

**Statement of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee,  
On His Introduction Of  
The Promoting Travel, Commerce and National Security Act of 2016  
March 1, 2016**

Last year, I hailed the signing of a new agreement between the United States and Canada designed to improve cross-border travel, commerce and security between our two countries. Secretary Johnson of the Department of Homeland Security was joined in Washington by Canada's Minister of Public Safety, Steven Blaney, for the signing of that new preclearance agreement, which was negotiated under the Beyond the Border Action Plan.

Preclearance facilities allow travelers to pass through U.S. Customs and Border Protection (CBP) inspections in Canada, prior to traveling to the United States. Preclearance operations relieve congestion at U.S. destination airports, facilitate commerce, save money, and strengthen national security. The United States currently stations CBP officers in select locations in Canada to inspect passengers and cargo bound for the United States before departing Canada. The new agreement signed in March 2015 will lead to expanded U.S. preclearance facilities in Canada in the marine, land, air and rail sectors.

However, the Department of Homeland Security requires specific, narrowly tailored legislation to fully implement the new agreement. CBP Officers assigned to preclearance locations operate with law enforcement authorities and immunities as agreed upon by the United States and the host country's government. Under the new preclearance agreement with Canada, the United States secured the right to prosecute U.S. officials if they commit crimes on the job while stationed in Canada – and thereby preclude a prosecution by Canadian prosecutors. But in some cases, the United States may lack the legal authority to prosecute U.S. officials because many federal crimes do not have extraterritorial reach. The Promoting Travel, Commerce and National Security Act of 2016, which I am proud to introduce today with Senator Murkowski, would ensure that the United States has the legal authority to hold our own officials accountable if they engage in wrongdoing abroad in Canada. This legislation will allow for full implementation of the expanded Canada preclearance agreement.

Enacting this legislation will promote two key national goals: enhancing our national security, and creating a more efficient flow of travelers and goods. By placing CBP personnel at the point of departure, screening occurs before a person boards a flight, increasing our ability to prevent those who should not be flying to the United States from doing so. In 2014, preclearance stopped more than 10,000 inadmissible travelers worldwide before they left foreign soil. As Secretary Johnson has said, "We have to push our homeland security out beyond our borders so that we are not defending the homeland from the one-yard line." At the same time, preclearance facilitates travel and trade.

I am pleased that a bipartisan coalition in the House of Representatives, led by Representatives Elise Stefanik (R-N.Y.) and Ann Kuster (D-N.H.), will also introduce companion legislation today as well. And I am grateful for the support of Senators Schumer, Johnson, Heitkamp, Shaheen, Cantwell, Murray and Gillibrand for this important legislation. I hope with this

bipartisan, bicameral support, this simple, straightforward enabling legislation will be enacted this year.

In Vermont, we look to our Canadian neighbors as partners in trade and commerce, and as joint stewards of our shared communities. While both nations strive to ensure that the border is secure, the ties between Canada and Vermont run deep. We rely on each other for trade, commerce, and tourism. And many Vermont families have members on both sides of the border. This agreement has long been a dream for Vermonters who have fond memories of taking the train north to Montreal to enjoy all that this vibrant cultural hub offers. It is also a win for visitors from Canada's largest cities who love to come to Vermont to ski, shop and dine. I commend Secretary Johnson for his commitment to forging this agreement that will greatly benefit Vermont and the United States. I look forward to enacting this legislation into law so that these projects can move forward.

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