

117TH CONGRESS
1ST SESSION

S. 921

AN ACT

To amend title 18, United States Code, to further protect officers and employees of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Jaime Zapata and Vic-
3 tor Avila Federal Officers and Employees Protection Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) since the founding of the Nation, officers
7 and employees of the United States Government
8 have dutifully and faithfully served the United
9 States overseas, including in situations that place
10 them at serious risk of death or bodily harm, in
11 order to preserve, protect, and defend the interests
12 of the United States;

13 (2) securing the safety of such officers and em-
14 ployees while serving overseas is of paramount im-
15 portance and is also in furtherance of preserving,
16 protecting, and defending the interests of the United
17 States;

18 (3) Federal courts, including the United States
19 Court of Appeals for the Second Circuit, the United
20 States Court of Appeals for the Ninth Circuit, and
21 the United States Court of Appeals for the Eleventh
22 Circuit, have correctly interpreted section 1114 of
23 title 18, United States Code, to apply
24 extraterritorially to protect officers and employees of
25 the United States while the officers and employees
26 are serving abroad;

1 (4) in a case involving a violent attack against
 2 Federal law enforcement officers Jaime Zapata and
 3 Victor Avila, a panel of a Federal court of appeals
 4 held that section 1114 of title 18, United States
 5 Code, does not apply extraterritorially, creating a
 6 split among the United States circuit courts of ap-
 7 peals;

8 (5) in light of the opinion described in para-
 9 graph (4), it has become necessary for Congress to
 10 clarify the original intent that section 1114 of title
 11 18, United States Code, applies extraterritorially;
 12 and

13 (6) it is further appropriate to clarify the origi-
 14 nal intent that sections 111 and 115 of title 18,
 15 United States Code, apply extraterritorially as well.

16 **SEC. 3. PROTECTION OF OFFICERS AND EMPLOYEES OF**
 17 **THE UNITED STATES.**

18 Part I of title 18, United States Code, is amended—

19 (1) in section 111, by adding at the end the fol-
 20 lowing:

21 “(c) **EXTRATERRITORIAL JURISDICTION.**—There is
 22 extraterritorial jurisdiction over the conduct prohibited by
 23 this section.”;

24 (2) in section 115, by adding at the end the fol-
 25 lowing:

1 “(e) There is extraterritorial jurisdiction over the
2 conduct prohibited by this section.”; and

3 (3) in section 1114—

4 (A) by inserting “(a) IN GENERAL.—” be-
5 fore “Whoever”; and

6 (B) by adding at the end the following:

7 “(b) EXTRATERRITORIAL JURISDICTION.—There is
8 extraterritorial jurisdiction over the conduct prohibited by
9 this section.”.

Passed the Senate May 28 (legislative day, May 27),
2021.

Attest:

Secretary.

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