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. 11.** (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to place 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) Subsection (a) shall not apply with respect to a pregnant woman if—

1. (1) an appropriate 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) Should a pregnant woman be 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.