

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, H.R. 4035, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JAIME ZAPATA AND VICTOR AVILA FEDERAL OFFICERS AND EMPLOYEES PROTECTION ACT

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 921) to amend title 18, United States Code, to further protect officers and employees of the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 921

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.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from Oregon (Mr. BENTZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON LEE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 921, the Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act. This Senate-passed bill would correct a manifest wrong by making clear that the law prohibiting the killing of Federal employees extends beyond American borders.

Our Justice Department must have the ability to ensure that anyone who kills or attempts to kill individuals serving our country outside the United States are brought to justice under current law.

The tragic circumstance that makes this bill necessary bears repeating. Immigration and Customs Enforcement Special Agents Jaime Zapata and Victor Avila were assigned abroad to protect American interests. In early 2011, while traveling in a convoy near San Luis Potosi, Mexico, the American agents were attacked by agents of the Los Zetas drug cartel.

In the firefight, both Agents Zapata and Avila were shot. Tragically, Agent Zapata died from his wounds. A thorough investigation brought the perpetrators of this heinous act to the United States to stand to account for the acts, and they were convicted. Yet, justice remained unfulfilled.

In January 2020, the D.C. Circuit Court of Appeals vacated the murder conviction of two Los Zetas cartel members responsible for the murder of Agent Zapata and attempted murder of Agent Avila.

In doing so, the Court of Appeals found that the law we are amending today did not contain an adequate expression that it was intended to apply to crimes committed outside the United States.

Today, we correct this errant and apparently unfair judicial interpretation.

This bill does not extend criminal laws or penalties, nor does it create a new crime, it merely clarifies Congress' original intent.

Because of this bill, the United States Government may prosecute anyone who killed or attempted to kill a Federal officer or employee, whether they be agents or diplomats, while they were performing their official duties outside of the United States. The rule of law will prevail.

Interestingly enough, since the killings in that tragic incident, we have seen a number of attacks against many of our outstanding Federal employees, diplomats, and others overseas. That is all this bill would do, but it is an important thing to do.

Mr. Speaker, I thank my fellow Texans, Mr. CUELLAR and Mr. MCCAUL, for leading the House companion to this bill, and I urge my colleagues to support this legislation out of basic and endearing justice for all, and for the families of these men.

I rise in support of S. 921, the “Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act.” This Senate-passed bill would correct a manifest wrong by making clear that the law prohibiting the killing of federal employees extends beyond American borders.

Our Justice Department must have the ability to ensure that anyone who kills or attempts to kill individuals serving our country outside the United States are brought to justice under current law.

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That is all this bill would do but it is an important thing to do.

I thank my fellow Texas Representatives HENRY CUELLAR and MICHAEL MCCAUL for leading the House companion to this bill. And I urge my colleagues to support this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 921, the Jamie Zapata and Victor Avila Federal Officers and Employees Protection Act.

In 2011, members of the Los Zetas drug cartel gunned down ICE Agents Jaime Zapata and Victor Avila in an attempted carjacking. Agent Zapata was killed.

The perpetrators of this terrible crime were members of the Los Zetas hit squad on a mission that day to shoot and steal vehicles for cartel operations.

The murder and attempted carjacking occurred in Mexico. So the perpetrators were extradited to the United States to face trial for the murder and attempted murder of the American agents.

In 2017, the cartel members were convicted under section 1114 of title 18 of the United States Code, which prohibits the killing of an officer of the United States. They were sentenced to life in prison.

On appeal, the D.C. Circuit Court of Appeals ruled that because the crimes occurred on foreign soil, section 1114 did not apply.

In light of this ruling, Federal law enforcement officers and civil servants stationed overseas are made more vulnerable to attack. The decision created a circuit split and opened a loophole in Federal law reversing centuries of precedent that the law was intended to apply extraterritorially.

The bill simply codifies centuries of precedent and legal understanding by clarifying the extraterritorial application of three Federal statutes to protect our Federal law enforcement officers and other Federal officials. The bill passed the Senate by unanimous consent in May.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. CUELLAR), the original sponsor of this legislation.

Mr. CUELLAR. Mr. Speaker, I want to thank Representative JACKSON Lee for her leadership in this effort to make sure that we protect not only other diplomats, but our agents that work overseas. I also want to thank Mr. MICHAEL MCCAUL, one of my co-leads on this, Mr. BILL PASCRELL, Mr. FILEMON VELA, and other Members, all bipartisan, that support this.

On the Senate side, the lead sponsors were Senator JOHN CORNYN and also Senator CHRIS COONS, and a whole bunch of other folks. I certainly want to say thank you so much.

Mr. Speaker, this legislation is important because this is a bipartisan

bill, and it ensures that individuals who harm or attempt to harm U.S. Federal officers or employees serving abroad can be brought to justice and prosecuted in the United States.

Furthermore, this bill will improve the safety and the security of not only the agents but any diplomat or any Federal employee that works outside the U.S. or overseas by ensuring that crimes that are committed against Americans serving abroad can be prosecuted by United States courts.

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As the chairwoman mentioned a few minutes ago, it was very unfortunate what happened, and it is a change on the—we want to make sure that the intent of the law that has been there will be followed, and that basically just means that that section 1114 of the United States Code would say that it also covers foreign jurisdiction. So, therefore, we ask that we support this legislation because as it was mentioned, on February 15, 2011, ICE Special Agent Jaime Zapata and also his colleague, Victor Avila, were ambushed by members of the Mexican drug cartels in San Luis Potosi, Mexico.

Unfortunately, as it has been mentioned, Special Agent Zapata died because of his injuries. ICE Special Agent Jaime Zapata's murderer cannot be brought to justice because of that loophole in the current law, and this bipartisan legislation will close that loophole and ensure that the safety of all Federal employees serving our Nation abroad will be protected.

There must be severe consequences brought to bear against any individual who harms any of the Federal employees who are serving abroad. We need to know that the heroism of Special Agent Zapata and also Special Agent Avila, by holding those people who committed violence, are held accountable.

Furthermore, this issue and this bill is also important to me because Special Agent Zapata was assigned to the Homeland Security Investigations Office located in my hometown, Laredo, Texas, while he served on the Human Smuggling and Trafficking Unit as well as the Border Enforcement Security Task Force known as BEST.

So, Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. BENTZ. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PFLUGER).

Mr. PFLUGER. Mr. Speaker, this bill is about accountability. It is about leaving no American behind. The safety of our Nation depends on our heroes who are willing to raise their hands and put their own lives on the line regardless of if they are at home or abroad.

Tragically, a current loophole in Federal law has allowed the killers of Jaime Zapata, a Texan and American hero, to escape the murder convictions and sentences that they were found guilty for, and justice must be served.

In 2011, as you heard the details already, Mr. Speaker, let's reiterate the two ICE agents, Jaime Zapata as well as Victor Avila, were deployed to Mexico to curb human and drug trafficking at our southern border. The two were ambushed and gunned down by members of a Mexican drug cartel who opened fire on them along Highway 57. Both agents were struck, and Jaime Zapata tragically died from his injuries.

Weeks after the ambush, seven of these killers were extradited to the United States, and two were found guilty of murder. But last year, a Federal appeals court dismissed the murder convictions on the basis that the district court did not have jurisdiction over the crimes that were committed against those law enforcement agents who were stationed outside of our borders.

This is unacceptable, as has been mentioned. Anyone who attacks a U.S. Federal agent who is protecting our country, whether at home or abroad, must be held accountable and must be brought to justice.

I am proud to support this legislation to work with my colleagues across the aisle, and I am proud of the bipartisanship that Ms. JACKSON LEE, Mr. CUELLAR, and so many others have brought forward today. It is very important. Again, this goes to the heart of accountability, and it goes to the heart of leaving no American behind.

I appreciate also the leadership of Senators JOHN CORNYN and CHRIS COONS on this very important initiative. Our country's heroes deserve to know that those of us in Congress in a bipartisan way will hold those to account who break the law. It is so important for us to stand by law enforcement, especially those who are willing to give their all outside of our borders.

Mr. BENTZ. In closing, Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, this legislation is necessary to ensure that Federal employees who are serving overseas can be protected by the American umbrella of justice.

We have seen since this tragic incident of those who were serving our country and lost their life and were injured. We have seen a myriad of attacks on diplomats and others outside of the boundaries of war. We have been stunned by actions against diplomats in embassies and outside of embassies.

So this is a bipartisan bill that was adopted by the Senate by unanimous consent, and I ask my colleagues to join me in supporting this legislation so the President can sign it into law and to be able to tell all of our Federal employees and diplomats who are standing in the name of that flag that is shown behind you, Mr. Speaker, that we do care about their service and their safety.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, this legislation is necessary to ensure that federal employees who are serving overseas can be protected by the American umbrella of justice.

This is a bipartisan bill that was adopted by the Senate by unanimous consent.

I ask that my colleagues join me in supporting this legislation so that the President can sign it into law.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 921.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONFIDENTIALITY OPPORTUNITIES FOR PEER SUPPORT COUNSELING ACT

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1502) to make Federal law enforcement officer peer support communications confidential, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1502

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 “Confidentiality Opportunities for Peer Support Counseling Act” or the “COPS Counseling Act”.

SEC. 2. CONFIDENTIALITY OF PEER SUPPORT COMMUNICATIONS.

(a) DEFINITIONS.—In this section:

(1) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means a Federal agency that employs a law enforcement officer.

(2) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” has the meaning given the term “Federal law enforcement officer” in section 115 of title 18, United States Code.

(3) PEER SUPPORT COMMUNICATION.—The term “peer support communication” includes—

(A) an oral or written communication made in the course of a peer support counseling session;

(B) a note or report arising out of a peer support counseling session;

(C) a record of a peer support counseling session; or

(D) with respect to a communication made by a peer support participant in the course of a peer support counseling session, another communication, regarding the first communication, that is made between a peer support specialist and—

(i) another peer support specialist;

(ii) a staff member of a peer support counseling program; or

(iii) a supervisor of the peer support specialist.

(4) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a law enforcement agency that provides counseling serv-

ices from a peer support specialist to a law enforcement officer of the agency.

(5) PEER SUPPORT COUNSELING SESSION.—The term “peer support counseling session” means any counseling formally provided through a peer support counseling program between a peer support specialist and 1 or more law enforcement officers.

(6) PEER SUPPORT PARTICIPANT.—The term “peer support participant” means a law enforcement officer who receives counseling services from a peer support specialist.

(7) PEER SUPPORT SPECIALIST.—The term “peer support specialist” means a law enforcement officer who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to law enforcement officers who have been involved in or exposed to an emotionally traumatic experience in the course of employment; and

(B) is designated by a law enforcement agency to provide the services described in subparagraph (A).

(b) PROHIBITION.—Except as provided in subsection (c), a peer support specialist or a peer support participant may not disclose the contents of a peer support communication to an individual who was not a party to the peer support communication.

(c) EXCEPTIONS.—Subsection (b) shall not apply to a peer support communication if—

(1) the peer support communication contains—

(A) an explicit threat of suicide by an individual in which the individual—

(i) shares—

(I) an intent to die by suicide; and

(II) a plan for a suicide attempt or the means by which the individual plans to carry out a suicide attempt; and

(ii) does not solely share that the individual is experiencing suicidal thoughts;

(B) an explicit threat by an individual of imminent and serious physical bodily harm or death to another individual;

(C) information—

(i) relating to the abuse or neglect of—

(I) a child; or

(II) an older or vulnerable individual; or

(ii) that is required by law to be reported; or

(D) an admission of criminal conduct;

(2) the disclosure is permitted by each peer support participant who was a party to, as applicable—

(A) the peer support communication;

(B) the peer support counseling session out of which the peer support communication arose;

(C) the peer support counseling session of which the peer support communication is a record; or

(D) the communication made in the course of a peer support counseling session that the peer support communication is regarding;

(3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the peer support communication; or

(4) the peer support communication contains information that is required by law to be disclosed.

(d) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to prohibit the disclosure of—

(1) an observation made by a law enforcement officer of a peer support participant outside of a peer support counseling session; or

(2) knowledge of a law enforcement officer about a peer support participant not gained from a peer support communication.

(e) DISCLOSURE OF RIGHTS.—Before the initial peer support counseling session of a peer support participant, a peer support specialist shall inform the peer support participant in writing of the confidentiality requirement

under subsection (b) and the exceptions to the requirement under subsection (c).

SEC. 3. BEST PRACTICES AND SUPPORT.

(a) DEFINITIONS.—In this section:

(1) FIRST RESPONDER.—The term “first responder” has the meaning given the term “public safety officer” in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).

(2) FIRST RESPONDER AGENCY.—The term “first responder agency” means a Federal, State, local, or Tribal agency that employs or otherwise engages the services of a first responder.

(3) PEER SUPPORT COUNSELING PROGRAM.—The term “peer support counseling program” means a program provided by a first responder agency that provides counseling services from a peer support specialist to a first responder of the first responder agency.

(4) PEER SUPPORT PARTICIPANT.—The term “peer support participant” means a first responder who receives counseling services from a peer support specialist.

(5) PEER SUPPORT SPECIALIST.—The term “peer support specialist” means a first responder who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to first responders who have been involved in or exposed to an emotionally traumatic experience in the course of the duties of those first responders; and

(B) is designated by a first responder agency to provide the services described in subparagraph (A).

(b) REPORT ON BEST PRACTICES.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of Health and Human Services, shall develop a report on best practices and professional standards for peer support counseling programs for first responder agencies that includes—

(1) advice on—

(A) establishing and operating peer support counseling programs; and

(B) training and certifying peer support specialists;

(2) a code of ethics for peer support specialists;

(3) recommendations for continuing education for peer support specialists;

(4) advice on disclosing to first responders any confidentiality rights of peer support participants; and

(5) information on—

(A) the different types of peer support counseling programs in use by first responder agencies;

(B) any differences in peer support counseling programs offered across categories of first responders; and

(C) the important role senior first responders play in supporting access to mental health resources.

(c) IMPLEMENTATION.—The Attorney General shall support and encourage the implementation of peer support counseling programs in first responder agencies by—

(1) making the report developed under subsection (b) publicly available on the website of the Department of Justice; and

(2) providing a list of peer support specialist training programs on the website of the Department of Justice.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that Federal, State, local, and Tribal police officers, sheriffs, and other law enforcement officers across the United States who serve with valor, dignity, and integrity deserve the gratitude and respect of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from