

**SENATE . . . . . No. 3083**

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Senate, May 7, 2026 -- (Filed by Mr. Tarr et al) Order relative to requesting the opinions of the Honorable Justices of the Supreme Judicial Court on important questions of law relative to “An Act promoting rule of law, oversight, trust and equal constitutional treatment,” as pending before the Massachusetts State Senate.

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**The Commonwealth of Massachusetts**

Senate, May 07, 2026.



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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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1           *Ordered*, Whereas, House 5316, entitled “An Act promoting rule of law, oversight, trust  
2 and equal constitutional treatment,” is pending before the Massachusetts State Senate; and  
3 Whereas, Section 1 of Senate Amendment No. 3072 to House No. 5316 creates a state law cause  
4 of action allowing individuals to bring suit in state court against federal officers acting under  
5 color of federal law for alleged violations of rights secured by the Constitution of the United  
6 States; and  
7 Whereas, Congress has enacted statues governing liability for such violations by federal officers;  
8 and

9 Whereas, Section 1 therefore raises substantial questions under the Supremacy Clause of the  
10 United States Constitution, including whether Congress has occupied the field of federal officer  
11 liability through the Federal Tort Claims Act, the Federal Employees Liability Reform and Tort  
12 Compensation Act of 1988 (Westfall Act), and related federal remedies, and whether a state law  
13 cause of action against federal officers is barred by the doctrine of intergovernmental immunity  
14 or constitutes an obstacle to federal objectives; and

15 Whereas, Senate Amendment No. 3072 to House No. 5316 also imposes restrictions on civil  
16 immigration enforcement, including restrictions on civil arrests in childcare facilities, schools,  
17 health care facilities, and courts, and

18 Whereas, these restrictions raise questions under the Supremacy Clause as to whether they are  
19 preempted by federal immigration law under the doctrines of field preemption or obstacle  
20 preemption as articulated in *Arizona v. United States*, 567 U.S. 387 (2012), and related cases;  
21 and

22 Whereas, the Senate is of the opinion that such grave doubts create important questions of law  
23 and constitutional interpretation that should be resolved before final legislative action is taken;  
24 now therefore be it

25 ORDERED,

26 That the opinions of the Honorable Justices of the Supreme Judicial Court be required by the  
27 Senate on the following important questions of law:

28 1. Federal Preemption of Section 1 (State Cause of Action Against Federal Officers)

29 Does Section 1 of Senate Amendment No. 3072—which creates a state law cause of action  
30 allowing individuals to sue federal officers in state court for alleged violations of rights secured  
31 by the Constitution of the United States—violate the Supremacy Clause of the United States  
32 Constitution, where Congress has enacted a comprehensive federal framework governing  
33 liability for federal officers, including the Federal Tort Claims Act, the Federal Employees  
34 Liability Reform and Tort Compensation Act of 1988 ( Westfall Act), and the limited federal  
35 constitutional remedies recognized under *Webster Bivens v. Six Unknown Named Agents of*  
36 *Federal Bureau of Narcotics*, 403 U.S. 388,(1971), such that Section 1 may be preempted under  
37 the doctrines of field preemption, obstacle preemption, or intergovernmental immunity?

#### 38 2. Federal Preemption of the Bill’s Restrictions on Civil Immigration Enforcement

39 Do the restrictions imposed by Senate Amendment No. 3072 on civil arrests—including  
40 restrictions on civil immigration arrests in childcare facilities, schools, health care facilities, and  
41 courts—violate the Supremacy Clause of the United States Constitution under the doctrines of  
42 field preemption or obstacle preemption?

#### 43 3. Obstacle Preemption Under *Arizona v. United States*

44 Does Senate Amendment No. 3072, or any of its restrictions, conflict with federal immigration  
45 law or federal objectives in a manner that would render the bill, or any part of it, invalid under  
46 the doctrine of obstacle preemption as articulated in *Arizona v. United States*, 567 U.S. 387  
47 (2012)?