

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.”.

