

119TH CONGRESS
2D SESSION

S. 3683

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

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2026

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

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-

ational anomalies or escalations involving
such personnel; and

“(iii) reports involving alleged violations of civil rights or civil liberties, which shall contain records of all allegations of abuse or misconduct by such personnel.

“(B) AVAILABILITY.—

“(i) UNREDACTED AVAILABILITY.—
Entries from the database created pursuant to subparagraph (A) shall be accessible
by—

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

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

“(ii) REDACTED AVAILABILITY.—The
Secretary of Homeland Security shall make
available to the public a version of the
database created pursuant to subparagraph (A) that redacts any sensitive, personal information.

“(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.

○