

117TH CONGRESS
1ST SESSION

H. R. 2137

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2021

Mr. CUELLAR (for himself, Mr. MCCAUL, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on the Judiciary

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 Vic-
5 tor Avila Federal Law Enforcement Protection Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) since the founding of the Nation, officers
9 and employees of the United States Government
10 have dutifully and faithfully served the United

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

5 (2) securing the safety of such officers and em-
6 ployees while serving overseas is of paramount im-
7 portance and is also in furtherance of preserving,
8 protecting, 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
13 the United States Court of Appeals for the Eleventh
14 Circuit, have correctly interpreted section 1114 of
15 title 18, United States Code, to apply
16 extraterritorially to protect officers and employees of
17 the United States while the officers and employees
18 are serving abroad;

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

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

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

7 Section 1114 of title 18, United States Code, is
8 amended—

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

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

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

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