

114TH CONGRESS
2^D SESSION

H. R. 6431

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. JURISDICTION OVER OFFENSES COMMITTED BY**
5 **CERTAIN UNITED STATES PERSONNEL STA-**
6 **TIONED IN CANADA.**

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

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

11 (2) by adding after section 3272 the following:
12 **“§ 3273. Offenses committed by certain United States**
13 **personnel stationed in Canada in further-**
14 **ance of border security initiatives**

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

1 “(b) DEFINITION.—In this section, the term ‘em-
2 employed by the Department of Homeland Security or the
3 Department of Justice’ means—

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

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

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

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
14 Part II of title 18, United States Code, is amended—

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

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

17 and

18 (2) in the table of sections for chapter 212A, by
19 inserting after the item relating to section 3272 the
20 following:

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

21 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion or the amendments made by this section shall be con-
23 strued to infringe upon or otherwise affect the exercise

1 of prosecutorial discretion by the Department of Justice
2 in implementing this section and the amendments made
3 by this section.

Passed the House of Representatives December 7,
2016.

Attest:

KAREN L. HAAS,

Clerk.