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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To require agents and officers of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection to wear body cameras, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on _____

A BILL

To require agents and officers of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection to wear body cameras, and for other purposes.

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 and CBP Body
5 Camera Accountability Act”.

1 **SEC. 2. USE OF BODY CAMERAS BY AGENTS AND OFFICERS**
2 **OF U.S. IMMIGRATION AND CUSTOMS EN-**
3 **FORCEMENT AND U.S. CUSTOMS AND BOR-**
4 **DER PROTECTION.**

5 (a) **IN GENERAL.**—Not later than the date that the
6 rule under subsection (e) is finalized, the Director of U.S.
7 Immigration and Customs Enforcement (ICE) and the
8 Commissioner of U.S. Customs and Border Protection
9 (CBP) shall ensure that agents and officers of ICE and
10 CBP, as the case may be, wear body cameras when such
11 agents and officers are engaged in official operations.

12 (b) **IMPLEMENTATION.**—To carry out this section,
13 the Director of ICE and the Commissioner of CBP shall
14 establish—

15 (1) policies, procedures, and best practices for
16 the use of body cameras by agents and officers of
17 ICE and CBP, including training relating to the use
18 of such cameras; and

19 (2) policies and procedures for carrying out ad-
20 verse actions under subsection (f).

21 (c) **ALWAYS-ON.**—Body cameras worn by agents and
22 officers of ICE and CBP shall be turned on at the begin-
23 ning of the shift of such agents and officers and shall re-
24 main on for the duration of such shifts.

25 (d) **AVAILABILITY OF BODY CAMERA FOOTAGE.**—
26 Footage collected by such a body camera shall be made

1 available to each party to any administrative proceeding,
2 civil action, or criminal prosecution to which such footage
3 pertains in accordance with such requirements as the Sec-
4 retary of Homeland Security shall by rule require under
5 subsection (e). If such footage is not made available, such
6 a party may notify the Director of ICE or the Commis-
7 sioner of CBP, as the case may be, in writing for purposes
8 of instigating an adverse action described in subsection
9 (f).

10 (e) RULE MAKING.—Not later than 60 days after the
11 date of enactment of this Act, the Secretary of Homeland
12 Security shall commence a rule making regarding the use
13 of body cameras and the provision of footage in accord-
14 ance with subsection (d) that is consistent with the “Civil
15 Rights Principles for Body Worn Cameras” of the Leader-
16 ship Conference on Civil and Human Rights, May 2015.
17 The proposed rule shall include a comparison with the
18 American Civil Liberties Union’s January 2017 “Model
19 Act for Regulating the Use of Wearable Body Cameras
20 by Law Enforcement” and “An Act Relative to Body-
21 Worn Cameras for Law Enforcement Officers,” 2016
22 N.H. Legis. Serv. 322 (codified at N.H. REV. STAT.
23 ANN. § 105-D (2016)).

24 (f) ADVERSE ACTIONS FOR ABSENCE OF BODY CAM-
25 ERA FOOTAGE.—An agent or officer of ICE or CBP whose

1 body camera does not record footage because of a violation
2 of subsection (c) shall be subject to furlough, reduction
3 in pay or grade, or a suspension of up to 30 days under
4 subchapter II of chapter 75 of title 5, United States Code,
5 as the Director of ICE or the Commissioner of CBP (as
6 the case may be) determines appropriate. If a body camera
7 does not record at a time when the camera is required
8 to be active, the Secretary of Homeland Security may not
9 determine that the camera suffered a malfunction unless
10 the agent or officer submits evidence sufficient to establish
11 that a malfunction occurred.

12 (g) PROHIBITION ON NEW FUNDING.—No additional
13 funding is authorized to be appropriated to carry out this
14 Act. This Act shall be carried out using amounts otherwise
15 made available for such purposes.