

Public Law 114–316  
114th Congress

An Act

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

Dec. 16, 2016  
[H.R. 6431]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

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

Promoting  
Travel,  
Commerce, and  
National Security  
Act of 2016.  
18 USC 1 note.

**SEC. 2. JURISDICTION OVER OFFENSES COMMITTED BY CERTAIN UNITED STATES PERSONNEL STATIONED IN CANADA.**

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

18 USC  
prec. 3271.

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

(2) by adding after section 3272 the following:

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

18 USC 3273.

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

Penalties.

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

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

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

“(3) not being a national of or ordinarily resident in Canada.”.

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

18 USC  
prec. 3001.

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

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

and

18 USC  
prec. 3271.

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

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

(c) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to infringe upon or otherwise affect the exercise of prosecutorial discretion by the Department of Justice in implementing this section and the amendments made by this section.

Approved December 16, 2016.

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**LEGISLATIVE HISTORY—H.R. 6431:**

CONGRESSIONAL RECORD, Vol. 162 (2016):

Dec. 7, considered and passed House.

Dec. 9, considered and passed Senate.

