

Comparing the base document H.R. 2203 as reported, with the Rules Committee Print 116-27

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Omitted text is shown ~~stricken~~, new matter that is proposed is in underlined italics, and existing text in which no change is being proposed is shown in regular roman. Typesetting and stylistic characteristics, particularly in the headings and indentations, may not conform to how the text, if adopted, would be illustrated in subsequent versions of legislation or public law.

Sec. 1. Short title; table of contents

(a) SHORT TITLE.— This Act may be cited as the "Homeland Security Improvement Act".

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL COMMISSION TO INVESTIGATE THE TREATMENT OF THE MIGRANT FAMILIES AND CHILDREN BY THE TRUMP ADMINISTRATION

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- Sec. 109. Security clearances for commission members and staff.
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TITLE II—OMBUDSMAN, BORDER COMMUNITY LIAISONS, TRAINING AND MANAGEMENT

- Sec. 201. Establishment of the Office of the Ombudsman for Border and Immigration Related Concerns.
- Sec. 202. Establishment of border community stakeholder advisory committee.
- Sec. 203. Training and continuing education.
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- Sec. 206. Prohibition on exceeding 72 hours in short-term detention.
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- Sec. 208. ~~Preventing implementation of anti-asylum access interim final rule;~~ Termination of ~~f~~Remain ~~i~~n Mexico ~~p~~protocol and metering policy.
- Sec. 209. Surge support for care of families and unaccompanied children.
- Sec. 210. Port of entry temporary duty assignments.
- Sec. 211. Prohibition on physical restraints for women who are pregnant or post-delivery.

TITLE III—OVERSIGHT

- Sec. 301. GAO report on the extent of CBP activities, operations, and claimed authority.
- Sec. 302. Migrant deaths reporting.
- Sec. 303. Review of the use of force.
- Sec. 304. Accountability and transparency within the border zone.

Sec. 305. Audit and inspections of detention facilities.

Title I—National Commission to Investigate the Treatment of the Migrant Families and Children by the Trump Administration

Sec. 101. Establishment of commission

There is established in the legislative branch the National Commission to Investigate the Treatment of Migrant Families and Children By the Trump Administration (in this Act referred to as the "Commission").

Sec. 102. Purposes

The purposes of the Commission are to—

- (1) examine the handling of migrant families and children apprehended along the United States-Mexico border by U.S. Customs and Border Protection since January 2017;
- (2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the handling by the Departments of Homeland Security and Health and Human Services of migrant families and children who were apprehended at the southern border since January 2017;
- (3) build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—
 - (A) Department of Homeland Security Office of Inspector General;
 - (B) Department of Health and Human Services Office of Inspector General; and
 - (C) other executive branch, congressional, or independent investigations into the treatment of and detention conditions for migrant families and children apprehended at the southern border by the Department of Homeland Security since January 2017;
- (4) make a full and complete accounting of the handling of the migrant families and children apprehended at the southern border since January 2017; and
- (5) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures.

Sec. 103. Composition of the Commission; qualifications

(a) MEMBERS.— The Commission shall be composed of 10 members, of whom—

- (1) one member shall be appointed by the leader of the Democratic Party (majority or minority leader, as the case may be) in the House of Representatives, with the concurrence of the leader of the Democratic party (majority or minority leader as the case may be) in the Senate, who shall serve as chairman of the Commission;
- (2) two members shall be appointed by the senior member of the leadership of the Democratic party in Senate;
- (3) three members shall be appointed by the senior member of the leadership of the Republican party in the Senate;
- (4) three members shall be appointed by the senior member of the leadership of the Democratic party in the House of Representatives; and
- (5) one member shall be appointed by the senior member of the leadership of the Republican party in of the House of Representatives.

(b) QUALIFICATIONS.— Each individual appointed to the Commission shall have expertise and experience in at least one of the following areas:

- (1) Immigration law, particularly experience representing asylees.
- (2) Public health.
- (3) Child welfare.

- (4) Civil rights.
- (5) As a representative of a humanitarian organization that gives assistance to individuals crossing the southern border.
- (6) As a local official from a border community on the southern border of the United States.

Sec. 104. Functions of commission

The functions of the Commission are to—

- (1) investigate the relevant facts and circumstances related to the handling by the Departments of Homeland Security and Health and Human Services of the migrant families and children apprehended at the southern border since January 2017, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure;
- (2) identify, review, and evaluate the lessons learned from the handling by the Departments of Homeland Security and Health and Human Services of the migrant families and children apprehended at the southern border since January 2017, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to providing timely, effective and humane treatment of migrant families and unaccompanied alien children seeking asylum in the United States; and
- (3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

Sec. 105. Powers of commission

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.— The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.— A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.— Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.— In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.— In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory

authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) **CONTRACTING.**— The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**— The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) **RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.**— Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **GENERAL SERVICES ADMINISTRATION.**— The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) **OTHER DEPARTMENTS AND AGENCIES.**— In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

Sec. 106. Public meetings and release of public version of reports

(a) **PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.**— The Commission shall—

- (1) hold public hearings and meetings to the extent appropriate; and
- (2) release public versions of the reports required under section 110(a) and (b).

(b) **PUBLIC HEARINGS.**— Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

Sec. 107. Staff of commission

(a) **IN GENERAL.**—

(1) **APPOINTMENT AND COMPENSATION.**— The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) **PERSONNEL AS FEDERAL EMPLOYEES.**—

(A) **IN GENERAL.**— The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) **MEMBERS OF COMMISSION.**— Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) **DETAILEES.**— Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) **CONSULTANT SERVICES.**— The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Sec. 108. Compensation and travel expenses

Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

Sec. 109. Security clearances for commission members and staff

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

Sec. 110. Reports of commission; termination

(a) **INTERIM REPORTS.**— The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) **REPORT.**— Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) **TERMINATION.**—

(1) **IN GENERAL.**— The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**— The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

Sec. 111. Funding

(a) **IN GENERAL.**— There is authorized \$3,000,000 for purposes of carrying out the activities of the Commission under this title.

(b) **DURATION OF AVAILABILITY.**— Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

Title II—Ombudsman, Border Community Liaisons, Training and Management

Sec. 201. Establishment of the Office of the Ombudsman for Border and Immigration Related Concerns

(a) **IN GENERAL.**—

Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

"Sec. 437. Establishment of the Office of Ombudsman for Border and Immigration Related Concerns

"(a) **IN GENERAL.**— The Secretary shall appoint an Ombudsman for Border and Immigration Related Concerns (hereinafter referred to as the 'Ombudsman'), who shall—

"(1) be independent of Department agencies and officers;

"(2) report directly to the Secretary; and

"(3) have a background in immigration, civil rights, and law enforcement.

"(b) **FUNCTIONS.**— The functions of the Ombudsman shall be to—

"(1) establish an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of the Inspector General, referral to the Office of Civil Rights and Civil Liberties to investigate complaints and information indicating possible abuses of civil rights or civil liberties, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, in cases in which Department employees, or subcontracted or cooperating entity personnel, are alleged to have engaged in misconduct or violated the rights of individuals, associations, or employers;

"(2) establish an accessible and standardized complaint process regarding complaints against any employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any subcontracted or cooperating entity personnel, for violations of law or violations of standards of professional conduct pertaining to interaction with a United States citizen or non-United States citizen in the course of carrying out any duty under law; and

"(3) identify and thereafter review, examine, and make recommendations to the Secretary or designee to address chronic concerns in border security and enforcement activities of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

"(c) ANNUAL REPORT.— On an annual basis, starting one year after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report prepared by the Ombudsman that provides information regarding the Office of the Ombudsman's activities for the prior year, including information relating to the following:

"(1) The number of complaints received in the period, with information on each complaint including whether it is against any employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any subcontracted or cooperating entity personnel, for violations of law or violations of standards of professional conduct pertaining to interaction with a United States citizen or non-United States citizen in the course of carrying out any duty under law, when and where the incident that gave rise to the complaint occurred, including, where possible, identification of the port of entry, U.S. Border Patrol station, or detention facility where the alleged incident occurred.

"(2) The number of investigations commenced or carried out in the period, with information on each investigation including whether it involves any employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any subcontracted or cooperating entity personnel, for violations of law or violations of standards of professional conduct pertaining to interaction with a United States citizen or non-United States citizen in the course of carrying out any duty under law.

"(3) The number of complaints resolved in the period, with information on how each complaint was resolved, including for those complaints that were—

"(A) referred for investigation to the Office of the Inspector General;

"(B) referred to the Office of Civil Rights and Civil Liberties;

"(C) referred to U.S. Citizenship and Immigration Services for immigration relief; and

"(D) resolved in some other manner.

"(4) Findings and recommendations for the period that address chronic concerns in border security and enforcement activities of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, including the impact of such activities on border communities and the civil rights, property rights, privacy rights, and civil liberties of residents of such communities.

"(5) Any actions taken by the Department to implement recommendations that address chronic concerns in border security and enforcement activities.

"(d) PUBLICATION.— Not later than 30 days after receiving the annual report required pursuant to subsection (c), the Secretary shall publish the annual report on the website of the Department and in the Federal Register, together with any feedback from the Secretary regarding the report.

"(e) CONFIDENTIALITY.— In the absence of the written consent of an individual who submits a complaint, the Ombudsman shall keep confidential the identity of and any identifying information relating to that individual."

(b) CLERICAL AMENDMENT.—

The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the items relating to sections 435 and 436 and inserting the following new items:

"Sec. 435. Maritime operations coordination plan.

Sec. 436. Maritime security capabilities assessments.

Sec. 437. Establishment of the Office of Ombudsman for Border and Immigration Related Concerns."

Sec. 202. Establishment of border community stakeholder advisory committee

(a) IN GENERAL.—

Subtitle C of title IV of the Homeland Security Act of 2002, as amended by section 201 of this Act, is further amended by adding at the end the following new section:

"Sec. 438. Establishment of border community stakeholder advisory committee

"(a) ESTABLISHMENT.— The Secretary shall establish within the Department a border community stakeholders advisory committee pursuant to section 871 of this Act.

"(b) DUTIES.—

"(1) IN GENERAL.— The Secretary shall consult with the Advisory Committee, as appropriate, on border security and immigration enforcement matters, including on the development, refinement, and implementation of policies, protocols, programs, and rulemaking pertaining to border security and immigration enforcement that may impact border communities.

"(2) RECOMMENDATIONS.— The Advisory Committee shall develop, at the request of the Secretary, recommendations regarding policies, protocols, programs and rulemaking pertaining to border security and immigration enforcement that may impact border communities.

"(3) PERIODIC REPORTS.— The Advisory Committee shall periodically submit to the Secretary—

"(A) reports on matters identified by the Secretary; and

"(B) reports on other matters identified by a majority of the members of the Advisory Committee.

"(4) ANNUAL REPORT.— The Advisory Committee shall submit to the Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than six months after the date on which the Secretary receives the annual report, the Secretary shall publish a public version describing the Advisory Committee's activities and such related matters as would be informative to the public, consistent with section 552(b) of title 5, United States Code.

"(5) FEEDBACK.— Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (4), the Secretary shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Secretary concurs, and a justification for why any of the recommendations have been rejected.

"(6) CONGRESSIONAL NOTIFICATION.— Not later than 30 days after providing written feedback to the Advisory Committee under paragraph (5), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on such feedback, and provide a briefing upon request.

"(7) REPORT TO CONGRESS.— Prior to briefing the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate under paragraph (6), the Secretary shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

"(c) MEMBERSHIP.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.— Not later than 90 days after the date of enactment of this section, the Secretary shall appoint the members of the Advisory Committee.

"(B) COMPOSITION.— The membership of the Advisory Committee shall consist of a border community stakeholder from each of the nine U.S. Border Patrol sectors and three individuals with significant expertise and experience in immigration law, civil rights, and civil liberties, particularly as relates to interests of residents of border communities.

"(2) TERM OF OFFICE.—

"(A) TERMS.— The term of each member of the Advisory Committee shall be two years. A member of the Advisory Committee may be reappointed.

"(B) REMOVAL.— The Secretary may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

"(3) PROHIBITION ON COMPENSATION.— The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

"(4) MEETINGS.—

"(A) IN GENERAL.— The Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

"(B) PUBLIC MEETINGS.— At least one of the meetings described in subparagraph (A) shall be within a Border Patrol sector and open to the public.

"(C) ATTENDANCE.— The Advisory Committee shall maintain a record of the persons present at each meeting.

"(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.— Not later than 60 days after the date of a member's appointment, the Secretary shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

"(6) CHAIRPERSON.— A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

"(d) NONAPPLICABILITY OF FACAA.— The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

"(e) DEFINITIONS.— In this section:

"(1) ADVISORY COMMITTEE.— The term 'Advisory Committee' means the border community stakeholder advisory committee established under subsection (a).

"(2) BORDER COMMUNITY STAKEHOLDER.— The term 'border community stakeholder' means individuals who have ownership interests or reside in the land borders of the United States and who have not publicly taken positions on the Trump Administration's border security and immigration enforcement actions, including—

"(A) a landowner within 10 miles of a land border of the United States;

"(B) a business leader in a company operating within 10 miles of a land border of the United States;

"(C) a local official from a community on a land border of the United States; and

"(D) a representative of Indian tribes on a land border of the United States."

(b) CLERICAL AMENDMENT.—

The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by section 201 of this Act, is further amended by inserting after the item relating to section 437 the following new item:

"Sec. 438. Establishment of Border Community Stakeholder Advisory Committee."

Sec. 203. Training and continuing education

(a) MANDATORY TRAINING AND CONTINUING EDUCATION TO PROMOTE CBP AGENT AND OFFICER SAFETY AND PROFESSIONALISM.— The Secretary of Homeland Security shall establish policies and guidelines to ensure that every agent and officer of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement receives a minimum of 20 weeks of training upon onboarding that is directly related to the mission and 40 hours of training and continuing education annually thereafter, to include personnel in a supervisory or management position. Such training shall include training provided by attorneys outside of the Department of Homeland Security.

(b) CURRICULUM.— The Secretary of Homeland Security shall establish policies and guidelines governing training and continuing education of agents and officers of U.S. Customs and Border Protection and U.S.

Immigration and Customs Enforcement regarding accountability, standards for professional and ethical conduct, and oversight. Such training shall address the following:

(1) Community relations, including the following:

(A) Best practices in community policing, cultural awareness, and carrying out enforcement actions near sensitive locations such as places of worship or religious ceremony, school or education-related place or event, courthouse or other civic building providing services accessible to the public, hospital, medical treatment, or health care facility, a public demonstration, or an attorney's office, including a public defender or legal aid office.

(B) Policies limiting location of enforcement and cooperation with local law enforcement.

(C) Best practices in responding to grievances and how to refer complaints to the Ombudsman for Border and Immigration Related Concerns in accordance with section 437 of the Homeland Security Act of 2002, as added by section 201 of this Act.

(2) Interaction with vulnerable populations, including instruction on screening, identifying, and responding to vulnerable populations, such as children, victims of human trafficking, and the acutely ill.

(3) Standards of professional and ethical conduct, including the following:

(A) Lawful use of force, de-escalation tactics, and alternatives to the use of force.

(B) Complying with chain of command and lawful orders.

(C) Conduct and ethical behavior toward the public in a civil and professional manner.

(D) Civil rights and legal protections.

(E) Non-racially biased questioning.

(F) De-escalation tactics and alternatives to use of force.

(G) Permissible and impermissible social media activity.

(c) PERFORMANCE REVIEW PROCESS.— The Secretary of Homeland Security shall establish a review process to ensure that port supervisors and managers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, as the case may be, are evaluated annually on their actions and standards of conduct, and on the actions, situational and educational development, and standards of conduct of their staffs.

(d) CONTINUING EDUCATION.—

(1) IN GENERAL.— The Secretary of Homeland Security shall annually require all agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement who are required to undergo training under subsections (a) through (c) to participate in continuing education to maintain and update understanding of Federal legal rulings, court decisions, and Department of Homeland Security policies, procedures, and guidelines related to the subject matters described in such subsections.

(2) CONSTITUTIONAL AUTHORITY SUBJECT MATTER.— Continuing education under this subsection shall include a course on protecting the civil, constitutional, human, and privacy rights of individuals, with special emphasis on the scope of enforcement authority, including chain of evidence practices and document seizure, and use of force policies available to agents and officers.

(3) ADDITIONAL SUBJECT MATTERS.— Continuing education under this subsection shall also include a course on the following:

(A) Scope of authority to conduct immigration enforcement activities, including interviews, interrogations, stops, searches, arrests, and detentions, in addition to identifying and detecting fraudulent documents.

(B) Identifying, screening, and responsibility for vulnerable populations, such as children and victims of trafficking.

(C) Permissible and impermissible social media activity.

(4) ADMINISTRATION.— Courses offered as part of continuing education under this subsection shall be administered by the Federal Law Enforcement Training Centers.

(e) TRAINING ASSESSMENT.— Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that

assesses the training and education, including continuing education, required under this section as well as its implementation.

Sec. 204. Body-worn cameras

(a) **REQUIREMENT.**— Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, shall submit to the Committees on Homeland Security and Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Judiciary of the Senate a plan for requiring not later than one year after such date of enactment the use of body-worn cameras by U.S. Border Patrol agents and U.S. Immigration and Customs Enforcement officers whenever engaged in border security or immigration enforcement activities.

(b) **ELEMENTS.**— The plan shall include the following:

(1) Benchmarks for implementation within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

(2) Policies, procedures, and training modules for the use of body-worn cameras by agents and officers, including training modules relating to the appropriate use of such cameras and adverse action for non-compliance.

(3) Mechanisms for enforcement of body-worn camera policies and procedures by agents and officers within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

Sec. 205. Limitation on the separation of families

(a) **IN GENERAL.**— Notwithstanding any other provision of law, a child may not be removed from a parent, legal guardian, or family member of such child, at or near the by U.S. Customs and Border Protection upon apprehension after entering the United States at or near a port of entry or within 100 miles of a border of the United States, unless one of the following has occurred:

(1) A State court, authorized under State law, terminates the rights of the parent or legal guardian, determines that it is in the best interests of the child to be removed from the parent or legal guardian, in accordance with the Adoption and Safe Families Act of 1997 (Public Law 105–89), or makes any similar determination that is legally authorized under State law.

(2) An official from the State or county child welfare agency with expertise in child trauma and development makes a best interests determination that it is in the best interests of the child to be removed from the parent, legal guardian, or family member because the child is in danger of abuse or neglect at the hands of the parent, legal guardian, or family member or is a danger to herself or others.

(b) **PROHIBITION ON SEPARATION.**—

(1) **IN GENERAL.**— A designated agency may not remove a child from a parent, legal guardian, or family member solely for the policy goal of deterring individuals from migrating to the United States or for the policy goal of promoting compliance with civil immigration laws.

(2) **PENALTY FOR FAMILY SEPARATION.**— Any person who knowingly separates a child from his or her parent, legal guardian, or family member in violation of this section, shall be fined not more than \$10,000.

(c) **FAMILY MEMBER DEFINED.**— For purposes of this section, the term "family member" means an individual who is any of the following:

(1) A parent or legal guardian.

(2) A spouse.

(3) A child.

(4) A step-family member.

(5) An immediate family member, to include adult siblings.

(6) An extended family member, to include aunts, uncles, adult cousins, and grandparents.

Sec. 206. Prohibition on exceeding 72 hours in short-term detention

Notwithstanding any other provision of law, the Secretary of Homeland Security shall ensure that each individual apprehended by U.S. Customs and Border Protection is released, paroled, or transferred to an appropriate long-term facility operated by a non-profit organization, U.S. Immigration and Customs Enforcement, or the Department of

Health and Human Services not later than 72 hours after such apprehension absent an exigent circumstance that is beyond the Secretary's control, such as a natural disaster. The Secretary shall inform the Committees on Homeland Security and the Judiciary of the House of Representatives and Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate within three days of the Secretary determining such an exigent circumstance exists, and provide information on when the impacted individuals will be so released, paroled, or transferred.

Sec. 207. Electronic tracking

(a) ESTABLISHMENT.— The Secretary of Homeland Security and the Secretary of Health and Human Services shall establish an electronic tracking system on a single interface, which shall be—

- (1) accessible to agents and officials of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Office of Refugee Resettlement; and
- (2) used to track the location of a child who has been separated under section 205 and the parent or legal guardian of the child.

(b) TRACKING NUMBER.— The Secretary of Homeland Security shall assign to a child who has been separated under section 205 and the parent or legal guardian of the child a tracking number that—

- (1) is transferrable;
- (2) may be shared easily on the electronic tracking system described in subsection (a) by agents and officials of—
 - (A) U.S. Customs and Border Protection;
 - (B) U.S. Immigration and Customs Enforcement; and
 - (C) the Office of Refugee Resettlement; and
- (3) is included on the paperwork of the child and the parent or legal guardian of the child.

(c) CONTACT INFORMATION.— The Secretary of Homeland Security and the Secretary of Health and Human Services shall advise a child who has been separated under section 205 and the parent or legal guardian of the child on the manner in which the child and the parent or legal guardian may be contacted during the term of the separation .

Sec. 208. ~~Preventing implementation of anti-asylum access interim final rule;~~ Termination of ~~r~~Remain ~~i~~n Mexico ~~p~~Protocol and metering policy

(a) ~~PREVENTION OF IMPLEMENTATION OF ANTI-ASYLUM ACCESS RULE.~~— Notwithstanding any other provision of law, the joint interim final rule published in the Federal Register on July 16, 2019, by the Secretary of Homeland Security and Attorney General that would restrict eligibility for aliens seeking asylum in the United States may not be implemented, enforced, or otherwise carried out by the Secretary or the Attorney General.

(~~b~~) MPP AND METERING TERMINATION.— Not later than 30 days after *the date of the* enactment of this Act, the following shall terminate:

(1) The Migrant Protection Protocols that were announced by the Secretary of Homeland Security on December 20, 2018, any subsequent revisions to such protocols, or any successor protocols in which certain individuals seeking asylum in the United States are required to wait outside of the United States for the duration of their immigration proceedings.

(2) The U.S. Customs and Border Protection metering policy to regulate the flow of asylum seekers at ports of entry by denying asylum seekers access to ports of entry or any successor policy that impedes access to ports of entry.

(~~e~~/~~b~~) Additional capacity at ports of entry.— For the purposes of increasing processing capacity at ports of entry, the Commissioner of U.S. Customs and Border Protection shall every fiscal year hire, train, and assign not fewer than 600 new officers above the level as of September 30 of the immediately preceding fiscal year until the total number of such officers equals the requirements identified each year in the Workload Staffing Model developed by the Commissioner.

(~~d~~/~~c~~) Prohibition on certain interviews.— No personnel employed by U.S. Customs and Border Protection may carry out credible fear interviews pursuant to the Immigration and Nationality Act.

~~(e)~~(d) Office of ~~P~~Professional ~~R~~Responsibility.— The Commissioner of U.S. Customs and Border Protection shall every fiscal year hire, train, and assign 30 new full-time investigators within the Office of Professional Responsibility of U.S. Customs and Border Protection until the total number of investigators enables the Office to fulfill its mission proportionate to the number of new personnel hired in accordance with subsection (c).

~~(f)~~(e) Traffic forecasts.— In calculating the number of Office of Field Operations officers needed at each port of entry through the Workload Staffing Model, the Office of Field Operations shall—

- (1) rely on data collected regarding the inspections and other activities conducted at each such port of entry; and
- (2) consider volume associated with the increase in the volume of individuals from El Salvador, Guatemala, and Honduras seeking asylum in the United States and seasonal surges, other projected changes in commercial and passenger volumes, the most current commercial forecasts, and other relevant information.

~~(g)~~(f) Amendment.— Subparagraph (A) of section 411(g)(5) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)) is amended—

- (1) by striking "model" and inserting "models"; and
- (2) by inserting before the period at the end the following: ", and information concerning the progress made toward meeting officer hiring targets, while accounting for attrition".

Sec. 209. Surge support for care of families and unaccompanied children

(a) **IN GENERAL.**— Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into memoranda of understanding with appropriate Federal agencies and applicable emergency government relief services, and contracts with State-licensed, vetted, and qualified contractors with health care, public health, social work, and transportation professionals, for purposes of providing care for individuals, including unaccompanied alien children, apprehended at the southern border during the period of increased volume since January 2017.

(b) **STRATEGIC DEPLOYMENT.**— The Secretary of Homeland Security shall ensure that the memoranda of understanding and contracts entered into pursuant to subsection (a) ensure core capacity within the Department of Homeland Security to provide adequate care to individuals in short-term detention that includes physicians specializing in pediatrics, family medicine, emergency medicine, obstetrics and gynecology, geriatric medicine, internal medicine, and infectious diseases, nurse practitioners, other nurses, physician assistants, licensed social workers, mental health professionals, public health professionals, and dieticians.

(c) **PROCESSING COORDINATOR.**— The Commissioner of U.S. Customs and Border Protection may, on a case-by-case basis, hire and train a processing coordinator to operate within U.S. Border Patrol station to—

- (1) facilitate the provision of services pursuant to a memorandum of understanding or contract entered into pursuant to subsection (a) within a U.S. Border Patrol station;
- (2) perform administrative tasks related to the intake and processing of individuals apprehend by U.S. Border Patrol agents, where necessary;
- (3) transport individuals in U.S. Border Patrol custody, where necessary; and
- (4) perform custodial watch duties of individuals in such custody who have been admitted to a hospital, except that neither the coordinator nor a U.S. Border Patrol agent may be physically present in a hospital room of such an individual.

(d) **MONTHLY REPORTS.**— Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a monthly report on the memoranda of understanding and contracts entered into pursuant to subsection (a) as of such date, together with the following:

- (1) Information on the deployment of physicians specializing in pediatrics, family medicine, emergency medicine, obstetrics and gynecology, geriatric medicine, internal medicine, and infectious diseases;, nurse practitioners, other nurses, physician assistants, licensed social workers, mental health professionals, public health professionals, and dieticians within each U.S. Border Patrol sector.
- (2) For each U.S. Border Patrol sector, the degree to which responsibilities have been transferred from Department of Homeland Security personnel, particularly law enforcement personnel, for the provision of care

of migrant families and unaccompanied alien children apprehended at the southern border of the United States to personnel under a memorandum of understanding or contract.

Sec. 210. Port of entry temporary duty assignments

(a) **QUARTERLY REPORT.**— Not later than 60 days after the date of the enactment of this Act and quarterly thereafter, the Commissioner of U.S. Customs and Border Protection shall submit to the appropriate congressional committees a report that includes, for each such reporting period, the following:

- (1) The number of temporary duty assignments of U.S. Customs and Border Protection officers and support personnel from a port of entry to a temporary duty assignment in response to the Northern Triangle Migrant Surge.
- (2) The ports of entry from which such employees were reassigned.
- (3) The ports of entry to which such employees were reassigned.
- (4) The ports of entry at which reimbursable service agreements have been entered into that may be affected by such temporary duty assignments.
- (5) The duration of each temporary duty assignment.
- (6) The specific duties personnel will be undertaking during each temporary duty assignment.
- (7) The cost of each temporary duty assignment.

(b) **NOTICE.**— Not later than 10 days before redeploying employees from one port of entry to another in response to the Northern Triangle Migrant Surge, absent emergency circumstances—

- (1) the Commissioner of U.S. Customs and Border Protection shall notify the director of the port of entry from which employees will be reassigned of the intended redeployments; and
- (2) the port director shall notify impacted facilities (including airports, seaports, and land ports) of the intended redeployments.

(c) **WORKFORCE BRIEFING.**— The Commissioner of U.S. Customs and Border Protection shall brief all affected U.S. Customs and Border Protection employees regarding plans to mitigate vulnerabilities created by any planned staffing reductions at ports of entry.

Sec. 211. Prohibition on physical restraints for women who are pregnant or post-delivery

(a) **IN GENERAL.**— Except as provided in subsection (b), no officer or agent of the U.S. Customs and Border Protection or Immigration and Customs Enforcement may place physical restraints on a woman in the custody of the Department of Homeland Security (including during transport, in a detention facility, or at an outside medical facility) who is pregnant or in post-delivery recuperation.

(b) **EXCEPTION.**— Subsection (a) shall not apply with respect to a pregnant woman if—

- (1) a supervisory official of the Department of Homeland Security makes an individualized determination that the woman—
 - (A) is a serious flight risk, and such risk cannot be prevented by other means; or
 - (B) poses an immediate and serious threat to harm herself or others that cannot be prevented by other means; or
- (2) a medical professional responsible for the care of the pregnant woman determines that the use of therapeutic restraints is appropriate for the medical safety of the woman.

(c) **LIMITATIONS.**— If a pregnant woman is restrained pursuant to subsection (b), only the safest and least restrictive restraints, as determined by the appropriate medical professional treating the woman, may be used. In no case may restraints be used on a woman who is in active labor or delivery, and in no case may a pregnant woman be restrained in a face-down position with four-point restraints, on her back, or in a restraint belt that constricts the area of the pregnancy. A pregnant woman who is immobilized by restraints shall be positioned, to the maximum extent feasible, on her left side.

(d) **RECORDKEEPING.**— If a pregnant woman is restrained pursuant to subsection (b), the supervisory official of the Department of Homeland Security shall document the basis for an individualized determination that restraints should be used in the Departmental records maintained on that woman.

Title III—Oversight

Sec. 301. GAO report on the extent of CBP activities, operations, and claimed authority

Not later than one year after the date of the enactment of this subsection, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that assesses the following issues:

- (1) How far into the United States interior the current activities, operations (including checkpoints), and claimed authority of U.S. Customs and Border Protection extend.
- (2) The extent to which the area of activities, operations, and claimed authority referred to in paragraph (1) is necessary.
- (3) The effectiveness of U.S. Customs and Border Protection's interior enforcement and its impact on civil, constitutional, and private property rights.

Sec. 302. Migrant deaths reporting

(a) IMMEDIATE REPORTS.— Not later than 24 hours after a migrant death, the Secretary of Homeland Security shall report such death to the Committees on Homeland Security and Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Judiciary of the Senate.

(b) ANNUAL REPORT ON MIGRANT DEATHS.— Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Comptroller General of the United States, the Committees on Homeland Security and Judiciary of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Judiciary of the Senate a report on migrant deaths that occurred in the preceding year along the United States-Mexico border, including information on the following:

- (1) The total number of documented migrant deaths within the preceding year of the report.
- (2) A geographical breakdown of where such migrant deaths occur.
- (3) To the extent possible, the cause of death for each migrant.
- (4) A detailed description of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement programs or plans to reduce the number of migrant deaths along the border, including an assessment on the effectiveness of water supply sites and rescue beacons.
- (5) Criteria and methodology for collecting such data within each sector.

(c) GAO REPORT ON MIGRANT DEATHS.— Not later than one year after the submission of the first report required under subsection (a), the Comptroller General of the United States shall publish a review on the extent to which U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement have—

- (1) adopted measures, such as programs or plans, to reduce migrants deaths;
- (2) the effectiveness of its efforts to reduce migrant deaths; and
- (3) collected data and information sharing as well as cooperation between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, local and State law enforcement, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals and notify family members and compare information to missing persons registries.

Sec. 303. Review of the use of force

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall examine the extent to which U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement have trained their workforces regarding use of force policies, including the following (and any recommendations related to the following):

- (1) Implementation of new training to improve use of force policies, including how the use of force policy conforms to Department of Homeland Security and Federal law enforcement best practices.
- (2) Identified additional or alternative weapons and equipment to improve agents' and officers' abilities to de-escalate confrontations, including protective gear.

(3) Established metrics to track the effectiveness of use of force training and to ensure the reporting of all incidents of use of force to determine whether such force was justified.

Sec. 304. Accountability and transparency within the border zone

(a) DEFINITIONS.— In this section:

(1) BORDER SECURITY.— The term "border security" means the prevention of unlawful entries into the United States, including entries by individuals, instruments of terrorism, narcotics, and other contraband.

(2) BORDER ZONE.— The term "border zone" means the 100-mile of land from a United States international land and coastal border into the interior of the United States, as established by Federal regulation in 1953.

(3) CHECKPOINT.— The term "checkpoint" means a location—

(A) at which vehicles or individuals traveling through the location are stopped by a law enforcement official for the purposes of enforcement of United States laws and regulations; and

(B) that is not located at a port of entry along an international border of the United States.

(4) LAW ENFORCEMENT OFFICIAL.— The term "law enforcement official" means—

(A) an agent or officer of U.S. Customs and Border Protection;

(B) an agent or officer of U.S. Immigration and Customs Enforcement; or

(C) an officer or employee of a State, or a political subdivision of a State, who is carrying out the functions of an immigration officer pursuant to—

(i) an agreement entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g));

(ii) authorization under title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.); or

(iii) any other agreement with the Department of Homeland Security, including any Federal grant program.

(5) PATROL STOP.— The term "patrol stop" means search, seizure, or interrogation of a motorist, passenger, or pedestrian initiated anywhere except as part of an inspection at a port of entry or a primary inspection at a checkpoint.

(6) PRIMARY INSPECTION.— The term "primary inspection" means an initial inspection of a vehicle or individual at a checkpoint.

(7) SECONDARY INSPECTION.— The term "secondary inspection" means a further inspection of a vehicle or individual that is conducted following a primary inspection.

(b) DATA COLLECTION BY LAW ENFORCEMENT OFFICIALS FOR BORDER SECURITY AND IMMIGRATION ENFORCEMENT ACTIVITIES WITHIN THE BORDER ZONE.—

(1) DATA COLLECTION REGARDING STOPS AND SEARCHES AND ACTIVITY AT INTERIOR CHECKPOINTS.— A law enforcement official who initiates a patrol stop or who detains any individual beyond a brief and limited inquiry, such as a primary inspection at a checkpoint, shall record the following:

(A) The date, time, and location of the contact.

(B) The law enforcement official's basis for, or circumstances surrounding, the contact, including if such individual's perceived race or ethnicity contributed to the basis for, and circumstances surrounding, the contact.

(C) The identifying characteristics of such individual, including the individual's perceived race, gender, ethnicity, and approximate age.

(D) The duration of the stop, detention, or search, whether consent was requested and obtained for the contact, including any search.

(E) A description of any articulable facts and behavior by the individual that justify initiating the contact or probable cause to justify any search pursuant to such contact.

(F) A description of any items seized during such search, including contraband or money, and a specification of the type of search conducted.

(G) Whether any arrest, detention, warning, or citation resulted from such contact and the basis for such action.

(H) The immigration status of the individual, if obtained during the ordinary course of the contact without additional questioning in accordance with this section, and whether removal proceedings were subsequently initiated against the individual.

(I) If the contact involved an individual whose primary language of communication is not English, the means of communication used.

(J) If the contact occurred at a location proximate to a place of worship or religious ceremony, school or education-related place or event, courthouse or other civic building providing services accessible to the public, hospital, medical treatment, or health care facility, at a public demonstration, or an attorney's office, including a public defender or legal aid office.

(K) If the contact occurred at a location described in subparagraph (J), why that location was chosen and any supervisory approval that was sought to carry out the contact at the location.

(2) GAO AUDIT.— Not later than one year after the enactment of this Act, the Comptroller General of the United States shall conduct an audit of the data compiled under paragraph (1) to determine whether law enforcement officials are complying with data collection requirements and submit to Congress a report that contains a summary of the findings of such audit.

(3) OPEN GAO RECOMMENDATIONS.— Not later than 180 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on Homeland Security and Governmental Affairs of the Senate a plan to address any open recommendations made by the Comptroller General on checkpoint performance and the impact of checkpoint operations on nearby communities. Within 180 days after the submission of the report to the Committees, the Comptroller General shall issue a report to the committees evaluating the Commissioner's plan to address the open recommendations.

(c) ANNUAL REPORT.—

(1) REQUIREMENT.— Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the data compiled under subsection (b)(1), including all such data for the previous year.

(2) AVAILABILITY.— Each report submitted under paragraph (1) shall be made available to the public, except for particular data if the Secretary of Homeland Security—

(A) explicitly invokes an exemption contained in paragraphs (1) through (9) of section 552(b) of title 5, United States Code; and

(B) provides a written explanation for the exemption's applicability.

(3) PRIVACY.— The Secretary of Homeland Security may not report unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section.

(4) PUBLICATION.— The data compiled under subsection (b) shall be made available to the public to the extent the release of such data is permissible under Federal law.

Sec. 305. Audit and inspections of detention facilities

(a) OIG AND GAO.— The Inspector General of the Department of Homeland Security and the Comptroller General shall carry out regular audits and inspections, including unannounced audits and inspections, of processes (including recordkeeping) utilized by U.S. Customs and Border Protection to conduct intake and process individuals apprehended by U.S. Customs and Border Protection, as well as any facility operated by or for the Department of Homeland Security used to detain or otherwise house individuals in custody of the Department of Homeland Security. The Inspector General and Comptroller General shall, to the extent possible, share information and coordinate to ensure that Congress is provided timely audit and inspection information.

(b) CONGRESSIONAL ACCESS.—

(1) IN GENERAL.— The Commissioner of U.S. Customs and Border Protection may not—

(A) prevent a Member of Congress or an employee of the United States House of Representatives or the United States Senate designated by such a Member for the purposes of this section from entering, for the purpose of conducting oversight, any such facility; and

(B) make any temporary modification at any such facility that in any way alters what is observed by a visiting member of Congress or such designated employee, compared to what would be observed in the absence of such modification.

(2) RULE OF CONSTRUCTION.— Nothing in this subsection may be construed to require a Member of Congress to provide prior notice of the intent to enter such facility for the purpose of conducting oversight.

(3) REQUIREMENT.— With respect to individuals described in paragraph (1), the Department of Homeland Security may require that a request be made at least 24 hours in advance of an intent to enter a facility.

(c) PHOTOGRAPHS.— The Inspector General of the Department of Homeland Security, Comptroller General, a Member of Congress, or an employee of the United States House of Representatives or United States Senate shall be authorized to take photographs or video or audio recordings of conditions in a facility but may not publish photographs or video or audio recordings with personally identifiable information without permission.

