

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 399
OFFERED BY MR. POSEY OF FLORIDA**

Add, at the end of the bill, the following (and amend
the table of contents accordingly):

1 **SEC. ____ . CAUSE OF ACTION AGAINST SECRETARY OF**
2 **HOMELAND SECURITY FOR FAILURE TO**
3 **CARRY OUT REQUIREMENTS OF ACT.**

4 Any individual occupying a Senior Executive Service
5 position (as that term is defined in section 3132(a)(2) of
6 title 5, United States Code) within the Department of
7 Homeland Security and the Secretary of Homeland Secu-
8 rity shall be personally liable, in their individual capacity
9 as private citizens, to any person who is harmed by a
10 criminal offense committed by an alien who is unlawfully
11 present in the United States, and who would not be unlaw-
12 fully present in the United States but for a failure by the
13 individual to carry out this Act or any amendment made
14 by this Act. The person so harmed may recover, in a civil
15 action, not more than \$100,000 for each such injury, and
16 for costs and attorney fees. Such an action may be
17 brought at any time that is not later than 2 years after
18 the criminal offense occurs. Any such individual against

1 whom such an action is brought is not immune to such
2 an action by reason of that individual acting under color
3 of law.

