

## **MEJA Expansion and Enforcement Act**

Legislation to expand MEJA was introduced last year in the Senate by Sen. Barack Obama (D-Ill.). The language adopted in the supplemental spending bill would close an existing loophole in MEJA and apply U.S. criminal law to all private security contractors worldwide, as well as to all contractors – whether or not they do security work – in a foreign country where the United States is conducting a military operation. Currently, only workers contracted by the Department of Defense or working in support of their mission are subject to MEJA. Last year, private security guards working for Blackwater USA and contracted by the State Department in Baghdad killed 17 unarmed Iraqi civilians, and reports by the military and the FBI have found all but one of the shootings unjustified. The case exposed the jurisdictional gap in MEJA. The language also creates investigative units for contractor oversight in the Justice Department.

## **Wartime Enforcement of Fraud Act (WEFA)**

The Senate Appropriations Committee also included The Wartime Enforcement of Fraud Act (WEFA) of 2008, introduced in April by Leahy and Sen. Chuck Grassley (R-Iowa) to improve the enforcement of contracting fraud in the wars in Iraq and Afghanistan. The language would close a loophole in current law, and give the government the power to prosecute contracting fraud, even after the wars are over.

The language updates a law first passed by Congress during World War II that suspends the statute of limitations for contracting fraud offenses during times of war. Under WEFA, the World War II-era law would be updated to apply when Congress specifically authorizes the use of military force, as well as during declared wars. The legislation would also extend the statute of limitations from three to five years after the end of hostilities, consistent with the current statute of limitations for criminal offenses.

## **War Profiteering Prevention**

The supplemental spending bill reported by the Appropriations Committee also includes a Leahy-sponsored provision to combat widespread contracting fraud, waste and abuse in Iraq. The language, drawn from the War Profiteering Prevention Act passed by the Senate Judiciary Committee in April 2007, expands earlier efforts by Leahy to crack down on the rampant and expensive fraud and abuse that has been seen for more than six years by companies and contractors being employed in Iraq and Afghanistan. Leahy introduced similar legislation in 2003, which was passed by the Senate as part of an appropriations bill, but was later thwarted by the White House and then-Republican leadership in the House of Representatives. The language adopted by the Appropriations Committee on Thursday creates a new tool for federal prosecutors to combat war profiteering and provide clear authority to prosecute those who exploit times of war or national emergency to commit fraud. It would also, for the first time, make it a crime for contractors to materially overvalue goods and services with the specific intent to excessively profit from war, military actions or relief or reconstruction activities.

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