

119TH CONGRESS
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H. R. 4664

To safeguard the humane treatment of pregnant and postpartum women by ensuring the presumption of release and prohibiting shackling, restraining, and other inhumane treatment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2025

Ms. GARCIA of Texas (for herself, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. TAKANO, Ms. WATERS, Mr. ESPAILLAT, Ms. CLARKE of New York, Ms. LEGER FERNANDEZ, Mr. CASTRO of Texas, Mrs. RAMIREZ, Mr. JOHNSON of Georgia, Ms. NORTON, Mr. EVANS of Pennsylvania, Mrs. WATSON COLEMAN, Ms. DEGETTE, Mr. DAVIS of Illinois, Ms. SEWELL, Ms. SIMON, Ms. TLAIB, Mr. CARSON, Mr. KRISHNAMOORTHY, Mr. CORREA, Ms. ROSS, Mr. VARGAS, Ms. WILLIAMS of Georgia, Mr. FIELDS, Ms. CROCKETT, Ms. WILSON of Florida, Mr. BELL, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Ms. KELLY of Illinois, Ms. OMAR, Mr. THANEDAR, Mr. GOLDMAN of New York, Mr. JACKSON of Illinois, Ms. BARRAGÁN, Ms. MCCOLLUM, Mr. KHANNA, Mr. SOTO, Mr. FIGURES, Ms. LEE of Pennsylvania, Ms. BROWNLEY, Mr. GARCÍA of Illinois, and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To safeguard the humane treatment of pregnant and postpartum women by ensuring the presumption of release and prohibiting shackling, restraining, and other inhumane treatment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Shackling and
3 Detaining Pregnant Women Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE COMMITTEES OF CON-**
7 **GRESS.**—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Homeland Security
10 and Governmental Affairs of the Senate;

11 (B) the Committee on the Judiciary of the
12 Senate;

13 (C) the Committee on Appropriations of
14 the Senate;

15 (D) the Committee on Homeland Security
16 of the House of Representatives;

17 (E) the Committee on the Judiciary of the
18 House of Representatives; and

19 (F) the Committee on Appropriations of
20 the House of Representatives.

21 (2) **COMMISSIONER.**—The term “Commis-
22 sioner” means the Commissioner for U.S. Customs
23 and Border Protection.

24 (3) **DETAINED NONCITIZEN.**—The term “de-
25 tained noncitizen” includes any adult or juvenile in-
26 dividual detained by any Federal, State, or local law

1 enforcement agency (including under contract or
2 agreement with such agency) under the Immigration
3 and Nationality Act (8 U.S.C. 1101 et seq.).

4 (4) DETENTION OFFICER.—The term “deten-
5 tion officer” means an individual who—

6 (A) works at a facility, including an indi-
7 vidual who works at a facility pursuant to a
8 contract or subcontract; and

9 (B) performs duties relating to the secu-
10 rity, custody, or transport of individuals in cus-
11 tody.

12 (5) DIRECTOR.—The term “Director” means
13 the Director for U.S. Immigration and Customs En-
14 forcement.

15 (6) FACILITY.—The term “facility” means a
16 Federal, State, or local government facility, or a pri-
17 vately owned and operated facility, that is used, in
18 whole or in part, to hold individuals under the au-
19 thority of the Secretary of Homeland Security, in-
20 cluding a facility that—

21 (A) holds such individuals under a contract
22 or agreement with the Director or the Commis-
23 sioner; or

1 (B) is used, in whole or in part, to hold in-
2 dividuals pursuant to an immigration detainer
3 or similar request.

4 (7) FACILITY ADMINISTRATOR.—The term “fa-
5 cility administrator” means the official responsible
6 for oversight of a facility, or the designee of such of-
7 ficial.

8 (8) POSTPARTUM.—The term “postpartum”
9 means during the 1-year period, or longer, as deter-
10 mined by the licensed health care provider of the in-
11 dividual concerned, following delivery, including the
12 entire period during which the individual is in a
13 medical facility, birthing center, or infirmary after
14 birth.

15 (9) RESTRAINT.—The term “restraint”—

16 (A) means any physical restraint or me-
17 chanical device used to control the movement of
18 the body or limbs of a detained noncitizen’s
19 body for custody purposes, including—

- 20 (i) flex cuffs;
- 21 (ii) soft restraints;
- 22 (iii) hard metal handcuffs;
- 23 (iv) a black box;
- 24 (v) Chubb cuffs;
- 25 (vi) leg irons;

- 1 (vii) belly chains;
- 2 (viii) a security (tether) chain;
- 3 (ix) a convex shield; and
- 4 (x) any other type of shackles; and
- 5 (B) does not include medical restraints.

6 (10) SECRETARY.—The term “Secretary”
 7 means the Secretary of Homeland Security.

8 **SEC. 3. LIMITATION ON DETENTION OF PREGNANT WOMEN**
 9 **AND MOTHERS OF NEWBORNS.**

10 (a) ACCESS TO PREGNANCY TESTING.—The Sec-
 11 retary shall provide every individual being processed into
 12 custody access to pregnancy testing during the initial med-
 13 ical screening.

14 (b) PRESUMPTION OF RELEASE.—

15 (1) IN GENERAL.—Except as provided in para-
 16 graph (2), the Secretary—

17 (A) may not detain, arrest, or take into
 18 custody an individual under any provision of the
 19 Immigration and Nationality Act (8 U.S.C.
 20 1101 et seq.) who is known to be pregnant, lac-
 21 tating, or postpartum, pending a decision with
 22 respect to whether the noncitizen is to be re-
 23 moved from the United States; and

24 (B) shall immediately release any detained
 25 noncitizen found to be pregnant.

1 (2) EXCEPTIONS.—The Secretary, pursuant to
2 chapter 4 of title II of the Immigration and Nation-
3 ality Act (8 U.S.C. 1221 et seq.), may detain an in-
4 dividual who is known to be pregnant, lactating, or
5 postpartum—

6 (A) under extraordinary circumstances in
7 which the Secretary makes an individualized de-
8 termination that credible, reasonable grounds
9 exist to believe that—

10 (i) such individual poses an immediate
11 and serious risk of physical harm to oth-
12 ers; and

13 (ii) enrollment in an alternative to de-
14 tention program cannot mitigate public
15 safety threats associated with such indi-
16 vidual; and

17 (B) if such detention is the only means
18 available to mitigate such threats.

19 (3) REMOVAL.—If detention is the only means
20 of effectuating the removal from the United States
21 of a pregnant individual subject to a final order of
22 deportation or removal, the Secretary, solely for the
23 purpose of such deportation or removal, may detain
24 the pregnant individual in temporary housing in ac-

1 cordance with applicable temporary housing stand-
2 ards for a period equal to the shorter of—

3 (A) the shortest possible period imme-
4 diately preceding the deportation or removal of
5 the individual from the United States; and

6 (B) 5 days.

7 (c) WEEKLY REVIEW.—

8 (1) IN GENERAL.—The Secretary shall conduct
9 an individualized review of each noncitizen detained
10 pursuant to subsection (b)(2) not less frequently
11 than weekly to determine whether such noncitizen
12 continues to be subject to detention under such sub-
13 section. Each such review shall be completed within
14 72 hours after being initiated.

15 (2) RELEASE.—Not later than 24 hours after
16 the Secretary determines pursuant to paragraph (1)
17 that a pregnant noncitizen is no longer subject to
18 detention under subsection (b)(2), the noncitizen
19 shall be released from the facility in which the non-
20 citizen had been detained in accordance with safe re-
21 lease standards. In carrying out such release, an of-
22 ficer at such facility shall—

23 (A) prepare the noncitizen's complete med-
24 ical records, medications, and any supplies re-
25 quired to maintain the noncitizen's state of

1 health until the noncitizen can be seen by a
2 community health professional; and

3 (B) communicate with the noncitizen's at-
4 torney of record, sponsor, or any post-release
5 service provider as soon as details of the non-
6 citizen's planned release are available.

7 **SEC. 4. HUMANE TREATMENT OF PREGNANT DETAINED**
8 **NONCITIZENS WHILE IN DETENTION AND**
9 **CUSTODY.**

10 (a) PROHIBITION ON RESTRAINT OF PREGNANT DE-
11 TAINED NONCITIZENS.—

12 (1) PROHIBITION.—Except as provided in para-
13 graph (2), restraints may not be used on a noncit-
14 izen who is in the physical custody of the Depart-
15 ment of Homeland Security, including during trans-
16 port, if the noncitizen is known to be—

17 (A) pregnant, including during labor and
18 delivery;

19 (B) lactating; or

20 (C) postpartum.

21 (2) EXCEPTIONS.—

22 (A) IN GENERAL.—Notwithstanding para-
23 graph (1), and subject to subparagraph (B),
24 use of a restraint on a detained noncitizen de-
25 scribed in paragraph (1) may be permitted only

1 in an extraordinary circumstance, except in the
2 case of a medical contraindication, in which the
3 facility administrator has ordered the use of the
4 restraint after making an individualized deter-
5 mination that—

6 (i) credible, reasonable grounds exist
7 to believe the detained noncitizen poses an
8 immediate and serious risk of physical
9 harm to others; or

10 (ii) reasonable grounds exist to believe
11 the detained noncitizen presents an imme-
12 diate and credible risk of escape that can-
13 not be reasonably minimized through any
14 other method.

15 (B) REQUIREMENT FOR LEAST RESTRIC-
16 TIVE RESTRAINTS.—In the rare event of an ex-
17 traordinary circumstance described in subpara-
18 graph (A), only the least restrictive restraint
19 necessary shall be used, except that—

20 (i) if a doctor, nurse, or other health
21 professional treating a detained noncitizen
22 requests that a restraint not be used, the
23 detention officer accompanying the de-
24 tained noncitizen shall immediately remove
25 any restraint; and

1 (ii) under no circumstance shall—

2 (I) a leg, waist, or 4-point re-
3 straint be used;

4 (II) a wrist restraint be used to
5 bind the hands of such a detained
6 noncitizen behind the back of the de-
7 tained noncitizen or to another indi-
8 vidual;

9 (III) a detained noncitizen be re-
10 strained in a face-down position or on
11 their back; or

12 (IV) any restraint be used on any
13 detained noncitizen who is in labor or
14 delivering.

15 (3) RECORD OF EXTRAORDINARY CIR-
16 CUMSTANCES.—

17 (A) REQUIREMENTS.—If a restraint is
18 used on a detained noncitizen pursuant to para-
19 graph (2)(A), not later than 5 days after the
20 date on which the restraint was used, the facil-
21 ity administrator shall—

22 (i) record in writing the finding that
23 describes the medical purpose or extraor-
24 dinary circumstance that dictated the use
25 of the restraint; and

1 (ii) submit the finding to the Director.

2 (B) RETENTION.—

3 (i) FACILITY.—With respect to a writ-
4 ten finding under subparagraph (A)(i), the
5 facility administrator shall—

6 (I) keep the finding on file at the
7 applicable facility for not less than 5
8 years after the date on which the re-
9 straint was used; and

10 (II) make a copy of the finding
11 available for public inspection on re-
12 quest, only after making appropriate
13 redactions so as to protect personally
14 identifiable information.

15 (ii) U.S. IMMIGRATION AND CUSTOMS
16 ENFORCEMENT.—The Director shall main-
17 tain a written finding submitted to the Di-
18 rector pursuant to subparagraph (A)(ii)
19 and make such finding available for public
20 inspection only after making appropriate
21 redactions to protect personally identifiable
22 information.

23 (b) PROHIBITION ON PRESENCE OF NONMEDICAL
24 STAFF.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), nonmedical staff may not be present in
3 a room in which a pelvic or breast exam, labor, de-
4 livery (whether vaginal or by cesarean delivery), or
5 treatment of any other symptom relating to a preg-
6 nancy of a detained noncitizen is occurring unless
7 their presence is specifically requested by medical
8 personnel and only for a duration that is actually re-
9 quired to fulfill such request.

10 (2) EXCEPTION.—If the presence of nonmedical
11 staff is requested by medical personnel, the nonmed-
12 ical staff shall—

13 (A) be of the detained noncitizen’s gender
14 of choice, if practicable; and

15 (B) remain at a reasonable distance from
16 the detained noncitizen and face toward the de-
17 tained noncitizen’s head to protect the privacy
18 of the detained noncitizen.

19 (3) USE OF RESTRAINTS.—If a restraint is used
20 on a detained noncitizen pursuant to subsection
21 (a)(2)(A), an employee of the Department of Home-
22 land Security shall remain immediately outside the
23 room at all times so that the employee may promptly
24 remove the restraint if requested by medical per-
25 sonnel pursuant to subsection (a)(2)(B)(i).

1 (c) ACCESS TO SERVICES.—

2 (1) U.S. IMMIGRATION AND CUSTOMS ENFORCE-
3 MENT CUSTODY.—A detained noncitizen in the cus-
4 tody of U.S. Immigration and Customs Enforcement
5 shall have access to health care services, including
6 comprehensive counseling and services relating to re-
7 productive health care and pregnancy, including—

8 (A) routine and specialized prenatal care,
9 including adequate nutrition and exercise, HIV
10 testing and treatment, and prenatal vitamins
11 and vaccines;

12 (B) labor and delivery;

13 (C) treatment for complications from preg-
14 nancy;

15 (D) substance use disorder treatment;

16 (E) postpartum physical and mental health
17 care, including postpartum reversible contracep-
18 tive methods;

19 (F) no-cost supply of menstrual hygiene
20 products;

21 (G) lactation services; and

22 (H) family planning, continuation of pre-
23 detention contraceptive methods, and abortion
24 services.

1 (2) U.S. CUSTOMS AND BORDER PROTECTION
2 CUSTODY.—The Commissioner shall ensure that
3 minimum standards of care are met for pregnant de-
4 tained noncitizens who are in the custody of U.S.
5 Customs and Border Protection.

6 (d) REQUIREMENT FOR INFORMED MEDICAL CON-
7 SENT.—Services described in subsection (c)(1) may not be
8 performed on a detained noncitizen until the provider of
9 such services obtains informed consent from the noncit-
10 izen. Medical treatment may not be administered to a de-
11 tained noncitizen against such noncitizen’s will.

12 (e) MEDICAL CENTER ARRANGEMENTS.—Each facil-
13 ity administrator shall maintain—

14 (1) an arrangement with the nearest maternity
15 hospital and ensure facility staff know where to take
16 pregnant detained noncitizens in case of emergency;
17 and

18 (2) a policy to ensure the provision of proper
19 care if a detained noncitizen cannot be moved with
20 immediacy to a medical center.

21 **SEC. 5. NOTICE OF RIGHTS AND TRAINING.**

22 (a) NOTICE OF DETAINED NONCITIZEN RIGHTS.—
23 The Secretary shall provide to each detained noncitizen,
24 in a language or manner that such noncitizen can under-

1 stand, notice of the detained noncitizen's rights under this
2 Act.

3 (b) TRAINING FOR DEPARTMENT OF HOMELAND SE-
4 CURITY EMPLOYEES.—At the time of hiring, and annually
5 thereafter, the Secretary shall provide training regarding
6 the requirements under this Act to each employee of the
7 Department of Homeland Security who is involved in the
8 detention or care of a pregnant detained noncitizen or a
9 postpartum parent of a newborn who is being detained
10 pursuant to chapter 4 of title II of the Immigration and
11 Nationality Act (8 U.S.C. 1221 et seq.).

12 **SEC. 6. REPORTS; RULEMAKING.**

13 (a) REPORTS.—

14 (1) REPORTS BY FACILITY ADMINISTRATORS.—
15 Not later than 30 days after the end of each cal-
16 endar quarter, the facility administrator of each de-
17 tention facility in which 1 or more pregnant nonciti-
18 zens were detained during such quarter shall submit
19 a written report to the Secretary that includes, with
20 respect to the facility during such quarter—

21 (A) an account of every instance of the use
22 of a restraint on a pregnant detained noncitizen
23 during pregnancy, labor, or postpartum recov-
24 ery, including—

25 (i) the type of restraint;

1 (ii) the justification for the use of
2 such restraint; and

3 (iii) the name of the facility adminis-
4 trator who made the individualized deter-
5 mination pursuant to section 4(a)(2)(A);

6 (B) the number of pregnant noncitizens
7 held at such facility;

8 (C) the number of released pregnant non-
9 citizens who were held at such facility;

10 (D) the average length of detention of
11 pregnant noncitizens;

12 (E) the number of pregnant noncitizens
13 who were detained for between 15 and 30 days;

14 (F) the number of pregnant noncitizens
15 who were detained longer than 30 days; and

16 (G) the number of pregnant noncitizens
17 who gave birth while detained and a description
18 of the outcomes of any pregnancies that ended
19 in custody, including any pregnancy that re-
20 sulted in a live birth, a stillbirth, a miscarriage,
21 an abortion, an ectopic pregnancy, maternal
22 morbidity, maternal death, neonatal death, or
23 preterm birth.

1 (2) AUDIT AND REPORTS BY SECRETARY.—Not
2 later than 90 days after the last day of each fiscal
3 year, the Secretary shall—

4 (A) complete an audit of the information
5 described in subparagraphs (B) through (E) of
6 paragraph (1) contained in reports covering
7 such fiscal year;

8 (B) submit a report to the appropriate
9 committees of Congress that includes a sum-
10 mary of the information submitted pursuant to
11 paragraph (1), disaggregated by facility; and

12 (C) issue regulations in accordance with
13 relevant national standards that set minimum
14 standards for facilities providing medical care
15 to pregnant noncitizens.

16 (3) PRIVACY.—None of the reports submitted
17 pursuant to paragraph (1) or (2) may contain the
18 individually identifying information of any detained
19 noncitizen or the noncitizen’s health care provider.

20 (4) PUBLIC INSPECTION.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), each report submitted under
23 this subsection shall be made available on a
24 publicly accessible website of the relevant agen-
25 cy.

1 (B) FACILITY ADMINISTRATOR.—None of
2 the reports submitted under paragraph (1) or
3 (2) that is posted on a publicly accessible
4 website may contain the name of the facility ad-
5 ministrator referred to in paragraph (1)(A)(iii).

6 (b) RULEMAKING.—The Secretary shall adopt regula-
7 tions or policies to implement the requirements under this
8 Act at each detention facility managed or overseen by the
9 Department of Homeland Security.

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