

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (a)(1), are set out in the Appendix to this title.

§ 3266. Regulations

(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(Added Pub. L. 106-523, §2(a), Nov. 22, 2000, 114 Stat. 2491.)

§ 3267. Definitions

As used in this chapter:

(1) The term “employed by the Armed Forces outside the United States” means—

(A) employed as—

(i) a civilian employee of—

(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

(ii) a contractor (including a subcontractor at any tier) of—

(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

(iii) an employee of a contractor (or subcontractor at any tier) of—

(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

(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 Armed Forces outside the United States” means—

(A) a dependent of—

(i) a member of the Armed Forces;

(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

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

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

(3) The term “Armed Forces” has the meaning given the term “armed forces” in section 101(a)(4) of title 10.

(4) The terms “Judge Advocate General” and “judge advocate” have the meanings given such terms in section 801 of title 10.

(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.)

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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.

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AMENDMENTS

2016—Pub. L. 114-316, §2(a)(1), (b)(2), Dec. 16, 2016, 130 Stat. 1593, 1594, struck out “TRAFFICKING IN PER-

SONS” 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.)

Statutory Notes and Related Subsidiaries

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.
3286.	Extension of statute of limitation for certain terrorism offenses.
3287.	Wartime suspension of limitations.
3288.	Indictments and information dismissed after period of limitations.
3289.	Indictments and information dismissed before period of limitations.
3290.	Fugitives from justice.
3291.	Nationality, citizenship and passports.
3292.	Suspension of limitations to permit United States to obtain foreign evidence.
3293.	Financial institution offenses.
3294.	Theft of major artwork.
3295.	Arson offenses.
3296.	Counts dismissed pursuant to a plea agreement.
3297.	Cases involving DNA evidence.
3298.	Trafficking-related offenses ²
3299.	Child abduction and sex offenses ²
3300.	Recruitment or use of child soldiers.
3301.	Securities fraud offenses.

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AMENDMENTS

2010—Pub. L. 111–203, title X, §1079A(b)(2), July 21, 2010, 124 Stat. 2079, added item 3301.

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

²So in original. Probably should be followed by a period.