

AMENDMENT TO H.R. 2213
OFFERED BY MR. ESPAILLAT OF NEW YORK

Add at the end the following:

1 **SEC. ____ . USE OF BODY CAMERAS BY AGENTS AND OFFI-**
2 **CERS OF U.S. IMMIGRATION AND CUSTOMS**
3 **ENFORCEMENT 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).

1 (c) ALWAYS-ON.—Body cameras worn by agents and
2 officers of ICE and CBP shall be turned on at the begin-
3 ning of the shift of such agents and officers and shall re-
4 main on for the duration of such shifts.

5 (d) AVAILABILITY OF BODY CAMERA FOOTAGE.—
6 Footage collected by such a body camera shall be made
7 available to each party to any administrative proceeding,
8 civil action, or criminal prosecution to which such footage
9 pertains in accordance with such requirements as the Sec-
10 retary of Homeland Security shall by rule require under
11 subsection (e). If such footage is not made available, such
12 a party may notify the Director of ICE or the Commis-
13 sioner of CBP, as the case may be, in writing for purposes
14 of instigating an adverse action described in subsection
15 (f).

16 (e) RULE MAKING.—Not later than 60 days after the
17 date of enactment of this Act, the Secretary of Homeland
18 Security shall commence a rule making regarding the use
19 of body cameras and the provision of footage in accord-
20 ance with subsection (d) that is consistent with the “Civil
21 Rights Principles for Body Worn Cameras” of the Leader-
22 ship Conference on Civil and Human Rights, May 2015.
23 The proposed rule shall include a comparison with the
24 American Civil Liberties Union’s January 2017 “Model
25 Act for Regulating the Use of Wearable Body Cameras

1 by Law Enforcement” and “An Act Relative to Body-
2 Worn Cameras for Law Enforcement Officers,” 2016
3 N.H. Legis. Serv. 322 (codified at N.H. REV. STAT.
4 ANN. § 105-D (2016)).

5 (f) ADVERSE ACTIONS FOR ABSENCE OF BODY CAM-
6 ERA FOOTAGE.—An agent or officer of ICE or CBP whose
7 body camera does not record footage because of a violation
8 of subsection (c) shall be subject to furlough, reduction
9 in pay or grade, or a suspension of up to 30 days under
10 subchapter II of chapter 75 of title 5, United States Code,
11 as the Director of ICE or the Commissioner of CBP (as
12 the case may be) determines appropriate. If a body camera
13 does not record at a time when the camera is required
14 to be active, the Secretary of Homeland Security may not
15 determine that the camera suffered a malfunction unless
16 the agent or officer submits evidence sufficient to establish
17 that a malfunction occurred.

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

