

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish clear standards, training requirements, and reporting relating  
to immigration enforcement personnel.

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IN THE SENATE OF THE UNITED STATES

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Mr. KELLY (for himself and Mr. GALLEG0) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To establish clear standards, training requirements, and  
reporting relating to immigration enforcement personnel.

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 “Stop Excessive Force  
5       in Immigration Act of 2026”.

6       **SEC. 2. ENFORCEMENT STANDARDS.**

7       Chapter 9 of title II of the Immigration and Nation-  
8       ality Act (8 U.S.C. 1351 et seq.) is amended by inserting  
9       after section 287 the following:

1 **“SEC. 287A. FEDERAL IMMIGRATION ENFORCEMENT.**

2 “(a) USE OF FORCE.—

3 “(1) USE OF NON-DEADLY FORCE STAND-  
4 ARD.—All Federal immigration enforcement per-  
5 sonnel may only use non-deadly force if—

6 “(A) no reasonably effective, safe, and fea-  
7 sible alternative appears to exist to bring an un-  
8 lawful situation safely and effectively under  
9 control, after taking into account relevant fac-  
10 tors, such as age, injury, disability, and size of  
11 the subject;

12 “(B) all reasonable efforts are made to de-  
13 escalate tensions prior to using force;

14 “(C) the level of force used is proportional  
15 to the seriousness of the actual or threatened  
16 resistance; and

17 “(D) the risk of injury to a third person  
18 is minimized while using non-deadly force.

19 “(2) USE OF DEADLY FORCE STANDARD.—Any  
20 use of deadly force by Federal immigration enforce-  
21 ment personnel shall conform to the Department of  
22 Justice Policy on the Use of Deadly Force and Pro-  
23 hibited Restraint Techniques set forth in section 1–  
24 16.200 of the Justice Manual.

25 “(3) REASONABLENESS.—The reasonableness  
26 of a particular use of force shall—

1           “(A) be judged from the perspective of a  
2 reasonable officer on the scene; and

3           “(B) consider that law enforcement per-  
4 sonnel are often forced to make split-second de-  
5 cisions about the amount of force necessary in  
6 a particular situation in circumstances that are  
7 tense, uncertain, and rapidly evolving.

8           “(4) RETREAT.—

9           “(A) DEFINED TERM.—In this paragraph,  
10 the term ‘retreat’ does not mean tactical repo-  
11 sitioning or other de-escalation tactics.

12           “(B) IN GENERAL.—Federal immigration  
13 enforcement personnel who make or attempt to  
14 make an arrest—

15           “(i) need not retreat or desist from  
16 their efforts by reason of the resistance or  
17 threatened resistance of the person being  
18 arrested; and

19           “(ii) shall not be deemed an aggressor  
20 or lose the right to self-defense by the use  
21 of force when no reasonably effective, safe,  
22 and feasible alternative appears to exist, as  
23 determined under paragraph (1)(A), to ef-  
24 fect an arrest, prevent escape, or overcome  
25 resistance.

1           “(5) AFFIRMATIVE DUTY.—Federal immigra-  
2           tion enforcement personnel have an affirmative  
3           duty—

4                   “(A) to intervene to prevent or stop, as ap-  
5                   propriate, any other Federal immigration en-  
6                   forcement personnel from engaging in excessive  
7                   force or any other use of force that violates the  
8                   Constitution of the United States, this Act or  
9                   any other Federal law, or applicable policies re-  
10                  garding the reasonable use of force;

11                   “(B) after witnessing the excessive use of  
12                   force to report such action to their chain of  
13                   command or the Department of Homeland Se-  
14                   curity’s Office of the Inspector General; and

15                   “(C) to recognize and act upon their duty  
16                   to request and render medical aid, as appro-  
17                   priate.

18           “(6) MASKS.—Federal immigration enforce-  
19           ment personnel may not wear masks or face cov-  
20           erings unless a supervisory officer provides written  
21           approval for such use because—

22                   “(A) the target of their enforcement activ-  
23                   ity poses a national security threat;

1           “(B) there is a high likelihood that such  
2           personnel need to maintain anonymity for fu-  
3           ture covert operations; or

4           “(C) masks are necessary to protect such  
5           personnel’s physical health from environmental  
6           hazards.

7           “(7) IDENTIFICATION.—

8           “(A) IN GENERAL.—Federal immigration  
9           enforcement personnel shall wear a uniform or  
10          other identification clearly displaying the name  
11          of their agency or other indication that they are  
12          Federal immigration enforcement personnel un-  
13          less—

14               “(i) the target of their enforcement  
15               activity poses a public safety threat or a  
16               national security threat;

17               “(ii) not wearing such identification is  
18               necessary to safely carry out the enforce-  
19               ment activity; and

20               “(iii) such personnel receive prior  
21               written approval to not wear such identi-  
22               fication from a supervisory officer.

23           “(B) RESTRICTION.—All uniforms of Fed-  
24           eral immigration enforcement personnel may  
25           not exhibit the term ‘Police’ or any other identi-

1           fier that may result in such personnel being  
2           misidentified as local police officers.

3           “(b) RESTRICTED EQUIPMENT.—Federal immigra-  
4   tion enforcement personnel are prohibited from using or  
5   being equipped with noise flash diversionary devices (also  
6   known as flashbangs), rubber bullets, pepper balls, and  
7   tear gas unless such personnel—

8           “(1) are trained and certified for the use of the  
9   specified equipment;

10          “(2) are carrying out an immigration enforce-  
11   ment operation that involves—

12               “(A) the arrest of a person who—

13                   “(i) is in the presence or view of such  
14                   personnel; and

15                   “(ii) is entering or attempting to  
16                   enter the United States in violation of any  
17                   law; or

18               “(B) an enforcement target who is pre-  
19   senting a public safety threat or a national se-  
20   curity threat; and

21          “(3) with respect to circumstances described in  
22   paragraph (2)(B), have completed a tactical action  
23   plan (or a contingent tactical action plan in the  
24   event such personnel unexpectedly encounter their  
25   target and do not have sufficient time to seek addi-

1 tional approval without jeopardizing their ability to  
2 apprehend the target) that—

3 “(A) has been approved by their super-  
4 visor;

5 “(B) outlines the equipment they expect to  
6 use in the operation; and

7 “(C) provides justification for the need for  
8 such equipment.

9 “(c) BACKUP TEAM.—

10 “(1) IN GENERAL.—Any operation that does  
11 not qualify for an exception under subsection (b)  
12 may maintain a trained and certified backup team  
13 equipped with restricted non-deadly equipment that  
14 could be deployed whenever the safety of the pri-  
15 mary Federal immigration enforcement personnel or  
16 others is at risk.

17 “(2) FIRST AMENDMENT ACTIVITIES.—The  
18 safety of Federal immigration enforcement personnel  
19 shall not be determined to be at risk solely due to  
20 lawful protest or other activities protected by the  
21 First Amendment to the Constitution of the United  
22 States.

23 “(d) INVESTIGATIONS.—

24 “(1) BY FEDERAL AUTHORITIES.—The Office  
25 for Civil Rights and Civil Liberties and the Office of

1 Inspector General of the Department of Homeland  
2 Security and the Office of the Inspector General of  
3 the Department of Justice shall investigate and, if  
4 necessary, discipline Federal immigration enforce-  
5 ment personnel, within their primary jurisdiction,  
6 who violate the requirements under this section.

7 “(2) BY STATE OR LOCAL AUTHORITIES.—The  
8 Department of Homeland Security and the Depart-  
9 ment of Justice should allow State and local authori-  
10 ties to investigate violations of law relating to any  
11 excessive use of force by Federal immigration en-  
12 forcement personnel that results in death or serious  
13 bodily injury.

14 “(e) BODY AND VEHICLE CAMERA REQUIRE-  
15 MENTS.—

16 “(1) IN GENERAL.—Not later than 180 days  
17 after the date of the enactment of the Stop Exces-  
18 sive Force in Immigration Act of 2026, the Sec-  
19 retary of Homeland Security shall develop and dis-  
20 seminate a Department-wide directive requiring the  
21 use of—

22 “(A) body worn cameras by all Federal im-  
23 migration enforcement personnel; and



1           “(B) dashboard cameras for all vehicles  
2           being used in Federal immigration enforcement  
3           operations and associated recording protocols.

4           “(2) PRINCIPLES.—In preparing the directive  
5           required under paragraph (1), the Secretary of  
6           Homeland Security shall include—

7           “(A) benchmarks for implementing the use  
8           of body worn cameras by Federal immigration  
9           enforcement personnel and dashboard cameras  
10          for vehicles being used for Federal immigration  
11          enforcement operations to conform with a  
12          standard that cameras are on by default and  
13          may only be turned off in certain cir-  
14          cumstances;

15          “(B) training requirements, procedures,  
16          and best practices for the use of body worn  
17          cameras and dashboard cameras; and

18          “(C) plans to publicize the directive and  
19          the requirements under this section to ensure  
20          Federal immigration enforcement personnel and  
21          other impacted individuals are notified of the  
22          directive and policies.

23          “(3) EXCEPTION.—The directive required under  
24          paragraph (1) shall not apply to any Federal immi-  
25          gration enforcement personnel who operate in a loca-

1       tion where the Secretary of Homeland Security car-  
2       ries out redundant video monitoring or video surveil-  
3       lance that—

4               “(A) is maintained in good working order;  
5       and

6               “(B) provides video footage of a quality  
7       that is the same or better than that which  
8       would be captured by a body worn camera or a  
9       dashboard camera.

10       “(4) RETENTION OF FOOTAGE.—

11               “(A) IN GENERAL.—Except as provided in  
12       subparagraph (B), video footage from body  
13       worn cameras and dashboard cameras shall be  
14       retained by the Department of Homeland Secu-  
15       rity for 1 year after the date on which it was  
16       recorded and then permanently deleted.

17               “(B) ADDITIONAL RETENTION REQUIRE-  
18       MENTS.—Notwithstanding the retention and de-  
19       letion requirements under subparagraph (A)—

20               “(i) the video footage referred to in  
21       subparagraph (A) shall be automatically  
22       retained for not less than 3 years if the  
23       video footage captures an interaction or  
24       event involving—

25               “(I) any use of force; or

1 “(II) an encounter involving a  
2 registered complaint by a subject of  
3 the video footage;

4 “(ii) such video footage shall be re-  
5 tained for not less than 3 years if a longer  
6 retention period is voluntarily requested  
7 by—

8 “(I) the Federal immigration en-  
9 forcement personnel whose body cam-  
10 eras recorded the video footage if such  
11 personnel reasonably assert—

12 “(aa) the video footage has  
13 evidentiary or exculpatory value  
14 in an ongoing investigation; or

15 “(bb) they are subjects of  
16 the video footage and they rea-  
17 sonably assert the video footage  
18 has evidentiary or exculpatory  
19 value;

20 “(II) any superior officer of the  
21 Federal immigration enforcement per-  
22 sonnel whose body cameras recorded  
23 the video footage or who are subjects  
24 of the video footage if the superior of-  
25 ficer reasonably asserts the video foot-

1 age has evidentiary or exculpatory  
2 value;

3 “(III) any uniformed law enforce-  
4 ment officer if the video footage is  
5 being retained solely and exclusively  
6 for law enforcement training pur-  
7 poses;

8 “(IV) any member of the public  
9 who is a subject of the video footage;

10 “(V) any parent or legal guard-  
11 ian of a minor who is a subject of the  
12 video footage; or

13 “(VI) a spouse, next of kin, or le-  
14 gally authorized designee of a de-  
15 ceased person who is a subject of the  
16 video footage; or

17 “(iii) video footage may not be dis-  
18 carded until the conclusion of any inves-  
19 tigation or lawsuit to which such video  
20 footage is relevant.

21 “(5) RIGHT TO INSPECT.—During the retention  
22 periods described in paragraph (4), the right to in-  
23 spect, but not retain or in any matter alter, the body  
24 camera footage shall be given to—

1           “(A) any individual who is a subject of  
2 body camera video footage and his or her des-  
3 ignated legal counsel;

4           “(B) any parent of a minor who is a sub-  
5 ject of the body camera video footage and his  
6 or her designated legal counsel;

7           “(C) the spouse, next of kin, or legally au-  
8 thorized designee of a deceased subject of body  
9 camera video footage and his or her designated  
10 legal counsel;

11           “(D) Federal immigration enforcement  
12 personnel whose body camera recorded the  
13 video footage and their designated legal counsel,  
14 subject to the limitations and restrictions under  
15 this subsection;

16           “(E) the superior officers of the personnel  
17 whose body cameras recorded the video footage,  
18 subject to the limitations and restrictions under  
19 this subsection;

20           “(F) any defense counsel who claims, pur-  
21 suant to a written affidavit, to have a reason-  
22 able basis for believing a video may contain evi-  
23 dence that exculpates his or her client;

1                   “(G) any Member of Congress representing  
2                   the district in which the operation in the video  
3                   took place; and

4                   “(H) any Member of Congress who sits on  
5                   a congressional committee with jurisdiction over  
6                   the operation depicted in such video footage.

7           “(f) TRAINING.—Federal immigration enforcement  
8           personnel shall receive training, not less frequently than  
9           annually, on use of force policies and related legal updates,  
10          including training—

11                  “(1) that reinforces the appropriate exercise of  
12                  discretion and judgment in using non-deadly and  
13                  deadly force;

14                  “(2) that provides techniques for the use of and  
15                  reinforce the importance of de-escalation;

16                  “(3) on compliance with the protections con-  
17                  tained in the First Amendment to the Constitution  
18                  of the United States for journalists, protesters, and  
19                  those who assemble;

20                  “(4) on compliance with the protections con-  
21                  tained in the Fourth Amendment to the Constitution  
22                  of the United States against unreasonable searches  
23                  and seizures;

1 “(5) that reinforces the illegality of determining  
2 immigration enforcement targets primarily based on  
3 race;

4 “(6) that reinforces the affirmative duty of  
5 Federal immigration enforcement personnel—

6 “(A) to intervene to prevent or stop, as ap-  
7 propriate, any fellow officer from engaging in  
8 excessive force or any other use of force that  
9 violates the Constitution of the United States,  
10 any Federal law, or any applicable policy on the  
11 reasonable use of force; and

12 “(B) to request and render medical aid, as  
13 appropriate, whenever needed; and

14 “(7) on documenting and keeping records of  
15 practice for immigration enforcement operations.

16 “(g) REQUIRING NOTIFICATION FOR LOCAL LAW  
17 ENFORCEMENT.—Federal immigration enforcement per-  
18 sonnel shall notify local law enforcement of impending op-  
19 erations in their respective jurisdictions.

20 “(h) DHS REPORTING REQUIREMENTS.—Beginning  
21 not later than 3 months after the date of the enactment  
22 of the Stop Excessive Force in Immigration Act of 2026,  
23 the Secretary of Homeland Security shall submit to Con-  
24 gress semiannual reports regarding the criteria Federal  
25 immigration enforcement personnel use to determine

1 whether an immigrant poses a public safety threat or a  
2 national security threat, including—

3 “(1) a report detailing instances where deadly  
4 or non-deadly force was used, including—

5 “(A) the level of public safety or national  
6 security threat posed by the target;

7 “(B) the reason deadly or non-deadly force  
8 was administered;

9 “(C) specific instances where deadly or  
10 non-deadly force was improperly administered;  
11 and

12 “(D) the measures the Department of  
13 Homeland Security took to ensure account-  
14 ability for the improper use of deadly or non-  
15 deadly force;

16 “(2) a report detailing instances of assaults  
17 against Federal immigration enforcement personnel,  
18 including—

19 “(A) the total number of personnel in-  
20 volved in immigration enforcement operations;

21 “(B) the number of assaults against Fed-  
22 eral immigration enforcement personnel; and

23 “(C) details regarding the severity of such  
24 assaults;



1           “(3) a classified report detailing instances in  
2           which Federal immigration enforcement personnel  
3           operated without identification; and

4           “(4) a report regarding the frequency of Fed-  
5           eral immigration enforcement personnel using facial  
6           coverings.

7           “(i) DOJ REPORTING REQUIREMENT.—The Attor-  
8           ney General shall submit a semiannual report to Congress  
9           that describes—

10           “(1) the number and circumstances of incidents  
11           of individuals falsely impersonating Federal immi-  
12           gration enforcement personnel;

13           “(2) the public safety impact of such incidents;  
14           and

15           “(3) how the Department of Justice is com-  
16           bating such impersonations.

17           “(j) DATABASES.—

18           “(1) TRAINING AND CERTIFICATION DATA-  
19           BASE.—

20           “(A) IN GENERAL.—The Secretary of  
21           Homeland Security shall maintain a database  
22           that—

23           “(i) identifies all Federal immigration  
24           enforcement personnel who have completed  
25           all necessary training and certification re-

1                   quirements for using the equipment that is  
2                   restricted under subsection (b); and

3                   “(ii) is accessible to the supervisors of  
4                   such personnel.

5                   “(B) ENFORCEMENT.—Supervisors of  
6                   Federal immigration enforcement personnel  
7                   shall be held accountable if—

8                   “(i) any such personnel use equipment  
9                   restricted under subsection (b) without re-  
10                  ceiving the necessary training and certifi-  
11                  cation; or

12                  “(ii) they improperly approve the use  
13                  of such equipment by subordinate Federal  
14                  immigration enforcement personnel.

15                  “(2) REPORTS DATABASE.—

16                  “(A) IN GENERAL.—The Secretary of  
17                  Homeland Security shall create a searchable  
18                  database that includes all reports generated by  
19                  Federal immigration enforcement personnel, in-  
20                  cluding—

21                  “(i) the use of force incident reporting  
22                  system, which shall contain records for all  
23                  deployments of force by such personnel;

24                  “(ii) significant incident reports,  
25                  which shall contain records for all oper-

1 ational anomalies or escalations involving  
2 such personnel; and

3 “(iii) reports involving alleged viola-  
4 tions of civil rights or civil liberties, which  
5 shall contain records of all allegations of  
6 abuse or misconduct by such personnel.

7 “(B) AVAILABILITY.—

8 “(i) UNREDACTED AVAILABILITY.—  
9 Entries from the database created pursu-  
10 ant to subparagraph (A) shall be accessible  
11 by—

12 “(I) any Member of Congress  
13 representing the district in which the  
14 reported incident occurred; and

15 “(II) any Member of Congress  
16 who sits on a congressional committee  
17 with jurisdiction over the personnel  
18 who are the subjects of such entries.

19 “(ii) REDACTED AVAILABILITY.—The  
20 Secretary of Homeland Security shall make  
21 available to the public a version of the  
22 database created pursuant to subpara-  
23 graph (A) that redacts any sensitive, per-  
24 sonal information.

25 “(k) DEFINITIONS.—In this section:

1           “(1) FEDERAL IMMIGRATION ENFORCEMENT  
2           PERSONNEL.—The term ‘Federal immigration en-  
3           forcement personnel’ includes any immigration agent  
4           or officer who—

5                   “(A) is using the authority to conduct ar-  
6                   rests or enforcement actions under section 236  
7                   or 287; or

8                   “(B) provides support to the personnel  
9                   who are conducting an enforcement action.

10           “(2) NATIONAL SECURITY THREAT.—The term  
11           ‘national security threat’ means any threat posed by  
12           transnational criminal organizations, cartels, human  
13           trafficking organizations, foreign terrorist organiza-  
14           tions, and gangs with a demonstrated international  
15           reach, as determined by the Secretary of Homeland  
16           Security.

17           “(3) PUBLIC SAFETY THREAT.—The term ‘pub-  
18           lic safety threat’ means an imminent and substantial  
19           threat to the safety of others posed by an individual,  
20           as determined by the Secretary of Homeland Secu-  
21           rity.”.

22   **SEC. 3. RULE OF CONSTRUCTION.**

23           Nothing in this Act, or in the amendments made by  
24   this Act, may be construed—

1           (1) to provide Federal immigration enforcement  
2           personnel additional authority to exercise excessive  
3           or deadly force;

4           (2) to prevent Federal immigration enforcement  
5           personnel from taking action necessary to ensure the  
6           safety of themselves, other personnel, or bystanders;  
7           or

8           (3) to require State or local law enforcement to  
9           assist or to be involved in Federal immigration en-  
10          forcement activities.