

116TH CONGRESS  
2D SESSION

# H. R. 8976

To clarify access to courts of the United States for persons seeking redress for a violation of a constitutional right by the United States or any agent, person, or entity acting in the name of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2020

Mr. DANNY K. DAVIS of Illinois introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To clarify access to courts of the United States for persons seeking redress for a violation of a constitutional right by the United States or any agent, person, or entity acting in the name of the United States, 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 “Access to the American  
5 Courts Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The United States Constitution sets forth  
2 limits on the ability of the United States to act.

3           (2) The Constitution would not have been  
4 adopted and therefore the United States of America  
5 would not have been formed or come into existence  
6 unless the Bill of Rights, the first 10 Amendments  
7 to the Constitution, had not been adopted prior to  
8 its approval by the first 13 States forming the  
9 United States of America.

10          (3) The right of the American people to hold  
11 the United States accountable for violations of the  
12 Constitution committed by people acting allegedly in  
13 the name of the United States has been the corner-  
14 stone and bedrock upon which the freedom of the  
15 American people has been based.

16          (4) The right of the American people to come  
17 before a court and seek redress and thereby hold the  
18 Government of the United States accountable for  
19 violations of the Constitution is now seriously dis-  
20 puted.

21          (5) The Executive Branch of the United States  
22 Government has asserted, in actions filed in the  
23 United States courts by Americans seeking redress  
24 for alleged Constitutional violations, that no one can  
25 sue the Government, even for a Constitutional viola-

1       tion, unless the Government first agrees to be sued.  
2       The Executive Branch has asserted an overbroad in-  
3       terpretation of the extent of sovereign immunity,  
4       which bars suits against the Government based on  
5       statutory violations, to now include suits based on  
6       Constitutional violations as well.

7               (6) The effect of the Executive Branch's exten-  
8       sion of sovereign immunity so as to include constitu-  
9       tional rights as well as statutory rights would be  
10      that—

11               (A) the Bill of Rights would be converted  
12      to a mere bill of suggested rights; and

13               (B) constitutional rights would be enforce-  
14      able only when and if the Government deigns to  
15      grant permission for their individual enforce-  
16      ment on a case-by-case basis.

17               (7) The Bill of Rights and the other Amend-  
18      ments to the Constitution are not mere suggestions,  
19      but the inherent and enforceable rights possessed by  
20      all American people. These Amendments grant to all  
21      Americans the right to seek redress for Constitu-  
22      tional violations committed in the name of the  
23      United States without first having to obtain the per-  
24      mission of the Government before seeking such re-  
25      dress in Federal court.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) all Americans should have access to Federal  
4 courts in order to seek relief and redress for alleged  
5 claims of violations of constitutional rights; and

6 (2) the doctrine of sovereign immunity, as well  
7 as any assertion of any statute of limitation or equi-  
8 table laches (under equity or statute) was never in-  
9 tended to bar, restrict, hinder or otherwise delay ac-  
10 cess to court or the filing of a claim seeking relief  
11 or redress against the Government for an alleged  
12 violation of a constitutional right.

13 **SEC. 4. JURISDICTION OF DISTRICT COURTS.**

14 The district courts of the United States shall have  
15 jurisdiction to hear any complaint or claim for relief based  
16 upon an alleged violation of a constitutional right by the  
17 United States or any agent, person or entity acting in the  
18 name of the United States. Each such court has authority  
19 to grant any relief necessary to redress a violation of a  
20 constitutional right, including monetary, injunctive, and  
21 declaratory relief.

22 **SEC. 5. RIGHT TO A JURY TRIAL.**

23 A person filing an action in a district court of the  
24 United States seeking redress for a violation of a constitu-  
25 tional right by the United States or any agent, person,  
26 or entity acting in the name of the United States shall

1 have the right to request a jury trial. In the case of an  
2 action containing both constitutional and non-constitu-  
3 tional claims against the United States, the court shall  
4 grant jury trial for all claims, and shall grant a jury trial  
5 for the constitutional claims.

6 **SEC. 6. ATTORNEY FEES AND COSTS.**

7       In the case that the plaintiff prevails in an action  
8 brought against the United States seeking redress for a  
9 violation of a constitutional right by the United States or  
10 any agent, person, or entity acting in the name of the  
11 United States, the court shall award the plaintiff attorney  
12 fees and costs.

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