

AMENDMENT TO S. 2
OFFERED BY MRS. RAMIREZ OF ILLINOIS

Add at the end of title II the following:

1 **SEC. ____.** **PROHIBITIONS ON THE DEPARTMENT OF HOME-**
2 **LAND SECURITY WITH RESPECT TO FULL-**
3 **BODY RESTRAINTS.**

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

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.

18 “(c) **FEDERAL SERVICE.**—If an officer or employee
19 of the Department in the course of employment with the
20 Department—

1 “(1) violates a prohibition under subsection (a),

2 or

3 “(2) deceives Congress or departmental leader-
4 ship, as described in section 454, on a matter re-
5 lated to such prohibition,

6 the Secretary, through the employee discipline and adverse
7 action programs referred to in section 704(b)(10), shall
8 remove such officer or employee, as the case may be, from
9 Federal service.

10 “(d) REPORTS.—

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

20 “(A) Information relating to departmental
21 compliance with the prohibitions under sub-
22 section (a).

23 “(B) An accounting of the full-body re-
24 straints, if any, in the possession of the Depart-
25 ment.

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

5 “(A) An identification of the following:

6 “(i) The individual with respect to
7 whom personnel of the Department utilized
8 a full-body restraint.

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

12 “(B) Information relating to the following:

13 “(i) The reason for such utilization.

14 “(ii) The age, sex, race, and ethnicity
15 of such individual.

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

18 “(iv) The citizenship or immigration
19 status of such individual.

20 “(v) Whether such individual was in-
21 jured in the course of being placed in such
22 restraint.

23 “(vi) Whether subsequent to such
24 placement such individual was injured as a
25 result of such utilization.

1 “(vii) The component of the Depart-
2 ment through which such utilization was
3 carried out.

4 “(viii) The location at which, or the
5 transportation route on which, such utiliza-
6 tion was carried out.

7 “(ix) The language access services, if
8 any, available to such individual imme-
9 diately before and during such utilization.

10 “(C) An identification of the officer or em-
11 ployee of the Department who is responsible for
12 such utilization.

13 “(D) Information relating to the following:

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

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

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

24 (b) **CLERICAL AMENDMENT.**—The table of contents
25 in section 1(b) of the Homeland Security Act of 2002 is

- 1 amended by inserting after the item relating to section
- 2 713 the following new item:

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

