

115TH CONGRESS
1ST SESSION

H. R. 1608

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

MARCH 17, 2017

Mr. ESPAILLAT (for himself, Mr. GRIJALVA, Mr. CORREA, Mrs. TORRES, Mr. SABLAN, Mr. GUTIÉRREZ, Mr. SOTO, Mr. CÁRDENAS, Mr. COSTA, Mr. SERRANO, Mr. GALLEGO, Mrs. NAPOLITANO, Mr. VARGAS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MCGOVERN, Ms. JUDY CHU of California, Mr. DANNY K. DAVIS of Illinois, Ms. BONAMICI, Ms. VELÁZQUEZ, Mr. CARBAJAL, Ms. NORTON, Mr. BLUMENAUER, Ms. MOORE, Mr. BEYER, Ms. JACKSON LEE, Mr. O'ROURKE, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “ICE and CBP Body
3 Camera Accountability Act”.

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

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

15 (b) **IMPLEMENTATION.**—To carry out this section,
16 the Director of ICE and the Commissioner of CBP shall
17 establish—

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

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

24 (c) **ALWAYS-ON.**—Body cameras worn by agents and
25 officers of ICE and CBP shall be turned on at the begin-

1 ning of the shift of such agents and officers and shall re-
2 main on for the duration of such shifts.

3 (d) AVAILABILITY OF BODY CAMERA FOOTAGE.—

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

14 (e) RULEMAKING.—Not later than 60 days after the
15 date of enactment of this Act, the Secretary of Homeland
16 Security shall commence a rulemaking regarding the use
17 of body cameras and the provision of footage in accord-
18 ance with subsection (d) that is consistent with the “Civil
19 Rights Principles for Body Worn Cameras” of the Leader-
20 ship Conference on Civil and Human Rights, May 2015.
21 The proposed rule shall include a comparison with the
22 American Civil Liberties Union’s January 2017 “Model
23 Act for Regulating the Use of Wearable Body Cameras
24 by Law Enforcement” and “An Act Relative to Body-
25 Worn Cameras for Law Enforcement Officers,” 2016

1 N.H. Legis. Serv. 322 (codified at N.H. REV. STAT.
2 ANN. § 105-D (2016)).

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

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

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