

116TH CONGRESS
2D SESSION

H. R. 7115

To expand the scope of section 1979 of the Revised Statutes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2020

Mr. VEASEY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To expand the scope of section 1979 of the Revised Statutes, 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 “Restoration of Civil
5 Rights Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Section 1 of the Act entitled “An Act to en-
9 force the provisions of the Fourteenth Amendment
10 to the Constitution of the United States and for

1 other purposes” (commonly known as the “Civil
2 Rights Act of 1871”), approved April 20, 1871 (17
3 Stat. 13, chapter 22) was enacted by Congress to
4 provide a Federal forum to which a civil cause of ac-
5 tion could be brought by any citizen of the United
6 States or other person within the jurisdiction there-
7 of, for the deprivation of any right, privilege or im-
8 munity secured by the Constitution or by Federal
9 statute.

10 (2) Congress was granted the authority to enact
11 the Civil Rights Act of 1871 by sections 1 and 5 of
12 the Fourteenth Amendment of Constitution of the
13 United States.

14 (3) Popularly known as the “Anti-Ku Klux
15 Klan Act”, the statute was enacted to provide a
16 Federal remedy to fight the “Klan’s reign of terror”
17 in the southern states, as reflected in President
18 Grant’s message to Congress on March 23, 1871,
19 which stated that the Klan had “render[ed] life and
20 property insecure” and that the “power to correct
21 these evils [was] beyond the control of state authori-
22 ties”.

23 (4) A Joint Committee from each House of
24 Congress addressed the problem, and the Commit-
25 tee’s product was the Civil Rights Act of 1871, from

1 which section 1979 of the Revised Statutes was de-
2 rived (42 U.S.C. 1983), which reads as follows:
3 “Every person who, under color of any statute, ordi-
4 nance, regulation, custom, or usage, of any State or
5 Territory or the District of Columbia, subjects, or
6 causes to be subjected, any citizen of the United
7 States or other person within the jurisdiction thereof
8 to the deprivation of any rights, privileges, or immu-
9 nities secured by the Constitution and laws, shall be
10 liable to the party injured in an action at law, suit
11 in equity, or other proper proceeding for redress, ex-
12 cept that in any action brought against a judicial of-
13 ficer for an act or omission taken in such officer’s
14 judicial capacity, injunctive relief shall not be grant-
15 ed unless a declaratory decree was violated or de-
16 claratory relief was unavailable. For the purposes of
17 this section, any Act of Congress applicable exclu-
18 sively to the District of Columbia shall be considered
19 to be a statute of the District of Columbia.”.

20 (5) Decisions of the United States Supreme
21 Court, beginning with *Monell v. New York City De-*
22 partment of Social Services, 436 U.S. 658 (1978),
23 have held that governmental entities are not respon-
24 sible or liable for damages caused by their agents or
25 employees who, in the course and scope of their em-

1 ployment, violate the constitutional rights of citizens
2 and other persons within the jurisdiction of the
3 United States.

4 (6) Decisions of the United States Supreme
5 Court, beginning with *Harlow v. Fitzgerald*, 457
6 U.S. 800 (1982), have established the doctrine of
7 “qualified immunity”, absolving the individual
8 wrongdoers themselves of liability for even the most
9 egregious violations of the Constitution unless there
10 exists a clearly established statutory or constitu-
11 tional precedent of which all reasonable public offi-
12 cials would have known.

13 (7) To be a clearly established precedent, there
14 must be a prior case whose “particularized facts”
15 clearly place the statutory or constitutional question
16 “beyond debate”. *White v. Pauly*, 137 S.Ct. 548,
17 551–52 (2017).

18 (8) Qualified immunity was not known at com-
19 mon law and has had the effect of nullifying the
20 right to seek redress for constitutional violations un-
21 less a virtually identical set of facts existed in a case
22 previously decided that is so well-known and recog-
23 nized that no reasonable public official would not
24 have knowledge thereof.

1 (9) The failure to hold governmental entities,
2 responsible for the constitutional violations of their
3 agents or employees acting within the course and
4 scope of their employment, together with the quali-
5 fied immunity the courts have granted the agents
6 and employees from personal responsibility for their
7 constitutional violations, deprive citizens of the
8 United States and other persons within its jurisdic-
9 tion of an effective remedy for the deprivation of
10 their rights, privileges or immunities secured by the
11 Constitution and laws of the United States, and spe-
12 cifically, drastically weaken the remedy granted by
13 section 1979 of the Revised Statutes (42 U.S.C.
14 1983), making this bill which amends the section
15 necessary in order to restore the purpose and intent
16 of section 1979 of the Revised Statutes.

17 **SEC. 6. EXPANDING CIVIL RIGHTS REMEDIES.**

18 Section 1979 of the Revised Statutes of the United
19 States (42 U.S.C. 1983) is amended—

20 (1) by inserting “(a)” before the first sentence;

21 and

22 (2) by adding at the end the following:

23 “(b) Any person against whom any action, suit, or
24 proceeding is filed under subsection (a) for an act or omis-
25 sion taken in the person’s official capacity may not raise

1 as a defense that such act or omission did not violate a
2 clearly established statutory or constitutional right.

3 “(c) In any action, suit, or proceeding filed under
4 subsection (a) in which a person is held liable for an act
5 or omission taken in the person’s official capacity, any
6 State or Territory or the District of Columbia, of which
7 the person is an employee, shall be vicariously liable for
8 such act or omission if the act or omission of the person
9 are attributable to violations of the 14th Amendment by
10 the State or Territory or the District of Columbia, as the
11 case may be.

12 “(d) Any person who is an employee or contractor
13 of a State or Territory or the District of Columbia and
14 is found to be liable under subsection (a) for acts or omis-
15 sions occurring in the course and scope of such person’s
16 employment or agreement is entitled to indemnification by
17 such State or Territory or the District of Columbia if the
18 act of omission is taken in the person’s official capacity
19 and attributable to violations of the 14th Amendment by
20 the State or Territory or the District of Columbia, as the
21 case may be.

22 “(e) Any United States Attorney may bring a civil
23 action for a violation of this section on behalf of any cit-
24 izen of the United States or other person within the juris-

1 diction thereof before the appropriate Federal district
2 court for appropriate relief.”.

3 **SEC. 7. APPLICATION.**

4 The amendments made by this Act shall apply to any
5 action, suit, or proceeding pending on the date of enact-
6 ment of this Act or filed on or after such date.

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