

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the shackling of pregnant women.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the end, add the following:

2 **SEC. 7. PROHIBITION ON SHACKLING PREGNANT WOMEN.**

3 (a) PRESUMPTION OF RELEASE.—The Secretary of
4 Homeland Security shall not detain a woman under the
5 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)
6 during pregnancy.

7 (b) PROHIBITION ON RESTRAINT OF PREGNANT DE-
8 TAINEES.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), a detention facility shall not use a re-
3 straint on a detainee—

4 (A) known to be pregnant, including dur-
5 ing—

6 (i) labor;

7 (ii) transport to a medical facility or
8 birthing center; and

9 (iii) delivery; or

10 (B) during postpartum recovery.

11 (2) EXCEPTION.—

12 (A) IN GENERAL.—Notwithstanding para-
13 graph (1), use of a restraint on a detainee de-
14 scribed in paragraph (1) may be permitted only
15 for a medical purpose if a licensed health care
16 provider has ordered the use of the restraint for
17 a medical purpose.

18 (B) USE OF LEAST RESTRICTIVE RE-
19 STRAINT.—In the case of the use of a restraint
20 under subparagraph (A), only the least restric-
21 tive restraint necessary may be used.