

114TH CONGRESS  
2D SESSION

# H. R. 6431

To ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2016

Ms. KUSTER (for herself and Ms. STEFANIK) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives.

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. SHORT TITLE.**

4 This Act may be cited as the “Promoting Travel,  
5 Commerce, and National Security Act of 2016”.

1 **SEC. 2. JURISDICTION OVER OFFENSES COMMITTED BY**  
2 **CERTAIN UNITED STATES PERSONNEL STA-**  
3 **TIONED IN CANADA.**

4 (a) AMENDMENT.—Chapter 212A of title 18, United  
5 States Code, is amended—

6 (1) in the chapter heading, by striking  
7 **“TRAFFICKING IN PERSONS”**; and

8 (2) by adding after section 3272 the following:

9 **“§ 3273. Offenses committed by certain United States**  
10 **personnel stationed in Canada in further-**  
11 **ance of border security initiatives**

12 “(a) IN GENERAL.—Whoever, while employed by the  
13 Department of Homeland Security or the Department of  
14 Justice and stationed or deployed in Canada pursuant to  
15 a treaty, executive agreement, or bilateral memorandum  
16 in furtherance of a border security initiative, engages in  
17 conduct (or conspires or attempts to engage in conduct)  
18 in Canada that would constitute an offense for which a  
19 person may be prosecuted in a court of the United States  
20 had the conduct been engaged in within the United States  
21 or within the special maritime and territorial jurisdiction  
22 of the United States shall be fined or imprisoned, or both,  
23 as provided for that offense.

24 “(b) DEFINITION.—In this section, the term ‘em-  
25 ployed by the Department of Homeland Security or the  
26 Department of Justice’ means—

1           “(1) being employed as a civilian employee, a  
2           contractor (including a subcontractor at any tier), or  
3           an employee of a contractor (or a subcontractor at  
4           any tier) of the Department of Homeland Security  
5           or the Department of Justice;

6           “(2) being present or residing in Canada in  
7           connection with such employment; and

8           “(3) not being a national of or ordinarily resi-  
9           dent in Canada.”.

10          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

11          Part II of title 18, United States Code, is amended—

12                 (1) in the table of chapters, by striking the item  
13                 relating to chapter 212A and inserting the following:

“212A. Extraterritorial jurisdiction over certain offenses ..... 3271”;

14                 and

15                 (2) in the table of sections for chapter 212A, by  
16                 inserting after the item relating to section 3272 the  
17                 following:

“3273. Offenses committed by certain United States personnel stationed in Can-  
ada in furtherance of border security initiatives.”.

18          (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
19          tion or the amendments made by this section shall be con-  
20          strued to infringe upon or otherwise affect the exercise  
21          of prosecutorial discretion by the Department of Justice

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1 in implementing this section and the amendments made  
2 by this section.

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