

119TH CONGRESS  
2D SESSION

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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. GALLEGOS) 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 STANDARD.—All Federal immigration enforcement personnel may only use non-deadly force if—

6               “(A) no reasonably effective, safe, and feasible alternative appears to exist to bring an unlawful situation safely and effectively under control, after taking into account relevant factors, such as age, injury, disability, and size of the subject;

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

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

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

19       “(2) USE OF DEADLY FORCE STANDARD.—Any use of deadly force by Federal immigration enforcement personnel shall conform to the Department of Justice Policy on the Use of Deadly Force and Prohibited Restraint Techniques set forth in section 1–16.200 of the Justice Manual.

25       “(3) REASONABLENESS.—The reasonableness 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 immigration  
2 enforcement personnel have an affirmative  
3 duty—

4               “(A) to intervene to prevent or stop, as appropriate, any other Federal immigration enforcement personnel from engaging in excessive force or any other use of force that violates the Constitution of the United States, this Act or any other Federal law, or applicable policies regarding the reasonable use of force;

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

15               “(C) to recognize and act upon their duty to request and render medical aid, as appropriate.

18               “(6) MASKS.—Federal immigration enforcement personnel may not wear masks or face coverings unless a supervisory officer provides written approval for such use because—

22               “(A) the target of their enforcement activity 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 age has evidentiary or exculpatory  
2 value;

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;

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;

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                    requirements 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-

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—

