

(Added Pub. L. 106–523, §2(a), Nov. 22, 2000, 114 Stat. 2491; amended Pub. L. 108–375, div. A, title X, §1088, Oct. 28, 2004, 118 Stat. 2066.)

AMENDMENTS

2004—Par. (1)(A). Pub. L. 108–375 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);”.

CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER CERTAIN OFFENSES

Sec.

3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States.
3272. Definitions.
3273. Offenses committed by certain United States personnel stationed in Canada in furtherance of border security initiatives.

AMENDMENTS

2016—Pub. L. 114–316, §2(a)(1), (b)(2), Dec. 16, 2016, 130 Stat. 1593, 1594, struck out “TRAFFICKING IN PERSONS” before “OFFENSES” in chapter heading and added item 3273.

§ 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States

(a) Whoever, while employed by or accompanying the Federal Government outside the United States, engages in conduct outside the United States that would constitute an offense under chapter 77 or 117 of this title if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

(Added Pub. L. 109–164, title I, §103(a)(1), Jan. 10, 2006, 119 Stat. 3562.)

§ 3272. Definitions

As used in this chapter:

(1) The term “employed by the Federal Government outside the United States” means—

(A) employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);

(B) present or residing outside the United States in connection with such employment; and

(C) not a national of or ordinarily resident in the host nation.

(2) The term “accompanying the Federal Government outside the United States” means—

(A) a dependant of—

(i) a civilian employee of the Federal Government; or

(ii) a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);

(B) residing with such civilian employee, contractor, or contractor employee outside the United States; and

(C) not a national of or ordinarily resident in the host nation.

(Added Pub. L. 109–164, title I, §103(a)(1), Jan. 10, 2006, 119 Stat. 3562.)

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

(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.

(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.

(Added Pub. L. 114–316, §2(a)(2), Dec. 16, 2016, 130 Stat. 1593.)

RULE OF CONSTRUCTION

Pub. L. 114–316, §2(c), Dec. 16, 2016, 130 Stat. 1594, provided that: “Nothing in this section [enacting 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.”

CHAPTER 213—LIMITATIONS

Sec.

3281. Capital offenses.
3282. Offenses not capital.
3283. Child abuse offenses.¹
3284. Concealment of bankrupt’s assets.
3285. Criminal contempt.

¹ Section catchline amended by Pub. L. 108–21 without corresponding amendment of chapter analysis.