

**AMENDMENT**

**OFFERED BY MS. SALINAS OF OREGON**

Insert, at the appropriate place, the following:

1        SEC. \_\_\_\_\_. Chapter 171 of title 28, United States  
2 Code (commonly known as the “Federal Tort Claims  
3 Act”) is amended, in section 2674, by inserting after “pu-  
4 nitive damages.” the following: “If, while acting under  
5 color of law, an officer or agent of U.S. Customs and Bor-  
6 der Protection or U.S. Immigration and Customs Enforce-  
7 ment, or any other person acting under the direction of  
8 any such officer or agent, subjects, or causes to be sub-  
9 jected, any individual within the jurisdiction of the United  
10 States to the deprivation of any rights, privileges, or im-  
11 munities secured by the United States Constitution or  
12 laws, the United States Government shall be liable to the  
13 aggrieved party in an action at law, a suit in equity, or  
14 any other proper proceeding for redress, regardless of  
15 whether a policy or custom of the Department of Home-  
16 land Security caused the violation and without regard to  
17 whether the officer, agent or other person was acting con-  
18 sistent with an official policy, practice, or custom. Mone-  
19 tary damages awarded in cases authorized under this  
20 paragraph shall be derived from any amounts appro-

1 priated under title IX and sections 100051 and 100052  
2 of Public Law 119–21 and, if such amounts have been  
3 depleted, amounts appropriated pursuant to section 1304  
4 of title 31, United States Code. Section 2675(a) of title  
5 28, United States Code, shall not apply to a civil action  
6 authorized under this paragraph. Notwithstanding any  
7 other provision of law, in cases authorized under this para-  
8 graph, a plaintiff may seek punitive damages. This para-  
9 graph shall constitute a waiver of sovereign immunity of  
10 the United States with respect to U.S. Customs and Bor-  
11 der Protection and U.S. Immigration and Customs En-  
12 forcement for any claim brought under this section. Noth-  
13 ing in this paragraph may be construed to limit or pre-  
14 clude any legal, equitable, or other remedy that is other-  
15 wise available against an individual officer, agent, or other  
16 person.”.

