

93RD CONGRESS

2ND SESSION

S. 35

To re-establish and re-organize the origins for civil claims, torts, and civil liability in the United States.

IN THE UNITED STATES SENATE

JULY 27, 2024

MR. COAST BREEZE for the great state of CALIFORNIA (for himself and VICE PRESIDENT ALEX J. CABOT introduced the following bill: which was later referred to the Committee on the Judiciary, Government Affairs and Ethics.

A BILL

1 *Be it enacted by the Senate and House of Representatives of*
2 *the United States in Congress as Assembled.*

3

4 **TITLE I – PREFATORY ISSUES AND PURPOSE**

5

6 **SECTION 101. GENERAL PROVISIONS.**

7 (a) This Act shall be cited as “S. 35”, “CCTA of 2024” or the “Civil
8 Claims and Torts Act of 2024”.

9 (b) Any part of any act, joint resolution, or codified law that
10 conflicts with this Act shall be considered null and void.

1 (c) This Act shall be consistent with the doctrine of severability
2 adopted by the courts of the United States and its inherent
3 presumption.

4 (d) This Act shall go into effect immediately upon constitutionally
5 and lawfully recognized promulgation.
6

7 **SEC. 102. DEFINITION; UNITED STATES.**

8 (a) The definition of the phrase ‘the United States’ or ‘the United
9 States of America’ or ‘the government’ shall include the
10 government of the United States of America *and* the
11 government, agents and actors of the District of Columbia and
12 any other municipality in the United States.

13 (b) The courts of the United States shall interpret the provisions of
14 this Act to apply to the United States of America, its
15 municipalities, its governments, and *all* respective agents
16 thereof unless such an interpretation would produce a *contra*
17 *legem* result.
18

19 **SEC. 103. PURPOSE AND INTENT.**

20 (a) *Whereas*, Title III and Title IV of the Judicial and Government
21 Procedures Act 2024 were temporary codified fixes to a long-
22 term issue.

23 (b) *Whereas*, a more comprehensive approach to US tort law is
24 needed including addressing *Bivens* claims and the FTCA.

25 (c) *Resolved*, the Congress deems it necessary to issue a
26 comprehensive Act addressing *all* relevant aspects of civil
27 liability and claims in the United States of America.
28
29

1 **TITLE II – CLAIMS AGAINST THE**
2 **UNITED STATES AND ITS AGENTS**

3
4 **SEC. 201. BIVENS CLAIMS; ABOLITION.**

5 (a) This Act shall serve to function as a complete and absolute
6 replacement of the functions, procedures and common law tests
7 governing and stemming from *Bivens* claims.

8 (b) *Resolved*, *Bivens* claims are abolished. Individuals of the
9 United States may seek damages, injunctive relief and
10 reparations from agents and actors of the United States as
11 outlined in this Act.

12 (1) The United States District Court and other courts of the
13 United States shall assume the common law powers left
14 absent and previously afforded to the state courts
15 following the repeal of the FTCA.

16
17 **SEC. 202. QUALIFIED IMMUNITY.**

18 (a) *Whereas*, the Supreme Court of the United States has wrongly
19 implied that the Congress intended for an immunity to arise out
20 of 42 U.S. Code § 1983.

21 (b) *Resolved*, it shall be the explicit policy of the United States, its
22 legislatures, executive and departments that qualified immunity
23 is hereby abolished for claims arising outside of this Act and 42
24 U.S. Code § 1983.

25 (c) Whilst 42 U.S. Code § 1983 shall remain intact and enforceable
26 the United States Courts shall ensure any future interpretation
27 does not produce a *contra legem* result.

28 (1) The last sentence of the statute shall be amended, and
29 the following shall be inserted so that it reads “For the

1 purposes of this section, any Act of Congress applicable
2 exclusively to the District of Columbia *along with any*
3 *statute, resolution, directive or ordinance adopted by*
4 *the District of Columbia’s government or its*
5 *representatives and agents* shall be considered a statute
6 of the District of Columbia.

7
8 **SEC. 203. AMENDMENTS.**

9 (a) The National Employment and Labor Act 2024 shall have a
10 subsection inserted under Section 101(a) which shall read:

11 (1) “(1) this original jurisdiction shall exist in the context of
12 *disciplinary* decisions and shall not serve to *estop* any
13 sort of claim arising under the Civil Claims and Torts
14 Act 2024 from proceeding simultaneously or after either
15 respective proceeding has ended.”

16 (b) The Employment Protection and Regulation Act 2024 shall be
17 amended and in Section 3 of the Act subsection (c) shall be
18 created and the following inserted which shall read:

19 (1) “(c) All references made in this Act to an ‘employer of
20 the United States’, ‘agencies’, ‘departments’ and ‘agents’
21 of the same shall be defined to include the federal
22 government, its agencies, subsidiaries and branches, all
23 municipal and local governments in the United States of
24 the same and all private employers operating within the
25 United States.”

26 (2) The amendment applied above shall not be construed to
27 abridge causes of action established in the EPRA 2024
28 from employees of the employers mentioned in Section
29 203(b)(1) of this Act.

(3) The EPRA's causes of action shall remain enforceable even in cases where employers fail to enact or produce contracts to the Act's effect.

(i) Ignorance or failure to establish written contracts by the relevant employers mentioned before in this section shall not negate any liability, they may face under the EPRA, nor shall it abridge any employee's cause of action.

SEC. 204. SOVEREIGN IMMUNITY.

(a) This Act shall be construed by the Courts of the United States as to diminish the doctrine of sovereign immunity to allow causes of action as outlined in this Act to proceed.

(b) Upon showing of there being a *prima facie clear* and *plausible* violation of a constitutionally protected right any claim made by the United States as to invoke sovereign immunity must be denied by the court of first instance as a matter of law.

TITLE III – CAUSES OF ACTION; ESTABLISHED

SEC. 301. PREFACE.

(a) Any citizen of the United States may file suit in the United States District Court to pursue any individual for tortious conduct *only* for a cause of action as established and authorized by this Act.

(1) The normal rules of standing remain unaffected and fully operable under this Act.

1 (2) No claim of sovereign immunity may be invoked by the
2 United States as a defence to any claim or cause of action
3 established in this Act.

4 (b) The United States District Court retains original jurisdictions
5 for all claims arising under this Act.

6 (c) The United States Archivist shall publish these torts in a
7 *Public Database* or *Public Forum* with their respective
8 applicable citations as found in this Act.

9 (d) No Court of the United States shall possess jurisdiction to
10 review disputes relating to torts or causes of action arising
11 outside of the normal territories and jurisdiction of the United
12 States of America.

13 (1) No Court of the United States shall possess jurisdiction
14 to adjudicate any matter in which ROBUX or any real-
15 life currency is sought as a remedy.

16 (e) Only the torts in this Act shall be recognized as actionable and
17 legitimate causes of action to pursue in the Courts of the United
18 States.

19

20 **SEC. 302. ASSAULT.**

21 (a) Any person who creates a reasonable apprehension of imminent
22 harm against another or applies offensive contact against
23 another shall be liable under this section.

24 (b) RELIEF. The court may award compensatory, actual,
25 declaratory, injunctive, or punitive damages along with other
26 common law remedies they see fit not exceeding \$150,000.

27

28 **SEC. 303. BATTERY.**

1 (a) Any person who voluntarily brings about the unlawful
2 application of force or offensive contact against another and
3 thus causes bodily harm or injury shall be liable under this
4 section.

5 (b) RELIEF. The court may award compensatory, actual,
6 declaratory, injunctive, or punitive damages along with other
7 common law remedies they see fit not exceeding \$250,000.

8

9 **SEC. 304. TRESPASS TO LAND OR CHATTELS.**

10 (a) Any person who either interferes with the proprietary rights of
11 another or passes onto or into the property or chattels of
12 another without lawful justification shall be liable under this
13 section.

14 (b) RELIEF. The court may award compensatory, actual,
15 declaratory, injunctive, or punitive damages along with other
16 common law remedies they see fit not exceeding \$100,000.

17

18 **SEC. 305. FALSE IMPRISONMENT.**

19 (a) Any person who intentionally and without legal justification
20 restrains a person against their will, interferes with their ability
21 to exercise their own movement or unlawfully detains or
22 imprisons another shall be liable under this section.

23 (b) RELIEF. The court may award compensatory, actual,
24 declaratory, injunctive, or punitive damages along with other
25 common law remedies they see fit not exceeding \$550,000.

26

27 **SEC. 306. NEGLIGENCE.**

28 (a) Any person who having owed a duty of care to another fails to
29 provide such duty of care to the standard that any reasonable

1 prudent person would in the same or similar circumstances and
2 thus causes harm to another shall be liable under this section.

3 (b) RELIEF. The court may award compensatory, actual,
4 declaratory, injunctive, or punitive damages along with other
5 common law remedies they see fit not exceeding \$375,000.

6
7 **SEC. 307. DEFAMATION; FALSE LIGHT.**

8 (a) Any person who makes, publishes, or expresses a false,
9 misleading, or defamatory statement to a third party or public
10 medium which causes or is likely to cause serious harm to the
11 reputation of another person shall be liable under this section.

12 (b) RELIEF. The court may award compensatory, actual,
13 declaratory, injunctive, or punitive damages along with other
14 common law remedies they see fit not exceeding \$500,000.

15
16 **SEC. 308. BREACH OF CONTRACT.**

17 (a) Any person who having lawfully entered into a binding
18 agreement or contract fails to fulfil the terms of the agreement
19 without lawful excuse shall be liable under this section.

20 (b) RELIEF. The court may award compensatory, actual,
21 declaratory, injunctive, or punitive damages along with other
22 common law remedies they see fit not exceeding \$850,000.

23 (1) The monetary damages may exceed \$850,000 only in
24 cases where there is an explicit monetary damage
25 provision which exceeds \$850,000 and all concerned
26 parties have agreed to that provision.

27 (2) The tort of ‘breach of contract’ shall be a tort of strict
28 liability.

29

1 **SEC. 309. ABUSE OF PROCESS.**

2 (a) Any person who misuses any recognized process, right or
3 proceeding[s], or abuses the right of access to such, with an
4 ulterior motive or malicious purpose (which may be explicit or
5 implicit) shall be liable under this section.

6 (b) RELIEF. The court may award compensatory, actual,
7 declaratory, injunctive, or punitive damages along with other
8 common law remedies they see fit not exceeding \$650,000.

9 (1) The court may also consider declaring the defendant a
10 ‘vexatious’ or ‘frivolous’ litigator and require future
11 ‘cause[s] of action’ filings only be permitted with the
12 leave of the Chief Judge of the U.S. District Court.

13

14 **SEC. 310. CIVIL CONSPIRACY.**

15 (a) Any person who conspires with another to commit an unlawful
16 act(s) to achieve any lawful objective but nonetheless
17 unreasonably interferes with the rights, privileges, liberties, or
18 immunities afforded to another in such a process shall be liable
19 under this section.

20 (b) RELIEF. The court may award compensatory, actual,
21 declaratory, injunctive, or punitive damages along with other
22 common law remedies they see fit not exceeding \$450,000
23 against each prospective defendant.

24

25 **SEC. 312. CIVIL RIGHTS ACTION.**

26 (a) Any person who by act or omission and whether through an
27 official or private function interferes with or deprives another of
28 their protected rights, characteristics, privileges, liberties, or
29 immunities which are guaranteed or established in either the

1 United States Constitution, the laws of the United States, the
2 laws of its municipalities or the common law of the United
3 States without legal justification shall be liable under this
4 section.

5 (b) RELIEF. The court may award compensatory, actual,
6 declaratory, injunctive, or punitive damages along with other
7 common law remedies they see fit not exceeding \$950,000.

8
9 **SEC. 313. VIOLATION OF THE PUBLIC LAW.**

10 (a) Any person who violates a *public* law of the United States,
11 including the Constitution of the United States or any municipal
12 law in the United States without cause or justification shall be
13 liable under this section.

14 (b) RELIEF. The court may award declaratory and injunctive relief
15 including through the issuance of extraordinary writs.

16
17 **SEC. 314. ULTRA VIRES ACTION.**

18 (a) Any person who exercises a power or authority without an
19 implied or explicit statutory or constitutional origin or exercises
20 an existing lawful power *beyond* its implied or explicit statutory
21 or constitutional boundar[ies] and in turn causes harm or injury
22 to another or is *likely* to cause such shall be liable under this
23 section.

24 (b) RELIEF. The court may award declaratory and injunctive relief
25 through the issuance of extraordinary writs including but not
26 limited to:

27 (1) Writs of Quo Warranto;

28 (2) Writs of Mandamus;

29 (3) Writs of Prohibition;

(4) An Order to Show Cause.

SEC. 315. ANY PERSON; DEFINED.

(a) The phrase ‘any person’ used in Title III of this Act shall extend to persons (in plural), any agent or actor on behalf of the United States, its municipalities, any department or ancillary agency or representative of the United States, members, and representatives and actors on behalf of each of its respective branches, departments, or localities.

(1) § 102 of this Act shall be transferable to the definition(s) in this section as well.

(b) The phrase ‘any person’ shall also extend to private employers, private corporations, commercial entities and their respective agents, employees, and representatives.

TITLE IV – CIVIL CLAIMS AND PROCEDURES

SEC. 401. REPEALS.

(a) The Federal Torts Claims Act of 1946 and all its associated amendments and U.S. Code provisions are hereby repealed in full and deemed null and void.

(b) Title III and Title IV of the Judicial and Government Procedures Act of 2024 are hereby repealed in full and deemed null and void.

(c) The legal principles and precedent established based on claims and causes of action originating from these Acts shall remain persuasive and appropriately binding.

SEC. 402. LIMITATIONS PERIOD.

1 (a) No claim shall be filed against another under the authority of
2 this Act in which the cause of action and tortious conduct has
3 occurred more than forty-five (45) days since the date of filing
4 with the United States District Court.

5 (b) The Court may depart from the limitation period set out in §
6 402(a) of this Act in cases where it would be ‘equitable’ or the
7 plaintiff would suffer an unforeseen detriment that the Act
8 never intended to bring about.

9
10 **SEC. 403. AWARDS; ENFORCEMENT.**

11 (a) Within forty-eight (48) hours of a final judgement being
12 rendered by the Court and no notice of appeal or stay having
13 been filed or granted the defendant shall be mandated to make
14 full payment and fulfil all other appropriate remedies required
15 to be given to the plaintiff.

16 (1) In cases where the cumulative award made against the
17 defendant costs over \$500,000 the defendant shall be
18 made to pay (at minimum) 30% of the final award within
19 the forty-eight (48) hour period.

20 (i) This subsection shall only be invoked in cases
21 where the judge is satisfied that the defendant
22 does not possess \$300,000 at minimum in their
23 banking account.

24 (ii) The judge may ask for supporting evidence
25 before granting leave to stagger the award and
26 costs associated with such.

27 (2) In cases outlined in § 403(a)(1)(i) of this Act the
28 defendant must make full payment of the awards and
29 damages outlined by the judge payable to the plaintiff(s)

1 within five (5) days from a final judgement being
2 rendered by the Court.

3 (i) A failure to pay *fully* the amount granted in the
4 awards and costs order shall constitute
5 contemptuous behaviour as outlined in 18 U.S.
6 Code § 401 and every day there is a failure to
7 pay the defendant(s) may be issued with four (4)
8 days of summary contempt.

9 (ii) Before contempt is issued under this section an
10 Order to Show Cause must be made against the
11 defendant(s) to explain why they have failed to
12 *fully* pay.

13 (iii) The Court shall exercise equitable decision-
14 making powers in this show cause hearing.

15 (b) Accompanying any final judgement in a civil cause of action
16 where a claim is upheld, and monetary damages are awarded to
17 the plaintiff there shall be a ‘Costs and Awards Order’.

18 (c) This ‘Costs and Awards Order’ shall include all awarded
19 monetary damages, other relief as specified by this Act and all
20 associated attorney’s costs.

21 (1) No *pro se* litigant shall be able to claim attorney’s costs –
22 only those authorized to practice in Courts of the United
23 States may charge and recover attorney’s fees.

24 (d) Attorney’s fees that are recoverable shall not exceed \$1.5
25 million.

26 (e) No defendant shall be burdened with a judgement of more than
27 \$3.5 million nor may a plaintiff recover any costs associated
28 with the same cause of action exceeding that amount.
29

1 **SEC. 404. DEFAULT JUDGEMENT.**

2 (a) Default judgement shall be issued within seven (7) days of the
3 filing of a complaint and the failure of the defendant(s) to
4 provide an adequate response.

5 (1) Before issuing default judgement the defendant(s) ought
6 not be provided with a pre-emptive notice as of right and
7 instead it shall be at the discretionary of the judge.

8 (b) A failure to make *full* payment of all associated costs in a
9 manner like and prescribed in § 403 of this Act shall result in
10 the same consequences.

11

12 **SEC. 406. DEFENCES.**

13 (a) All common law defences for all the listed torts in this act are
14 preserved and may be invoked as affirmative defences that may
15 be invoked during a trial.

16 (1) In some cases, it may be appropriate for the courts to
17 analyse the jurisprudence of state courts when defences
18 are raised against torts in this Act which are not
19 established as real-life federal causes of action but do
20 exist as state-level causes of action.

21 (b) Courts of the United States shall be prohibited from applying
22 any test of *qualified immunity* which is explicitly abolished in
23 this Act via the grant of power made in this section.

24

25 **SEC. 407. GOVERNMENT LITIGATION.**

26 (a) No agency or department of the United States may bring a suit
27 against another agency or department of the United States
28 except without the written and expressed permission of the
29 Attorney General of the United States.

1 (b) This section shall not be construed as to deny, interfere or
2 abridge the right of civil servants and employees of such from
3 bringing a cause of action against any agency or department of
4 the United States.

5
6 **SEC. 408. MEDIATION; MANDATED.**

7 (a) In cases where the judge finds that judicial economy would best
8 be preserved by an attempt at dispute resolution, he may order
9 both parties and their representatives engage in a period of
10 mediation lasting no longer than seven (7) days.

11 (1) The judge should seek to appoint an independent,
12 impartial, and active mediator to oversee such
13 proceedings.

14 (2) The Chief Judge of the District Court shall certify a list
15 of seven (7) ‘accredited mediators’ (who shall be
16 attorneys-at-law) and who may be picked to fulfil the
17 purposes outlined in § 408 of this Act.

18 (b) At the end of the seven (7) day period the mediator shall return
19 to court and provide receipt of a ‘Report of Attempted
20 Mediation’ providing further details that the court sees fit to
21 have put on record.

22 (1) This Report of Attempted Mediation may be counted
23 adversely against any party who fails to actively and in
24 good faith participate in an attempt at alternative
25 dispute resolution.