

119TH CONGRESS
2D SESSION

H. R. 7363

To limit the Department of Homeland Security’s use of facial recognition.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2026

Ms. JAYAPAL introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To limit the Department of Homeland Security’s use of facial recognition.

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 “ICE Out of Our Faces
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) BIOMETRIC SURVEILLANCE SYSTEM.—The
9 term “biometric surveillance system” means com-

puter software that performs facial recognition or other biometric recognition in real time or on a recording or photograph.

(2) COVERED IMMIGRATION OFFICER.—The term “covered immigration officer” means any individual who is—

(A) authorized to perform immigration enforcement functions; and

(B)(i) an officer, employee, agent, contractor, or subcontractor of U.S. Customs and Border Protection;

(ii) an officer, employee, agent, contractor, or subcontractor of U.S. Immigration and Customs Enforcement; or

(iii) an individual authorized, deputized, or designated to perform immigration enforcement functions pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(3) FACIAL RECOGNITION.—The term “facial recognition” means an automated or semi-automated process that—

(A) assists in identifying an individual, capturing information about an individual, matching an individual to a list or otherwise

generating or assisting in generating surveillance or identification information about an individual based on the physical characteristics of the individual's face; or

(B) logs characteristics of an individual's face, head, or body to infer emotion, associations, activities, or the location of an individual.

(4) OTHER BIOMETRIC RECOGNITION.—The term “other biometric recognition”—

(A) means an automated or semi-automated process that—

(i) assists in identifying an individual, capturing information about an individual, or otherwise generating or assisting in generating surveillance information about an individual based on the characteristics of the individual's gait or other immutable characteristic ascertained from a distance;

(ii) uses voice recognition technology; or

(iii) logs characteristics referred to in clause (i) or (ii) to infer emotion, associations, activities, or the location of an individual; and

1 (B) does not include identification based
2 on fingerprints or palm prints not ascertained
3 from a distance.

4 (5) VOICE RECOGNITION TECHNOLOGY.—The
5 term “voice recognition technology” means an auto-
6 mated or semi-automated process that assists in
7 identifying or verifying an individual based on the
8 characteristics of an individual’s voice.

9 **SEC. 3. PROHIBITION ON THE USE OF BIOMETRIC SURVEIL-**
10 **LANCE BY U.S. IMMIGRATION AND CUSTOMS**
11 **ENFORCEMENT OR U.S. CUSTOMS AND BOR-**
12 **DER PROTECTION.**

13 (a) IN GENERAL.—It shall be unlawful for any cov-
14 ered immigration officer to acquire, possess, access, or use
15 in the United States—

- 16 (1) any biometric surveillance system; or
17 (2) information derived from a biometric sur-
18 veillance system operated by another entity.

19 (b) BIOMETRIC DATA DELETION.—All information
20 collected by a covered immigration officer for use in, or
21 derived from, a biometric surveillance system, including
22 information collected before the date of the enactment of
23 this Act, shall be deleted not later than 30 days after the
24 date of the enactment of this Act.

25 (c) JUDICIAL INVESTIGATIONS AND PROCEEDINGS.—

1 (1) ADMISSIBILITY.—Except in a judicial inves-
2 tigation or proceeding alleging a violation of this sec-
3 tion, information obtained in violation of this section
4 is not admissible by the Federal Government in any
5 criminal, civil, administrative, or other investigation
6 or proceeding.

7 (2) CAUSE OF ACTION.—

8 (A) IN GENERAL.—A violation of this sec-
9 tion constitutes an injury to any individual ag-
10 grieved by such violation.

11 (B) RIGHT TO SUE.—An individual ag-
12 grieved by a violation of this section may insti-
13 tute proceedings against the Federal Govern-
14 ment whose covered immigration officer is al-
15 leged to have violated this section for the relief
16 described in subparagraph (D) in any court of
17 competent jurisdiction.

18 (C) ENFORCEMENT BY STATE ATTORNEYS
19 GENERAL.—The chief law enforcement officer
20 of a State, or any other State officer authorized
21 by law to bring actions on behalf of the resi-
22 dents of a State, may bring a civil action, as
23 parens patriae, on behalf of the residents of
24 such State in an appropriate district court of
25 the United States to enforce this Act, whenever

1 the chief law enforcement officer or other State
2 officer determines the interests of the residents
3 of such State have been or are being threatened
4 or adversely affected by a violation of this sec-
5 tion.

6 (D) RELIEF.—In a civil action authorized
7 under subparagraph (B) in which the plaintiff
8 prevails, the court may award—

9 (i) actual damages;

10 (ii) punitive damages;

11 (iii) reasonable attorneys' fees and
12 costs; and

13 (iv) any other relief, including injunc-
14 tive relief, that the court determines to be
15 appropriate.

16 (d) CIVIL PENALTIES.—Any covered immigration of-
17 ficer who violates this section may be subject to retraining,
18 suspension, termination, or any other penalty, as deter-
19 mined in an appropriate tribunal, and subject to applicable
20 due process requirements.

21 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to preempt or supersede any Fed-
23 eral, State, or local law absent actual conflict with the lim-

1 itations on covered immigration officers imposed by this
2 section.

