

116TH CONGRESS
2D SESSION

H. R. 9060

To amend section 1979 of the Revised Statutes of the United States to clarify that States are persons for purposes of liability under that section, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 31, 2020

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

A BILL

To amend section 1979 of the Revised Statutes of the United States to clarify that States are persons for purposes of liability under that section, 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. FINDINGS.**

4 Congress finds the following:

5 (1) The United States Supreme Court has held
6 that the Eleventh Amendment grants sovereign im-
7 munity to States in Federal court absent a waiver
8 by the State or congressional action.

1 (2) The United States Supreme Court has fur-
2 ther held that a lawsuit brought under section 1979
3 of the Revised Statutes of the United States (42
4 U.S.C. 1983) against a government official for ac-
5 tions taken in their official capacity is to be treated
6 as a lawsuit against the entity of which the officer
7 is an agent.

8 (3) Due to sovereign immunity, lawsuits for ac-
9 tions brought under such section may be filed
10 against a State government official in their personal
11 capacity but not in their official capacity.

12 (4) This Act does not increase liability for gov-
13 ernment officials in personal capacity cases in any
14 way, but helps to ensure equitable and monetary re-
15 lief for victims of civil rights violations.

16 **SEC. 2. LIABILITY OF STATES FOR ACTIONS UNDER COLOR**
17 **OF LAW.**

18 Section 1979 of the Revised Statutes of the United
19 States (42 U.S.C. 1983) is amended by adding at the end
20 the following: “For purposes of this section, the term ‘per-
21 son’ includes a State or Commonwealth, and a depart-
22 ment, office, or officer acting in their official capacity,
23 thereof.”

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