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

Add at the end the following:

SEC. ___. USE OF BODY CAMERAS BY AGENTS AND OFFICERS OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AND U.S. CUSTOMS AND BORDER PROTECTION.

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

(b) Implementation.—To carry out this section, the Director of ICE and the Commissioner of CBP shall establish—

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

(2) policies and procedures for carrying out adverse actions under subsection (f).
(c) ALWAYS-ON.—Body cameras worn by agents and officers of ICE and CBP shall be turned on at the beginning of the shift of such agents and officers and shall remain on for the duration of such shifts.

(d) AVAILABILITY OF BODY CAMERA FOOTAGE.—Footage collected by such a body camera shall be made available to each party to any administrative proceeding, civil action, or criminal prosecution to which such footage pertains in accordance with such requirements as the Secretary of Homeland Security shall by rule require under subsection (e). If such footage is not made available, such a party may notify the Director of ICE or the Commissioner of CBP, as the case may be, in writing for purposes of instigating an adverse action described in subsection (f).

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

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

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

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