

AMENDMENT TO RULES COMMITTEE PRINT 119-

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OFFERED BY MRS. RAMIREZ OF ILLINOIS

At the end of subtitle A of title XVII, insert the following new section:

1 **SEC. 17__.** **PROHIBITIONS ON THE DEPARTMENT OF**
2 **HOMELAND SECURITY WITH RESPECT TO**
3 **FULL-BODY RESTRAINTS.**

4 (a) **IN GENERAL.**—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by
5 adding at the end the following new section:
6

7 **“SEC. 714. PROHIBITIONS WITH RESPECT TO FULL-BODY**
8 **RESTRAINTS.**

9 “(a) **IN GENERAL.**—The Secretary may not—
10 “(1) obligate or expend Federal funds for the
11 acquisition of, or
12 “(2) utilize,
13 a full-body restraint.

14 “(b) **SAVING PROVISION.**—The prohibition under
15 subsection (a)(1) does not apply with respect to a contract
16 or other similar type agreement entered into on or before
17 the date of the enactment of this section.

1 “(c) FEDERAL SERVICE.—If an officer or employee
2 of the Department in the course of employment with the
3 Department—

4 “(1) violates a prohibition under subsection (a),
5 or

6 “(2) deceives Congress or departmental leader-
7 ship, as described in section 454, on a matter re-
8 lated to such prohibition,
9 the Secretary, through the employee discipline and adverse
10 action programs referred to in section 704(b)(10), shall
11 remove such officer or employee, as the case may be, from
12 Federal service.

13 “(d) REPORTS.—

14 “(1) IN GENERAL.—Not later than 90 days
15 after the date of the enactment of this section and
16 quarterly thereafter, the Secretary shall submit to
17 the Committee on Homeland Security and the Com-
18 mittee on the Judiciary of the House of Representa-
19 tives and the Committee on Homeland Security and
20 Governmental Affairs and the Committee on the Ju-
21 diciary of the Senate a report that includes the fol-
22 lowing:

23 “(A) Information relating to departmental
24 compliance with the prohibitions under sub-
25 section (a).

1 “(B) An accounting of the full-body re-
2 straints, if any, in the possession of the Depart-
3 ment.

4 “(2) CONTENTS.—If the prohibition under sub-
5 section (a)(2) is violated, the applicable report under
6 paragraph (1) shall include, to the extent prac-
7 ticable, the following with respect to such violation:

8 “(A) An identification of the following:

9 “(i) The individual with respect to
10 whom personnel of the Department utilized
11 a full-body restraint.

12 “(ii) If applicable, each field office to
13 which such personnel are assigned or de-
14 ployed, as the case may be.

15 “(B) Information relating to the following:

16 “(i) The reason for such utilization.

17 “(ii) The age, sex, race, and ethnicity
18 of such individual.

19 “(iii) The period of time for which
20 such restraint was so utilized.

21 “(iv) The citizenship or immigration
22 status of such individual.

23 “(v) Whether such individual was in-
24 jured in the course of being placed in such
25 restraint.

1 “(vi) Whether subsequent to such
2 placement such individual was injured as a
3 result of such utilization.

4 “(vii) The component of the Depart-
5 ment through which such utilization was
6 carried out.

7 “(viii) The location at which, or the
8 transportation route on which, such utiliza-
9 tion was carried out.

10 “(ix) The language access services, if
11 any, available to such individual imme-
12 diately before and during such utilization.

13 “(C) An identification of the officer or em-
14 ployee of the Department who is responsible for
15 such utilization.

16 “(D) Information relating to the following:

17 “(i) Whether such officer or employee,
18 as the case may be, during such utilization
19 was a doctor, nurse, or other health profes-
20 sional, qualified to determine whether such
21 utilization would injure such individual.

22 “(ii) If clause (i) is answered in the
23 affirmative, such qualifications.

1 “(e) FULL-BODY RESTRAINTS DEFINED.—In this
2 section, the term ‘full-body restraints’ means four-point
3 and five-point restraints that immobilize an individual.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 is
6 amended by inserting after the item relating to section
7 713 the following new item:

“Sec. 714. Prohibitions with respect to full-body restraints.”.

