

AMENDMENT

OFFERED BY MS. SALINAS OF OREGON

At the appropriate place, insert the following:

1 **SEC. ____ . CIVIL REMEDY FOR VICTIMS OF UNLAWFUL IM-**
2 **MIGRATION ENFORCEMENT ACTIONS.**

3 Chapter 171 of title 28, United States Code (com-
4 monly known as the “Federal Tort Claims Act”) is
5 amended, in section 2674, by inserting after “punitive
6 damages.” the following: “If, while acting under color of
7 law, an officer or agent of U.S. Customs and Border Pro-
8 tection or U.S. Immigration and Customs Enforcement,
9 or any other person acting under the direction of any such
10 officer or agent, subjects, or causes to be subjected, any
11 individual within the jurisdiction of the United States to
12 the deprivation of any rights, privileges, or immunities se-
13 cured by the United States Constitution or laws, the
14 United States Government shall be liable to the aggrieved
15 party in an action at law, a suit in equity, or any other
16 proper proceeding for redress, regardless of whether a pol-
17 icy or custom of the Department of Homeland Security
18 caused the violation and without regard to whether the
19 officer, agent or other person was acting consistent with
20 an official policy, practice, or custom. Monetary damages

1 awarded in cases authorized under this paragraph shall
2 be derived from any amounts appropriated under title IX
3 and sections 100051 and 100052 of Public Law 119–21
4 and, if such amounts have been depleted, amounts appro-
5 priated pursuant to section 1304 of title 31, United States
6 Code. Section 2675(a) of title 28, United States Code,
7 shall not apply to a civil action authorized under this para-
8 graph. Notwithstanding any other provision of law, in
9 cases authorized under this paragraph, a plaintiff may
10 seek punitive damages. This paragraph shall constitute a
11 waiver of sovereign immunity of the United States with
12 respect to U.S. Customs and Border Protection and U.S.
13 Immigration and Customs Enforcement for any claim
14 brought under this section. Nothing in this paragraph may
15 be construed to limit or preclude any legal, equitable, or
16 other remedy that is otherwise available against an indi-
17 vidual officer, agent, or other person.”.

