

AMENDMENT TO HOMELAND SECURITY
APPROPRIATIONS BILL
OFFERED BY MS. CLARK OF MASSACHUSETTS
AND MS. LEE OF CALIFORNIA

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. (a) Except as provided in subsection (b),
2 none of the funds made available in this Act may be used
3 to place restraints on a woman in the custody of the De-
4 partment of Homeland Security (including during trans-
5 port, in a detention facility, or at an outside medical facil-
6 ity) who is pregnant or in post-delivery recuperation.

7 (b) Subsection (a) shall not apply with respect to a
8 pregnant woman if—

9 (1) an appropriate official of the Department of
10 Homeland Security makes an individualized deter-
11 mination that the woman—

12 (A) is a serious flight risk, and such risk
13 cannot be prevented by other means; or

14 (B) poses an immediate and serious threat
15 to harm herself or others that cannot be pre-
16 vented by other means; or

1 (2) a medical professional responsible for the
2 care of the pregnant woman determines that the use
3 of therapeutic restraints is appropriate for the med-
4 ical safety of the woman.

5 (c) Should a pregnant woman be restrained pursuant
6 to subsection (b), only the safest and least restrictive re-
7 straints, as determined by the appropriate medical profes-
8 sional treating the woman, may be used. In no case may
9 restraints be used on a woman who is in active labor or
10 delivery, and in no case may a pregnant woman be re-
11 strained in a face-down position with four-point restraints,
12 on her back, or in a restraint belt that constricts the area
13 of the pregnancy. A pregnant woman who is immobilized
14 by restraints shall be positioned, to the maximum extent
15 feasible, on her left side.

