

.....
(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To provide a civil remedy for any individual whose rights have been violated by an officer or agent of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

IN THE HOUSE OF REPRESENTATIVES

Ms. SALINAS introduced the following bill; which was referred to the Committee on _____

A BILL

To provide a civil remedy for any individual whose rights have been violated by an officer or agent of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ICE and CBP Constitutional Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

6 (2) U.S. Immigration and Customs Enforce-
7 ment and U.S. Customs and Border Protection offi-
8 cers and agents have undermined the fundamental
9 rights guaranteed by those amendments, including—

10 (A) violating due process;
11 (B) racial profiling based on individuals'
12 skin color and languages spoken;
13 (C) conducting unreasonable and
14 warrantless searches and seizures; and
15 (D) violating individuals' rights to privacy
16 and free speech.

22 (4) Civil suits provide individuals a remedy
23 when their fundamental rights are violated by Gov-
24 ernment officials.

1 **SEC. 3. CIVIL REMEDY FOR VICTIMS OF UNLAWFUL IMMIGRATION ENFORCEMENT ACTIONS.**

3 Chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”) is
4 amended, in section 2674, by inserting after “punitive
5 damages.” the following: “If, while acting under color of
6 law, an officer or agent of U.S. Customs and Border Protection or
7 U.S. Immigration and Customs Enforcement, or any other person acting under the direction of any such
8 officer or agent, subjects, or causes to be subjected, any
9 individual within the jurisdiction of the United States to
10 the deprivation of any rights, privileges, or immunities secured
11 by the United States Constitution or laws, the
12 United States Government shall be liable to the aggrieved
13 party in an action at law, a suit in equity, or any other
14 proper proceeding for redress, regardless of whether a policy or custom of the Department of Homeland Security
15 caused the violation and without regard to whether the
16 officer, agent or other person was acting consistent with
17 an official policy, practice, or custom. Monetary damages
18 awarded in cases authorized under this paragraph shall
19 be derived from any amounts appropriated under title IX
20 and sections 100051 and 100052 of Public Law 119–21
21 and, if such amounts have been depleted, amounts appropriated pursuant to section 1304 of title 31, United States
22 Code. Section 2675(a) of title 28, United States Code,

1 shall not apply to a civil action authorized under this para-
2 graph. Notwithstanding any other provision of law, in
3 cases authorized under this paragraph, a plaintiff may
4 seek punitive damages. This paragraph shall constitute a
5 waiver of sovereign immunity of the United States with
6 respect to U.S. Customs and Border Protection and U.S.
7 Immigration and Customs Enforcement for any claim
8 brought under this section. Nothing in this paragraph may
9 be construed to limit or preclude any legal, equitable, or
10 other remedy that is otherwise available against an indi-
11 vidual officer, agent, or other person.”.