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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

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To amend title 28, United States Code, to provide that the United States shall be the exclusive defendant in all suits based on constitutional torts committed by officers acting within the scope of their office or employment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# A BILL

To amend title 28, United States Code, to provide that the United States shall be the exclusive defendant in all suits based on constitutional torts committed by officers acting within the scope of their office or employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Constitutional Rights  
5 Defense Act of 2026”.

1 **SEC. 2. CAUSE OF ACTION.**

2 (a) IN GENERAL.—Chapter 171 of title 28, United  
3 States Code, is amended by inserting after section 2674  
4 the following:

5 **“§ 2674A. Liability of United States for deprivation of**  
6 **rights**

7 “A person injured by an employee of the Government  
8 who, acting within the scope of his office or employment,  
9 subjects such person, or causes such person to be sub-  
10 jected, to the deprivation of any right under the Constitu-  
11 tion, may bring a claim against the United States in a  
12 court of competent jurisdiction for compensatory damages.  
13 The liability of the United States shall be determined in  
14 accordance with applicable Federal law.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
16 for chapter 171 of title 28, United States Code, is amend-  
17 ed by inserting after the item relating to section 2674 the  
18 following:

“2674A. Liability of United States for deprivation of rights.”

19 (c) CONFORMING AMENDMENTS.—Chapter 171 of  
20 title 28, United States Code, is amended—

21 (1) in section 2675(a), by inserting “or for dep-  
22 rivation of rights under section 2674A” after “his  
23 office or employment”;

24 (2) in section 2676, by inserting “or section  
25 2674A” after “section 1346(b)”;

1           (3) in section 2677, by inserting “or section  
2           2674A” after “section 1346(b)”; and

3           (4) in section 2679—

4                 (A) in subsection (a), by inserting “or sec-  
5                 tion 2674A” after “section 1346(b)”; and

6                 (B) in subsection (b)—

7                         (i) in paragraph (1), by inserting “, or  
8                         by section 2674A for deprivation of  
9                         rights,” after “his office or employment”;  
10                         and

11                         (ii) in paragraph (2), by striking “em-  
12                         ployee of the Government” and all that fol-  
13                         lows through “for a violation of a statute  
14                         of the United States” and inserting “em-  
15                         ployee of the Government for a violation of  
16                         a statute of the United States”.

17 **SEC. 3. ADMINISTRATIVE ADJUSTMENT OF CLAIMS.**

18           Section 2672 of title 28, United States Code, is  
19 amended by inserting after “occurred” the following: “,  
20 or for a claim under section 2674A”.

21 **SEC. 4. LIABILITY OF UNITED STATES.**

22           Section 2674 of title 28, United States Code, is  
23 amended by striking the first sentence and inserting the  
24 following “The United States shall be liable in accordance  
25 with the provisions of sections 1346(b) of this title and

1 2674A, but shall not be liable for interest prior to judge-  
2 ment or for punitive damages. In the case of claims arising  
3 under the Constitution or statutes of the United States,  
4 recovery shall be available for compensatory damages.”.

5 **SEC. 5. AVAILABILITY OF JURY TRIALS.**

6 Section 2402 of title 28, United States Code, is  
7 amended by adding at the end the following: “For pur-  
8 poses of this section, any action under section 2674A shall  
9 be treated as an action under section 1346(a)(1).”.

10 **SEC. 6. EXCEPTIONS.**

11 Section 2680 of title 28, United States Code, is  
12 amended—

13 (1) in subsection (a), by inserting after “Any  
14 claim” the following: “(other than a claim under sec-  
15 tion 2674A)”; and

16 (2) in subsection (h)—

17 (A) by striking “assault, battery, false im-  
18 prisonment, false arrest, malicious prosecution,  
19 abuse of process,”; and

20 (B) by striking all that follows “contract  
21 rights” and inserting a period.