

114TH CONGRESS
2D SESSION

S. 2612

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

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2016

Mr. LEAHY (for himself, Ms. MURKOWSKI, Mr. SCHUMER, Mr. JOHNSON, Ms. HEITKAMP, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. MURRAY, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 **UNITED STATES PERSONNEL STATIONED IN**
3 **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 United States per-**
10 **sonnel stationed in Canada in further-**
11 **ance of border security initiatives**

12 “(a) IN GENERAL.—Whoever, while employed by any
13 department or agency of the United States other than the
14 Department of Defense and stationed or deployed in Can-
15 ada pursuant to a treaty or executive agreement in fur-
16 therance of a border security initiative, engages in conduct
17 (or conspires or attempts to engage in conduct) in Canada
18 that would constitute an offense for which a person may
19 be prosecuted in a court of the United States had the con-
20 duct been engaged in within the United States or within
21 the special maritime and territorial jurisdiction of the
22 United States shall be punished as provided for that of-
23 fense.

24 “(b) DEFINITIONS.—In this section:

25 “(1) EMPLOYED BY ANY DEPARTMENT OR
26 AGENCY OF THE UNITED STATES OTHER THAN THE

1 DEPARTMENT OF DEFENSE.—The term ‘employed
2 by any department or agency of the United States
3 other than the Department of Defense’ means—

4 “(A) being employed as a civilian em-
5 ployee, a contractor (including a subcontractor
6 at any tier), an employee of a contractor (or a
7 subcontractor at any tier), a grantee (including
8 a contractor of a grantee or a subgrantee or
9 subcontractor at any tier), or an employee of a
10 grantee (or a contractor of a grantee or a sub-
11 grantee or subcontractor at any tier) of any de-
12 partment or agency of the United States other
13 than the Department of Defense;

14 “(B) being present or residing in Canada
15 in connection with such employment; and

16 “(C) not being a national of or ordinarily
17 resident in Canada.

18 “(2) GRANT AGREEMENT.—The term ‘grant
19 agreement’ means a legal instrument described in
20 section 6304 or 6305 of title 31, other than an
21 agreement between the United States and a State,
22 local, or foreign government or an international or-
23 ganization.

1 “(3) GRANTEE.—The term ‘grantee’ means a
2 party, other than the United States, to a grant
3 agreement.”.

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

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

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

8 and

9 (2) in the table of sections for chapter 212A, by
10 inserting after the item relating to section 3272 the
11 following:

“3273. Offenses committed by United States personnel stationed in Canada in
 furtherance of border security initiatives.”.

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