

103^D CONGRESS
2^D SESSION

H. R. 4531

To amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of certain civilians accompanying the Armed Forces outside the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1994

Mr. THOMAS of California (for himself and Mr. McKEON) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of certain civilians accompanying the Armed Forces outside the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CRIMINAL OFFENSES COMMITTED OUTSIDE**
4 **THE UNITED STATES**

5 (a) IN GENERAL.—Subtitle A of title 10 of the Unit-
6 ed States Code is amended by inserting after chapter 49
7 the following new chapter:

1 **“CHAPTER 50—CRIMINAL OFFENSES COMMITTED**
2 **OUTSIDE THE UNITED STATES**

“Sec.

“991. Definitions.

“992. Criminal offenses committed by a member of the armed forces or by any person serving with, employed by, or accompanying the armed forces outside of the United States.

“993. Delivery to authorities of foreign country.

3 **“§ 991. Definitions**

4 “In this chapter:

5 “(1) The term ‘United States’ includes the spe-
6 cial maritime and territorial jurisdiction of the
7 United States.

8 “(2) The term ‘special maritime and territorial
9 jurisdiction of the United States’ has the meaning
10 given that term in section 7 of title 18.

11 “(3) The term ‘criminal offense’ means an of-
12 fense against the United States other than an in-
13 fraction.

14 **“§ 992. Criminal offenses committed by any person**
15 **serving with, employed by, or accom-**
16 **panying the armed forces outside of the**
17 **United States**

18 “(a) Except as otherwise provided in this section, any
19 person who, while serving with, employed by, or accom-
20 panying the armed forces outside of the United States,
21 engages in conduct which would constitute a criminal of-
22 fense if the conduct were engaged in within the special

1 maritime and territorial jurisdiction of the United States
2 shall be guilty of a like offense against the United States
3 and shall be subject to the same punishment as is provided
4 under title 18 for such like offense.

5 “(b) A person employed by the armed forces outside
6 the United States is not punishable under subsection (a)
7 for conduct described in such subsection if such person
8 is not a national of the United States and was appointed
9 to his position of employment in the country in which such
10 person engaged in such conduct.

11 “(c)(1) Except in the case of a prosecution approved
12 as provided in paragraph (2), prosecution of a person may
13 not be commenced under this section for an offense de-
14 scribed in subsection (a) if a foreign government, in ac-
15 cordance with jurisdiction recognized by the United
16 States, has prosecuted such person for the conduct con-
17 stituting such offense.

18 “(2) The Attorney General of the United States, the
19 Deputy Attorney General of the United States, the Associ-
20 ate Attorney General of the United States, or an Assistant
21 Attorney General of the United States may approve a
22 prosecution which, except for this paragraph, is prohibited
23 under paragraph (1). An approval of prosecution under
24 this paragraph must be in writing. The authority to ap-

1 prove a prosecution under this paragraph may not be dele-
2 gated below the level of Assistant Attorney General.

3 “(d)(1) The Secretary of Defense may designate and
4 authorize any member of the armed forces serving in a
5 law enforcement position in a criminal investigative agency
6 of the Department of Defense to apprehend and detain,
7 outside the United States, any person who is reasonably
8 believed to have engaged in an offense under such sub-
9 section.

10 “(2) A person apprehended and detained under para-
11 graph (1) shall be released to the custody of civilian law
12 enforcement authorities of the United States for removal
13 to the United States for judicial proceedings in relation
14 in conduct referred to in such paragraph unless (A) such
15 person is delivered to authorities of a foreign country
16 under section 993 of this title, or (B) such person is pend-
17 ing court-martial under chapter 47 of this title for such
18 conduct.

19 **“§ 993. Delivery to authorities of foreign country**

20 “(a) A member of the armed forces designated and
21 authorized under section 992(e) of this title may deliver
22 any person to the appropriate authorities of a foreign
23 country in which that person is alleged to have engaged
24 in an offense under section 992(a) of this title if—

1 “(1) the appropriate authorities of that country
2 request the delivery of the person to such country
3 for trial for such conduct as an offense under the
4 laws of that country; and

5 “(2) the delivery of such person to that country
6 is authorized by a treaty or other international
7 agreement to which the United States is a party.

8 “(b) The Secretary of Defense may confine or other-
9 wise restrain a person whose delivery is requested under
10 subsection (a) until the completion of the trial of such per-
11 son by the foreign country making such request.

12 “(c) The Secretary of Defense shall determine what
13 officials of a foreign country constitute appropriate au-
14 thorities for the purposes of this section.”.

15 (b) CLERICAL AMENDMENT.—The tables of chapters
16 at the beginning of such subtitle, and at the beginning
17 of part II of such subtitle, are each amended by inserting
18 after the item relating to chapter 49 the following:

“50. Criminal Offenses Outside the United States 991”.

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