

SENSE OF CONGRESS

Pub. L. 117-59, §2, Nov. 18, 2021, 135 Stat. 1468, provided that: “It is the sense of Congress that—

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

“(2) securing the safety of such officers and employees while serving overseas is of paramount importance and is also in furtherance of preserving, protecting, and defending the interests of the United States;

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

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

“(5) in light of the opinion described in paragraph (4), it has become necessary for Congress to clarify the original intent that section 1114 of title 18, United States Code, applies extraterritorially; and

“(6) it is further appropriate to clarify the original intent that sections 111 and 115 of title 18, United States Code, apply extraterritorially as well.”

LIFE IMPRISONMENT OR LESSER TERM FOR KILLING PERSON IN PERFORMANCE OF INVESTIGATIVE, INSPECTION, OR LAW ENFORCEMENT FUNCTIONS

Pub. L. 91-596, §17(h)(2), Dec. 29, 1970, 84 Stat. 1607, provided that: “Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111 shall be punished by imprisonment for any term of years or for life.”

IMMUNITY FROM CRIMINAL PROSECUTION

Pub. L. 88-493, §5, Aug. 27, 1964, 78 Stat. 610, which provided that nothing in Pub. L. 88-493, which amended this section and section 112 of this title, and enacted former section 170e-1 of Title 5, Government Organization and Employees, shall create immunity from criminal prosecution under the laws of any State, territory, possession, Puerto Rico, or the District of Columbia, is set out as a note under section 112 of this title.

§ 1115. Misconduct or neglect of ship officers

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

When the owner or charterer of any steamboat or vessel is a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of

the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 757; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §461 (Mar. 4, 1909, ch. 321, §282, 35 Stat. 1144).

Section restores the intent of the original enactments, R.S. §5344, and act Mar. 3, 1905, ch. 1454, §5, 33 Stat. 1025, and makes this section one of general application. In the Criminal Code of 1909, by placing it in chapter 11, limited to places within the special maritime and territorial jurisdiction of the United States, such original intent was inadvertently lost as indicated by the entire absence of report or comment on such limitation.

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in two places.

§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title.

(b) For the purposes of this section:

(1) “Family” includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

(2) “Foreign government” means the government of a foreign country, irrespective of recognition by the United States.

(3) “Foreign official” means—

(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

(4) “Internationally protected person” means—

(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country

other than his own and any member of his family accompanying him; or

(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

(5) “International organization” means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs.

(6) “Official guest” means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

(7) “National of the United States” has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(c) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 94-467, §2, Oct. 8, 1976, 90 Stat. 1997; Pub. L. 95-163, §17(b)(1), Nov. 9, 1977, 91 Stat. 1286; Pub. L. 95-504, §2(b), Oct. 24, 1978, 92 Stat. 1705; Pub. L. 97-351, §3, Oct. 18, 1982, 96 Stat. 1666; Pub. L. 103-272, §5(e)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-322, title VI, §60003(a)(5), title XXXIII, §330006, Sept. 13, 1994, 108 Stat. 1969, 2142; Pub. L. 104-132, title VII, §721(c), Apr. 24, 1996, 110 Stat. 1298; Pub. L. 104-294, title VI, §601(g)(2), Oct. 11, 1996, 110 Stat. 3500.)

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 struck out “, except that” at end.

Subsec. (b)(7). Pub. L. 104-132, §721(c)(1), added par. (7).

Subsec. (c). Pub. L. 104-132, §721(c)(2), inserted first sentence and struck out former first sentence which read as follows: “If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender.”

1994—Subsec. (a). Pub. L. 103-322, §330006, which directed the striking of “, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years” before period at end, was executed by striking text which did not include “, and”, to reflect the probable intent of Congress and the prior amendment by Pub. L. 103-322, §60003(a)(5). See below.

Pub. L. 103-322, §60003(a)(5), struck out “any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and” after “title, except that”.

Subsec. (c). Pub. L. 103-272 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38))”.

1982—Subsec. (b)(5). Pub. L. 97-351 inserted provision relating to a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of foreign affairs.

1978—Subsec. (c). Pub. L. 95-504 substituted reference to section 101(38) of the Federal Aviation Act of 1958 for reference to section 101(35) of such Act.

1977—Subsec. (c). Pub. L. 95-163 substituted reference to section 101(35) of the Federal Aviation Act of 1958 for reference to section 101(34) of such Act.

1976—Catchline. Pub. L. 94-467 substituted “official guests, or internationally protected persons” for “or official guests”.

Subsec. (a). Pub. L. 94-467 inserted reference to internationally protected persons, section 1113 of this title, and the punishment for a person convicted of attempted murder.

Subsec. (b). Pub. L. 94-467 designated existing provision, relating to definition of “foreign official” as par. (3)(A), (B), and added pars. (1), (2), (4), (5) and (6).

Subsec. (c). Pub. L. 94-467 substituted provision permitting the United States to exercise jurisdiction over an offense if the victim is an internationally protected person and the alleged offender is present within the United States for provision which defined “foreign government”, “international organization”, “family”, and “official guest”.

Subsec. (d). Pub. L. 94-467 added subsec. (d).

§ 1117. Conspiracy to murder

If two or more persons conspire to violate section 1111, 1114, 1116, or 1119 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 103-322, title VI, §60009(b)(1), Sept. 13, 1994, 108 Stat. 1972.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “1116, or 1119” for “or 1116”.

§ 1118. Murder by a Federal prisoner

(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits