)(4).

12 (2) ASSISTANCE ON REQUEST OF THE ATTOR-
13 NEY GENERAL.—Notwithstanding any statute, rule,
14 or regulation to the contrary, the Attorney General
15 may request assistance from the Secretary of De-
16 fense, the Secretary of State, or the head of any
17 other Executive agency to enforce this title. This re-
18 quested assistance may include the assignment of
19 additional personnel and resources to an Investiga-
20 tive Unit for Contractor Oversight established by the
21 Attorney General under subsection (a).

22 (3) ANNUAL REPORT.—Not later than one year
23 after the date of enactment of this Act, and annually
24 thereafter, the Attorney General, in consultation
25 with the Secretary of Defense and the Secretary of

1 State, shall submit to Congress a report con-
2 taining—

3 (A) the number of violations of sections
4 3261(a)(3) and 3261(a)(4) of title 18, United
5 States Code, received, investigated, and referred
6 for prosecution by Federal law enforcement au-
7 thorities during the previous year;

8 (B) the number and location of Investiga-
9 tive Units for Contractor Oversight deployed to
10 investigate violations of such sections
11 3261(a)(3) and 3261(a)(4) during the previous
12 year; and

13 (C) any recommended changes to Federal
14 law that the Attorney General considers nec-
15 essary to enforce this title and the amendments
16 made by this title and chapter 212 of title 18,
17 United States Code.

18 **SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPART-**
19 **MENT OF DEFENSE EMPLOYEES AND CON-**
20 **TRACTORS.**

21 (a) ATTORNEY GENERAL REGULATIONS.—Section
22 3266 of title 18, United States Code, is amended by add-
23 ing at the end the following:

24 “(d) The Attorney General, after consultation with
25 the Secretary of Defense, the Secretary of State, and the

1 Director of National Intelligence, may prescribe regula-
2 tions governing the investigation, apprehension, detention,
3 delivery, and removal of persons described in sections
4 3261(a)(3) and 3261(a)(4) and describing the notice due,
5 if any, foreign nationals potentially subject to the criminal
6 jurisdiction of the United States under those sections.”.

7 (b) CLARIFYING AND CONFORMING AMENDMENTS.—

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

10 (A) in section 3262—

11 (i) in subsection (a), by striking “sec-
12 tion 3261(a)” the first place it appears
13 and inserting “section 3261(a)(1) or
14 3261(a)(2)”;

15 (ii) by redesignating subsection (b) as
16 subsection (c); and

17 (iii) by inserting after subsection (a)
18 the following new subsection (b):

19 “(b) The Attorney General may designate and au-
20 thorize any person serving in a law enforcement position
21 in the Department of Justice, the Department of Defense,
22 the Department State, or any other Executive agency to
23 arrest, in accordance with applicable international agree-
24 ments, outside the United States any person described in

1 section 3261(a) if there is probable cause to believe that
2 such person violated section 3261(a).”;

3 (B) in section 3263(a), by striking “section
4 3261(a)” the first place it appears and insert-
5 ing “section 3261(a)(1) or 3261(a)(2)”;

6 (C) in section 3264(a), by inserting “de-
7 scribed in section 3261(a)(1) or 3261(a)(2)”
8 before “arrested”;

9 (D) section 3265(a)(1) by inserting “de-
10 scribed in section 3261(a)(1) or 3261(a)(2)”
11 before “arrested”; and

12 (E) in section 3266(a), by striking “under
13 this chapter” and inserting “described in sec-
14 tion 3261(a)(1) or 3261(a)(2)”.

15 (2) **ADDITIONAL AMENDMENT.**—Section 7(9) of
16 title 18, United States Code, is amended by striking
17 “section 3261(a)” and inserting “section 3261(a)(1)
18 or 3261(a)(2)”.

19 **SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.**

20 Nothing in this title or the amendments made by this
21 title shall be construed to limit or affect the
22 extraterritorial jurisdiction related to any Federal statute
23 not amended by this title.

1 **SEC. 13006. DEFINITION.**

2 For purposes of this title and the amendments made
3 by this title, the term “Executive agency” has the meaning
4 given in section 105 of title 5, United States Code.

5 **SEC. 13007. EFFECTIVE DATE.**

6 (a) IMMEDIATE EFFECTIVENESS.—The provisions of
7 this title shall enter into effect immediately upon the en-
8 actment of this Act.

9 (b) IMPLEMENTATION.—The Attorney General and
10 the head of any other Federal department or agency to
11 which this title applies shall have 90 days after the date
12 of the enactment of this Act to ensure compliance with
13 the provisions of this title.