

Calendar No. 61

117TH CONGRESS
1ST SESSION

S. 921

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

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2021

Mr. CORNYN (for himself, Mr. COONS, Mr. GRASSLEY, Mr. LEAHY, Mr. COTTON, Mr. WHITEHOUSE, Mr. HAWLEY, Mr. TILLIS, Mr. DURBIN, Mr. LEE, Mr. CRUZ, Mrs. FEINSTEIN, Mr. BLUMENTHAL, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 20, 2021

Reported by Mr. DURBIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jaime Zapata and Vie-
5 tor Avila Federal Law Enforcement Protection Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

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

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

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

24 (4) in a case involving a violent attack against
25 Federal law enforcement officers Jaime Zapata and
26 Victor Avila, a panel of a Federal court of appeals

1 held that section 1114 of title 18, United States
2 Code, does not apply extraterritorially, creating a
3 split among the United States circuit courts of ap-
4 peals; and

5 (5) in light of the opinion described in para-
6 graph (4), it has become necessary for Congress to
7 clarify the original intent that section 1114 of title
8 18, United States Code, applies extraterritorially.

9 **SEC. 3. PROTECTION OF OFFICERS AND EMPLOYEES OF**
10 **THE UNITED STATES.**

11 Section 1114 of title 18, United States Code, is
12 amended—

13 (1) by inserting “(a) IN GENERAL.—” before
14 “Whoever”; and

15 (2) by adding at the end the following:

16 “(b) EXTRATERRITORIAL JURISDICTION.—There is
17 extraterritorial jurisdiction over the conduct prohibited by
18 this section.”.

19 **SECTION 1. SHORT TITLE.**

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

22 **SEC. 2. SENSE OF CONGRESS.**

23 *It is the sense of Congress that—*

24 (1) *since the founding of the Nation, officers and*
25 *employees of the United States Government have duti-*

1 *fully and faithfully served the United States overseas,*
2 *including in situations that place them at serious risk*
3 *of death or bodily harm, in order to preserve, protect,*
4 *and defend the interests of the United States;*

5 (2) *securing the safety of such officers and em-*
6 *ployees while serving overseas is of paramount impor-*
7 *tance and is also in furtherance of preserving, pro-*
8 *tecting, and defending the interests of the United*
9 *States;*

10 (3) *Federal courts, including the United States*
11 *Court of Appeals for the Second Circuit, the United*
12 *States Court of Appeals for the Ninth Circuit, and the*
13 *United States Court of Appeals for the Eleventh Cir-*
14 *cuit, have correctly interpreted section 1114 of title*
15 *18, United States Code, to apply extraterritorially to*
16 *protect officers and employees of the United States*
17 *while the officers and employees are serving abroad;*

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

24 (5) *in light of the opinion described in para-*
25 *graph (4), it has become necessary for Congress to*

1 *clarify the original intent that section 1114 of title*
 2 *18, United States Code, applies extraterritorially; and*

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

6 **SEC. 3. PROTECTION OF OFFICERS AND EMPLOYEES OF**
 7 **THE UNITED STATES.**

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

9 *(1) in section 111, by adding at the end the fol-*
 10 *lowing:*

11 “(c) *EXTRATERRITORIAL JURISDICTION.—There is*
 12 *extraterritorial jurisdiction over the conduct prohibited by*
 13 *this section.”;*

14 *(2) in section 115, by adding at the end the fol-*
 15 *lowing:*

16 “(e) *There is extraterritorial jurisdiction over the con-*
 17 *duct prohibited by this section.”; and*

18 *(3) in section 1114—*

19 *(A) by inserting “(a) IN GENERAL.—” be-*
 20 *fore “Whoever”; and*

21 *(B) by adding at the end the following:*

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

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