

One Hundred Seventeenth Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Sunday,
the third day of January, two thousand and twenty one*

An Act

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

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jaime Zapata and Victor Avila
Federal Officers and Employees Protection Act”.

SEC. 2. SENSE OF CONGRESS.

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.

SEC. 3. PROTECTION OF OFFICERS AND EMPLOYEES OF THE UNITED STATES.

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

(1) in section 111, by adding at the end the following:
“(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over the conduct prohibited by this section.”;

(2) in section 115, by adding at the end the following:
“(e) There is extraterritorial jurisdiction over the conduct prohibited by this section.”; and

(3) in section 1114—

(A) by inserting “(a) IN GENERAL.—” before “Whoever”;

and

(B) by adding at the end the following:

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

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*