

116TH CONGRESS
2D SESSION

S. 3732

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

MAY 14, 2020

Mr. CORNYN (for himself, Mr. COONS, Mr. COTTON, and Mr. LEAHY) introduced the following bill; which was read twice and 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

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

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

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

20 (4) recently, in a case involving a violent attack
21 against Federal law enforcement officers Jaime Za-
22 pata and Victor Avila, a panel of a Federal court of
23 appeals held that section 1114 of title 18, United
24 States Code, does not apply extraterritorially, cre-

1 ating a split among the United States circuit courts
2 of appeals; and

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

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

9 Section 1114 of title 18, United States Code, is
10 amended—

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

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

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

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