

September 3, 2021

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
The Capitol
Washington, DC 20515

Dear Mr. President and Madam Speaker:

Like most Americans, we were saddened and sickened by last Thursday's coordinated suicide attacks in Afghanistan targeting U.S. military personnel and innocent civilians. These attacks are being attributed to terrorist organizations and their leaders that in the past, like Khalid Sheik Mohammad and others, were ultimately apprehended, charged, and tried through the U.S. justice system. That is why we are grateful for the President's pledge to track down every individual responsible for this cowardly act and "make you pay." If that pledge includes ensuring that those and others responsible face justice in the United States, you should know that at present the ability to prosecute any foreign national for the murder or attempted murder of American citizens overseas has been severely hampered, and that such prosecutions likely could not proceed through the primary venue of the District of Columbia Circuit. Thankfully, there is strong bipartisan legislation currently pending before the U.S. House of Representatives that would address this situation: S. 921, the "Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act." We, the undersigned organizations, strongly urge you to work together to immediately advance S. 921 and ensure it is expeditiously signed into law.

The Zapata-Avila bill is named in honor of two HSI Agents who were targeted by the Los Zetas drug cartel in an ambush attack while on official assignment in Mexico in 2011. Special Agent Zapata was killed in the attack, and Special Agent Avila was critically wounded. Those responsible were extradited to the U.S., stood trial, and were convicted on multiple violations of law including 18 U.S.C. 1114. Unfortunately, the U.S. Court of Appeals for the D.C. Circuit overturned the murder convictions for several of the murderers of Special Agent Zapata, making the novel interpretation that Section 1114 did not apply extraterritorially and creating a circuit split. The court's decision also threw into disarray the ability of the Justice Department to utilize the primary venue of the D.C. Circuit to ensure justice for U.S. citizens harmed by violent criminals outside of the United States.

To defend U.S. government personnel and their families who are protecting America's interests overseas, the U.S. Senate unanimously passed S. 921 on May 28. However, the bill is still pending in the House. The undersigned organizations urge you to expedite passage of S. 921 through the House of Representatives so that those responsible for the deadly attacks in Kabul will be held to account for their cowardly actions, and send a clear message that any attack on U.S. citizens anywhere in the world will be quickly and strongly answered.

Sincerely,

American Foreign Service Association
Major Cities Chiefs Association
National Association of Assistant U.S. Attorneys
National District Attorneys Association
Senior Executives Association

Federal Law Enforcement Officers Association
Major County Sheriffs of America
National Association of Police Organizations
Professional Managers Association
Sergeants Benevolent Association NYPD

cc: Minority Leader Kevin McCarthy