

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a private cause of action for citizens wrongfully arrested or detained during Operation Midway Blitz, Operation Metro Surge, or similar operations.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

H. R. 7148

Making further consolidated appropriations for the fiscal year ending September 30, 2026, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. DUCKWORTH

Viz:

1 At the appropriate place, insert the following:

2 **SEC. _____. CITIZENS ARE AS IMPORTANT AS SEN-**
3 **ATORS.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Citizens Are as Important as Senators Act”.

6 (b) **PRIVATE CAUSE OF ACTION.**—

7 (1) **DEFINITION.**—In this subsection:

8 (A) **COVERED INDIVIDUAL.**—The term
9 “covered individual” means—

10 (i) a citizen or national of the United
11 States who was—

2

1 (I) arrested or detained in the
2 course of a Federal law enforcement
3 operation—

4 (aa) in Illinois under Oper-
5 ation Midway Blitz;

6 (bb) in Minnesota under Op-
7 eration Metro Surge; or

8 (cc) in connection with any
9 Department of Homeland Secu-
10 rity enforcement operation involv-
11 ing the deployment of a large
12 number of U.S. Immigration and
13 Customs Enforcement or U.S.
14 Customs and Border Protection
15 officers or agents to a specific
16 metropolitan area; and

17 (II) later released without
18 charges and never formally accused of
19 wrongdoing; or

20 (ii) a family member of a national of
21 the United States killed in an operation
22 described in clause (i)(I).

23 (B) NATIONAL OF THE UNITED STATES.—

24 The term “national of the United States” has
25 the meaning given the term in section 101(a) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)).

3 (2) PRIVATE CAUSE OF ACTION.—

4 (A) CAUSE OF ACTION.—Any covered indi-
5 vidual may bring a civil action against the
6 United States if the violation was committed by
7 an officer, employee, or agent of the United
8 States or of any Federal department or agency.

9 (B) RELIEF.—

10 (i) IN GENERAL.—If a covered indi-
11 vidual prevails on a claim under this sec-
12 tion, the court shall award—

13 (I) except as provided in clause

14 (ii), the greater of—

15 (aa) statutory damages of
16 \$500,000; or

17 (bb) the amount of actual
18 damages;

19 (II) reasonable attorney's fees
20 and costs of litigation; and

21 (III) such injunctive or declara-
22 tory relief as may be appropriate.

23 (ii) FAMILY MEMBERS.—In the case
24 of a covered individual described in para-

graph (1)(A)(ii), the court shall award the greater of—

(I) statutory damages of not less than \$500,000; or

(II) the amount of actual damages.

(iii) PRELIMINARY RELIEF.—Upon motion by a covered individual, a court may award such preliminary injunctive relief as the court determines appropriate with respect to a claim under this section.

(C) LIMITATIONS AND IMMUNITY.—

(i) PERIOD OF LIMITATIONS.—A civil action under this section may not be commenced later than 5 years after the covered individual first obtains actual notice of the violation of this section.

(ii) NO IMMUNITY DEFENSE.—No officer, employee, or agent of the United States or of any Federal department or agency shall be entitled to assert any form of absolute or qualified immunity as a defense to liability under this section.

(D) WAIVER OF SOVEREIGN IMMUNITY.—

The United States expressly waives sovereign

1 immunity with respect to actions brought under
2 this section.

3 (E) AFFIRMATIVE DEFENSE FOR TARGET
4 INVESTIGATIONS.—It shall be an affirmative
5 defense to an action under this section if the
6 United States establishes that—

7 (i) the individual had an outstanding
8 Federal warrant for their arrest; or

9 (ii) the individual was arrested or de-
10 tained in relation to an investigation other
11 than an investigation described in para-
12 graph (1)(A)(i)(I).

13 (3) LIMITED RETROACTIVE APPLICABILITY.—
14 This section shall apply to any arrest or detention
15 described in paragraph (1)(A)(i)(I)—

16 (A) in the case of Operation Midway Blitz,
17 occurring on or after September 8, 2025;

18 (B) in the case of Operation Metro Surge,
19 occurring on or after December 1, 2025; and

20 (C) in the case of an investigation de-
21 scribed in item (cc) of that paragraph, occur-
22 ring on or after January 20, 2025.