

AMENDMENT TO RULES COMMITTEE PRINT 114-

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OFFERED BY MR. PRICE OF NORTH CAROLINA

Page 462, after line 13, insert the following:

1 **SEC. 1098. CLARIFICATION AND EXPANSION OF FEDERAL**
2 **JURISDICTION OVER FEDERAL CONTRAC-**
3 **TORS AND EMPLOYEES.**

4 (a) EXTRATERRITORIAL JURISDICTION OVER FED-
5 ERAL CONTRACTORS AND EMPLOYEES.—

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

8 (A) by transferring the text of section
9 3272 to the end of section 3271, redesignating
10 such text as subsection (c) of section 3271, and,
11 in such text, as so redesignated, by striking
12 “this chapter” and inserting “this section”;

13 (B) by striking the heading of section
14 3272; and

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

1 **“§ 3272. Offenses committed by Federal contractors**
2 **and employees outside the United States**

3 “(a)(1) Whoever, while employed by any department
4 or agency of the United States other than the Department
5 of Defense or accompanying any department or agency of
6 the United States other than the Department of Defense,
7 knowingly engages in conduct (or conspires or attempts
8 to engage in conduct) outside the United States that
9 would constitute an offense enumerated in paragraph (3)
10 had the conduct been engaged in within the special mari-
11 time and territorial jurisdiction of the United States shall
12 be punished as provided for that offense.

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

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

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

25 “(B) Any offense under section 111 (assaulting,
26 resisting, or impeding certain officers or employees),

1 113 (assault within maritime and territorial jurisdic-
2 tion), or 114 (maiming within maritime and terri-
3 torial jurisdiction) of this title, but only if the of-
4 fense is subject to a maximum sentence of imprison-
5 ment of one year or more.

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

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

10 “(E) Any offense under section 701 (official
11 badges, identification cards, and other insignia), 702
12 (uniform of armed forces and Public Health Serv-
13 ice), 703 (uniform of friendly nation), or 704 (mili-
14 tary medals or decorations) of this title.

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

19 “(G) Any offense under chapter 42 (extor-
20 tionate credit transactions) of this title.

21 “(H) Any offense under section 924(c) (use of
22 firearm in violent or drug trafficking crime) or
23 924(o) (conspiracy to violate section 924(c)) of this
24 title.

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

3 “(J) Any offense under section 1111 (murder),
4 1112 (manslaughter), 1113 (attempt to commit
5 murder or manslaughter), 1114 (protection of offi-
6 cers and employees of the United States), 1116
7 (murder or manslaughter of foreign officials, official
8 guests, or internationally protected persons), 1117
9 (conspiracy to commit murder), or 1119 (foreign
10 murder of United States nationals) of this title.

11 “(K) Any offense under chapter 55 (kidnap-
12 ping) of this title.

13 “(L) Any offense under section 1503 (influ-
14 encing or injuring officer or juror generally), 1505
15 (obstruction of proceedings before departments,
16 agencies, and committees), 1510 (obstruction of
17 criminal investigations), 1512 (tampering with a wit-
18 ness, victim, or informant), or 1513 (retaliating
19 against a witness, victim, or an informant) of this
20 title.

21 “(M) Any offense under section 1951 (inter-
22 ference with commerce by threats or violence), 1952
23 (interstate and foreign travel or transportation in
24 aid of racketeering enterprises), 1956 (laundering of
25 monetary instruments), 1957 (engaging in monetary

1 transactions in property derived from specified un-
2 lawful activity), 1958 (use of interstate commerce
3 facilities in the commission of murder for hire), or
4 1959 (violent crimes in aid of racketeering activity)
5 of this title.

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

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

11 “(P) Any offense under chapter 113B (ter-
12 rorism) of this title.

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

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

17 “(S) Any offense under section 2442 (child sol-
18 diers) of this title.

19 “(T) Any offense under section 401 (manufac-
20 ture, distribution, or possession with intent to dis-
21 tribute a controlled substance) or 408 (continuing
22 criminal enterprise) of the Controlled Substances
23 Act (21 U.S.C. 841, 848), or under section 1002
24 (importation of controlled substances), 1003 (expor-
25 tation of controlled substances), or 1010 (import or

1 export of a controlled substance) of the Controlled
2 Substances Import and Export Act (21 U.S.C. 952,
3 953, 960), but only if the offense is subject to a
4 maximum sentence of imprisonment of 20 years or
5 more.

6 “(b) In addition to the jurisdiction under subsection
7 (a), whoever, while employed by any department or agency
8 of the United States other than the Department of De-
9 fense and stationed or deployed in a country outside of
10 the United States pursuant to a treaty or executive agree-
11 ment in furtherance of a border security initiative with
12 that country, engages in conduct (or conspires or attempts
13 to engage in conduct) outside the United States that
14 would constitute an offense for which a person may be
15 prosecuted in a court of the United States had the conduct
16 been engaged in within the special maritime and territorial
17 jurisdiction of the United States shall be punished as pro-
18 vided for that offense.

19 “(c) In this section:

20 “(1) The term ‘employed by any department or
21 agency of the United States other than the Depart-
22 ment of Defense’ means—

23 “(A) an individual is—

24 “(i) employed as a civilian employee, a
25 contractor (including a subcontractor at

1 any tier), an employee of a contractor (or
2 a subcontractor at any tier), a grantee (in-
3 cluding a contractor of a grantee or a sub-
4 grantee or subcontractor at any tier), or
5 an employee of a grantee (or a contractor
6 of a grantee or a subgrantee or subcon-
7 tractor at any tier) of any department or
8 agency of the United States other than the
9 Department of Defense;

10 “(ii) present or residing outside the
11 United States in connection with such em-
12 ployment; and

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

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

20 “(2) The term ‘accompanying any department
21 or agency of the United States other than the De-
22 partment of Defense’ means an individual is—

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

1 “(i) a civilian employee of any depart-
2 ment or agency of the United States other
3 than the Department of Defense; or

4 “(ii) a contractor (including a subcon-
5 tractor at any tier), an employee of a con-
6 tractor (or a subcontractor at any tier), a
7 grantee (including a contractor of a grant-
8 ee or a subgrantee or subcontractor at any
9 tier), or an employee of a grantee (or a
10 contractor of a grantee or a subgrantee or
11 subcontractor at any tier) of any depart-
12 ment or agency of the United States other
13 than the Department of Defense, which
14 contractor, contractor employee, grantee,
15 or grantee employee is supporting a pro-
16 gram, project, or activity for a department
17 or agency of the United States other than
18 the Department of Defense;

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

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

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

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

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

13 **“§ 3273. Regulations**

14 “The Attorney General, after consultation with the
15 Secretary of Defense, the Secretary of State, the Secretary
16 of Homeland Security, and the Director of National Intel-
17 ligence, shall prescribe regulations governing the inves-
18 tigation, apprehension, detention, delivery, and removal of
19 persons described in sections 3271 and 3272 of this title.”.

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

23 “(A) employed as a civilian employee, a
24 contractor (including a subcontractor at any
25 tier), or an employee of a contractor (or a sub-

1 contractor at any tier) of the Department of
2 Defense (including a nonappropriated fund in-
3 strumentality of the Department);”.

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

7 **“§ 3245. Optional venue for offenses involving Fed-
8 eral employees and contractors overseas**

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

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

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

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

1 **“§ 3287A. Suspension of limitations for offenses in-**
2 **volving Federal employees and contrac-**
3 **tors overseas**

4 “The statute of limitations for an offense under sec-
5 tion 3272 of this title shall be suspended for the period
6 during which the individual is outside the United States
7 or is a fugitive from justice within the meaning of section
8 3290 of this title.”.

9 (d) TECHNICAL AMENDMENTS.—

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

13 **“CHAPTER 212A—EXTRATERRITORIAL JU-**
14 **RISDICTION OVER OFFENSES OF CON-**
15 **TRACTORS AND CIVILIAN EMPLOYEES**
16 **OF THE FEDERAL GOVERNMENT”.**

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

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

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

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

“3273. Regulations.”.

1 (C) The table of sections for chapter 213 of
2 title 18, United States Code, is amended by insert-
3 ing after the item relating to section 3287 the fol-
4 lowing new item:

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

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

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

9 (e) INVESTIGATIVE TASK FORCES FOR CONTRACTOR
10 AND EMPLOYEE OVERSIGHT.—

11 (1) ESTABLISHMENT OF INVESTIGATIVE TASK
12 FORCES FOR CONTRACTOR AND EMPLOYEE OVER-
13 SIGHT.—The Attorney General, in consultation with
14 the Secretary of Defense, the Secretary of State, the
15 Secretary of Homeland Security, and the head of
16 any other department or agency of the Federal Gov-
17 ernment responsible for employing contractors or
18 persons overseas, shall assign adequate personnel
19 and resources, including through the creation of task
20 forces, to investigate allegations of criminal offenses
21 under chapter 212A of title 18, United States Code

1 (as amended by section 2(a) of this section), and
2 may authorize the overseas deployment of law en-
3 forcement agents and other employees of the Federal
4 Government for that purpose.

5 (2) RESPONSIBILITIES OF ATTORNEY GEN-
6 ERAL.—

7 (A) INVESTIGATION.—The Attorney Gen-
8 eral shall have principal authority for the en-
9 forcement of this section and the amendments
10 made by this section, and shall have the author-
11 ity to initiate, conduct, and supervise investiga-
12 tions of any alleged offense under this section
13 or an amendment made by this section.

14 (B) LAW ENFORCEMENT AUTHORITY.—
15 With respect to violations of sections 3271 and
16 3272 of title 18, United States Code (as
17 amended by this section), the Attorney General
18 may authorize any person serving in a law en-
19 forcement position in any other department or
20 agency of the Federal Government, including a
21 member of the Diplomatic Security Service of
22 the Department of State or a military police of-
23 ficer of the Armed Forces, to exercise investiga-
24 tive and law enforcement authority, including
25 those powers that may be exercised under sec-

1 tion 3052 of title 18, United States Code, sub-
2 ject to such guidelines or policies as the Attor-
3 ney General considers appropriate for the exer-
4 cise of such powers.

5 (C) PROSECUTION.—The Attorney General
6 may establish such procedures the Attorney
7 General considers appropriate to ensure that
8 Federal law enforcement agencies refer offenses
9 under section 3271 or 3272 of title 18, United
10 States Code (as amended by this section), to
11 the Attorney General for prosecution in a uni-
12 form and timely manner.

13 (D) ASSISTANCE ON REQUEST OF ATTOR-
14 NEY GENERAL.—Notwithstanding any statute,
15 rule, or regulation to the contrary, the Attorney
16 General may request assistance from the Sec-
17 retary of Defense, the Secretary of State, or the
18 head of any other department or agency of the
19 Federal Government to enforce section 3271 or
20 3272 of title 18, United States Code (as so
21 amended). The assistance requested may in-
22 clude the following:

23 (i) The assignment of additional em-
24 ployees and resources to task forces estab-

1 lished by the Attorney General under para-
2 graph (1).

3 (ii) An investigation into alleged mis-
4 conduct or arrest of an individual sus-
5 pected of alleged misconduct by agents of
6 the Diplomatic Security Service of the De-
7 partment of State present in the nation in
8 which the alleged misconduct occurs.

9 (E) ANNUAL REPORT.—Not later than 1
10 year after the date of enactment of this Act,
11 and annually thereafter for 5 years, the Attor-
12 ney General shall, in consultation with the Sec-
13 retary of Defense, the Secretary of State, and
14 the Secretary of Homeland Security, submit to
15 Congress a report containing the following:

16 (i) The number of prosecutions under
17 chapter 212A of title 18, United States
18 Code (as amended by this section), includ-
19 ing the nature of the offenses and any dis-
20 positions reached, during the previous
21 year.

22 (ii) The actions taken to implement
23 paragraph (1), including the organization
24 and training of employees and the use of
25 task forces, during the previous year.

1 (iii) Such recommendations for legis-
2 lative or administrative action as the Presi-
3 dent considers appropriate to enforce chap-
4 ter 212A of title 18, United States Code
5 (as amended by this section), and the pro-
6 visions of this section.

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

11 (4) RULE OF CONSTRUCTION.—Nothing in this
12 section shall be construed to limit any authority of
13 the Attorney General or any Federal law enforce-
14 ment agency to investigate violations of Federal law
15 or deploy employees overseas.

16 (f) EFFECTIVE DATE.—

17 (1) IMMEDIATE EFFECTIVENESS.—This section
18 and the amendments made by this section shall take
19 effect on the date of enactment of this Act.

20 (2) IMPLEMENTATION.—The Attorney General
21 and the head of any other department or agency of
22 the Federal Government to which this section or an
23 amendment made by this section applies shall have
24 90 days after the date of enactment of this Act to

1 ensure compliance with this section and the amend-
2 ments made by this section.

3 (g) RULES OF CONSTRUCTION.—

4 (1) IN GENERAL.—Nothing in this section or
5 any amendment made by this section shall be con-
6 strued—

7 (A) to limit or affect the application of
8 extraterritorial jurisdiction related to any other
9 Federal law; or

10 (B) to limit or affect any authority or re-
11 sponsibility of a Chief of Mission as provided in
12 section 207 of the Foreign Service Act of 1980
13 (22 U.S.C. 3927).

14 (2) INTELLIGENCE ACTIVITIES.—Nothing in
15 this section or any amendment made by this section
16 shall apply to the authorized intelligence activities of
17 the United States Government.

18 (h) FUNDING.—If any amounts are appropriated to
19 carry out this section or an amendment made by this sec-
20 tion, the amounts shall be from amounts which would have
21 otherwise been made available or appropriated to the De-
22 partment of Justice.

