

117TH CONGRESS  
1ST SESSION

# H. R. 531

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

JANUARY 28, 2021

Mr. ESPAILLAT (for himself, Mr. BEYER, Ms. BONAMICI, Mr. GARCÍA of Illinois, and Ms. JAYAPAL) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on 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,*

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) RULEMAKING.—Not later than 60 days after the  
11 date of enactment of this Act, the Secretary of Homeland  
12 Security shall commence a rulemaking 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.

○