



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 3, 2007
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2740 – MEJA Expansion and Enforcement Act of 2007

(Rep. Price (D) North Carolina and 15 cosponsors)

The Administration supports efforts to provide greater accountability for unlawful acts contractors may commit abroad. However, the Administration strongly opposes H.R. 2740 in its current form. The Administration is prepared to work with Congress to address grave concerns with the bill such as those set forth below.

First, the jurisdictional scope of criminal prohibitions would depend on vague notions of “proximity” to potentially poorly defined regions, making unclear the circumstances when those who assist the United States government would be subject to the bill’s criminal sanctions and raising significant Due Process concerns. The Administration is very concerned that, if enacted, this bill will give rise to extensive litigation on jurisdictional issues.

Second, the bill broadly expands criminal jurisdiction extraterritorially for most felony offenses in the U.S. Code. The Administration is concerned that this sweeping expansion of extraterritorial jurisdiction would create Federal jurisdiction overseas in situations where it would be impossible or unwise to extend it. The bill would have unintended and intolerable consequences for crucial and necessary national security activities and operations.

Third, the bill would affirmatively mandate that particular investigative activities of the Federal Bureau of Investigation be conducted overseas. It would upend a time-honored system of responsible law enforcement personnel allocating scarce law enforcement resources to the Nation’s greatest needs. By attempting to set statutory requirements to investigate not only reports of fatalities, but also reports that merely raise suspicion of misconduct by personnel, the legislation would intrude on decisions the Constitution reserves to the Executive Branch.

Fourth, the bill would place inappropriate and unwarranted burdens on the Department of Defense. In addition to their overriding responsibility to conduct military operations, the Armed Forces would be required to undertake significant duties for the handling and detention of non-DOD contractors covered by the bill. The bill further would obligate DOD — in the middle of ongoing armed conflicts in theaters of war — to support criminal investigations undertaken by the FBI.

It is essential that these concerns with H.R. 2740 be remedied. The Administration welcomes the opportunity to discuss these important issues further with Congress.

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