

117TH CONGRESS  
2D SESSION

# S. 5027

To address the health needs of incarcerated women related to pregnancy and childbirth, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Ms. KLOBUCHAR (for herself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To address the health needs of incarcerated women related to pregnancy and childbirth, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting the Health  
5 and Wellness of Babies and Pregnant Women in Custody  
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) IN CUSTODY.—The term “in custody”, with  
10 respect to an individual, means that the individual is

1 under the supervision of a Federal, State, Tribal, or  
2 local correctional facility, including a pretrial, juve-  
3 nile, medical, or mental health facility and a facility  
4 operated under a contract with the Federal Govern-  
5 ment or a State, Tribal, or local government.

6 (2) OTHER PREGNANCY OUTCOME.—The term  
7 “other pregnancy outcome” means a pregnancy that  
8 ends in stillbirth, miscarriage, or ectopic pregnancy.

9 (3) POSTPARTUM RECOVERY.—The term  
10 “postpartum recovery” has the meaning given that  
11 term in section 4051(c) of title 18, United States  
12 Code, as added by this Act.

13 (4) RESTRAINTS.—The term “restraints”  
14 means any physical or mechanical device used to  
15 control the movement of an incarcerated pregnant  
16 woman’s body, limbs, or both.

17 (5) RESTRICTIVE HOUSING.—The term “re-  
18 strictive housing” has the meaning given that term  
19 in section 4322 of title 18, United States Code, as  
20 added by this Act.

21 **SEC. 3. DATA COLLECTION.**

22 (a) IN GENERAL.—Beginning not later than 1 year  
23 after the date of enactment of this Act, pursuant to the  
24 authority under section 302 of title I of the Omnibus  
25 Crime Control and Safe Streets Act of 1968 (34 U.S.C.

1 10132), the Director of the Bureau of Justice Statistics  
2 shall include in the National Prisoner Statistics Program  
3 and Annual Survey of Jails statistics relating to the health  
4 needs of incarcerated pregnant women in the criminal jus-  
5 tice system at the Federal, State, Tribal, and local levels,  
6 including—

7           (1) demographic and other information about  
8           incarcerated women who are pregnant, in labor, or  
9           in postpartum recovery, including the race, ethnicity,  
10          and age of the woman;

11          (2) the provision of pregnancy care and services  
12          provided for such women, including—

13                (A) whether prenatal, delivery, and post-  
14                delivery check-up visits were scheduled and pro-  
15                vided;

16                (B) whether a social worker, psychologist,  
17                doula or other support person was offered and  
18                provided during pregnancy and delivery and  
19                post-delivery;

20                (C) whether a pregnancy or parenting pro-  
21                gram was offered and provided during preg-  
22                nancy;

23                (D) whether a nursery or residential pro-  
24                gram to keep mothers and infants together

1 post-delivery was offered and whether such a  
2 nursery or residential program was provided;

3 (E) the number of days the mother stayed  
4 in the hospital post-delivery;

5 (F) the number of days the infant re-  
6 mained with the mother post-delivery; and

7 (G) the number of days the infant re-  
8 mained in the hospital after the mother was  
9 discharged;

10 (3) the location of the nearest hospital with a  
11 licensed obstetrician-gynecologist in proximity to  
12 where the incarcerated pregnant woman is housed  
13 and the length of travel required to transport the  
14 woman;

15 (4) whether a written policy or protocol is in  
16 place—

17 (A) to respond to unexpected childbirth,  
18 labor, deliveries, or medical complications re-  
19 lated to the pregnancies of incarcerated preg-  
20 nant women; and

21 (B) for incarcerated pregnant women expe-  
22 riencing labor or medical complications related  
23 to pregnancy outside of a hospital;

1           (5) the number of incarcerated women who are  
2 determined by a health care professional to have a  
3 high-risk pregnancy;

4           (6) the total number of incarcerated pregnant  
5 women and the number of incarcerated women who  
6 became pregnant while incarcerated;

7           (7) the number of incidents in which an incar-  
8 cerated woman who is pregnant, in labor, or in  
9 postpartum recovery is placed in restrictive housing,  
10 the reason for such restriction or placement, and the  
11 circumstances under which each incident occurred,  
12 including the duration of time in restrictive housing,  
13 during—

14                   (A) pregnancy;

15                   (B) labor;

16                   (C) delivery;

17                   (D) postpartum recovery; and

18                   (E) the 6-month period after delivery; and

19           (8) the disposition of the custody of the infant  
20 post-delivery.

21       (b) PERSONALLY IDENTIFIABLE INFORMATION.—

22 Data collected under this section may not contain any per-  
23 sonally identifiable information of any incarcerated preg-  
24 nant woman or woman in postpartum recovery.

1 **SEC. 4. CARE FOR FEDERALLY INCARCERATED WOMEN RE-**  
 2 **LATED TO PREGNANCY AND CHILDBIRTH.**

3 (a) IN GENERAL.—The Director of the Bureau of  
 4 Prisons shall ensure that appropriate services and pro-  
 5 grams, as described in subsection (b), are provided to  
 6 women in custody, to address the health and safety needs  
 7 of such women related to pregnancy and childbirth. The  
 8 warden of each Bureau of Prisons facility that houses  
 9 women shall ensure that these services and programs are  
 10 implemented for women in custody at that facility.

11 (b) SERVICES AND PROGRAMS PROVIDED.—The serv-  
 12 ices and programs described in this subsection are the fol-  
 13 lowing:

14 (1) ACCESS TO COMPLETE APPROPRIATE  
 15 HEALTH SERVICES FOR THE LIFE CYCLE OF  
 16 WOMEN.—The Director of the Bureau of Prisons—

17 (A) shall provide to each woman in cus-  
 18 tody—

19 (i) pregnancy testing and testing for  
 20 sexually transmitted diseases; and

21 (ii) the option to decline such testing;  
 22 and

23 (B) at an inmate's request, shall provide  
 24 contraception.

25 (2) COMPLIANCE WITH PROTOCOLS RELATING  
 26 TO HEALTH OF A PREGNANT WOMAN.—On confirma-

1       tion of the pregnancy of a woman in custody by clin-  
2       ical diagnostics and assessment, the chief health  
3       care professional of the Bureau of Prisons facility in  
4       which the woman is housed shall ensure that—

5               (A) a summary of all appropriate protocols  
6               directly pertaining to the safety and well-being  
7               of the woman are provided to the woman;

8               (B) such protocols are complied with; and

9               (C) such protocols include an assessment  
10              of undue safety risks and necessary changes to  
11              accommodate the woman where and when ap-  
12              propriate, as it relates to—

13              (i) housing or transfer to a lower  
14              bunk for safety reasons;

15              (ii) appropriate bedding or clothing to  
16              respond to the woman's changing physical  
17              requirements and the temperature in hous-  
18              ing units;

19              (iii) regular access to water and bath-  
20              rooms;

21              (iv) a diet that—

22                      (I) complies with the nutritional  
23                      standards established by the Secretary  
24                      of Agriculture and the Secretary of  
25                      Health and Human Services in the

1 Dietary Guidelines for Americans re-  
2 port published pursuant to section  
3 301(a)(3) of the National Nutrition  
4 Monitoring and Related Research Act  
5 of 1990 (7 U.S.C. 5341(a)(3)); and

6 (II) includes—

7 (aa) any appropriate dietary  
8 supplement, including prenatal  
9 vitamins;

10 (bb) timely and regular nu-  
11 tritious meals;

12 (cc) additional caloric con-  
13 tent in meals provided;

14 (dd) a prohibition on with-  
15 holding food from the woman or  
16 serving any food that is used as  
17 a punishment, including  
18 nutraloaf or any food similar to  
19 nutraloaf that is not considered a  
20 nutritious meal; and

21 (ee) such other modifications  
22 to the diet of the woman as the  
23 Director of the Bureau of Pris-  
24 ons determines to be necessary  
25 after consultation with the Sec-



1                   retary of Health and Human  
2                   Services and consideration of  
3                   such recommendations as the  
4                   Secretary may provide;

5                   (v) modified recreation and transpor-  
6                   tation, in accordance with standards within  
7                   the obstetrical and gynecological care com-  
8                   munity, to prevent overexertion or pro-  
9                   longed periods of inactivity; and

10                  (vi) such other changes to living con-  
11                  ditions as the Director of the Bureau of  
12                  Prisons may require after consultation  
13                  with the Secretary of Health and Human  
14                  Services and consideration of such rec-  
15                  ommendations as the Secretary may pro-  
16                  vide.

17                  (3) EDUCATION AND SUPPORT SERVICES.—

18                  (A) PREGNANCY IN CUSTODY.—A woman  
19                  who is pregnant at intake or who becomes preg-  
20                  nant while in custody shall, not later than 14  
21                  days after the pregnant woman notifies a Bu-  
22                  reau of Prisons official of the pregnancy, re-  
23                  ceive prenatal education, counseling, and birth  
24                  support services provided by a provider trained  
25                  to provide such services, including—

1 (i) information about the parental  
2 rights of the woman, including the right to  
3 place the child in kinship care, and notice  
4 of the rights of the child;

5 (ii) information about family preserva-  
6 tion support services that are available to  
7 the woman;

8 (iii) information about the nutritional  
9 standards referred to in paragraph  
10 (2)(C)(iv);

11 (iv) information pertaining to the  
12 health and safety risks of pregnancy, child-  
13 birth, and parenting, including postpartum  
14 depression;

15 (v) information on breast-feeding, lac-  
16 tation, and breast health;

17 (vi) appropriate educational materials,  
18 resources, and services related to preg-  
19 nancy, childbirth, and parenting;

20 (vii) information and notification serv-  
21 ices for incarcerated parents regarding the  
22 risk of debt repayment obligations associ-  
23 ated with their child's participation in so-  
24 cial welfare programs, including assistance  
25 under any State program funded under

1 part A of title IV of the Social Security  
2 Act (42 U.S.C. 601 et seq.) or benefits  
3 under the supplemental nutrition assist-  
4 ance program, as defined in section 3 of  
5 the Food and Nutrition Act of 2008 (7  
6 U.S.C. 2012), or any State program car-  
7 ried out under that Act; and

8 (viii) information from the Office of  
9 Child Support Enforcement of the Depart-  
10 ment of Health and Human Services re-  
11 garding seeking or modifying child support  
12 while incarcerated, including how to par-  
13 ticipate in the Bureau of Prison's Inmate  
14 Financial Responsibility Program under  
15 subpart B of part 545 of title 28, Code of  
16 Federal Regulations (or any successor pro-  
17 gram).

18 (B) BIRTH WHILE IN CUSTODY OR PRIOR  
19 TO CUSTODY.—A woman who, while in custody  
20 or during the 6-month period immediately pre-  
21 ceding intake, gave birth or experienced any  
22 other pregnancy outcome shall receive coun-  
23 seling provided by a licensed or certified pro-  
24 vider trained to provide such services, includ-  
25 ing—

1 (i) information about the parental  
2 rights of the woman, including the right to  
3 place the child in kinship care, and notice  
4 of the rights of the child; and

5 (ii) information about family preserva-  
6 tion support services that are available to  
7 the woman.

8 (4) EVALUATIONS.—

9 (A) IN GENERAL.—Each woman in custody  
10 who is pregnant or whose pregnancy results in  
11 a birth or any other pregnancy outcome during  
12 the 6-month period immediately preceding in-  
13 take or any time in custody thereafter shall be  
14 evaluated as soon as practicable after intake or  
15 confirmation of pregnancy through evidence-  
16 based screening and assessment for substance  
17 use disorders or mental health conditions, in-  
18 cluding postpartum depression or depression re-  
19 lated to pregnancy, birth, or any other preg-  
20 nancy outcome or early child care.

21 (B) RISK FACTORS.—Screening under sub-  
22 paragraph (A) shall include identification of  
23 any of the following risk factors:

24 (i) An existing mental or physical  
25 health condition or substance use disorder.

1 (ii) Being underweight or overweight.

2 (iii) Multiple births or a previous still  
3 birth.

4 (iv) A history of preeclampsia.

5 (v) A previous Caesarean section.

6 (vi) A previous miscarriage.

7 (vii) Being older than 35 or younger  
8 than 15.

9 (viii) Being diagnosed with the human  
10 immunodeficiency virus, hepatitis, diabetes,  
11 or hypertension.

12 (ix) Such other risk factors as the  
13 chief health care professional of the Bu-  
14 reau of Prisons facility that house the  
15 woman may determine to be appropriate.

16 (5) UNEXPECTED BIRTHS RULEMAKING.—The  
17 Director of the Bureau of Prisons shall provide serv-  
18 ices to respond to unexpected childbirth deliveries,  
19 labor complications, and medical complications re-  
20 lated to pregnancy if a woman in custody is unable  
21 to access a hospital in a timely manner in accord-  
22 ance with rules promulgated by the Attorney Gen-  
23 eral, which shall be promulgated not later than 180  
24 days after the date of enactment of this Act.

1           (6) TREATMENT.—The Director of the Bureau  
2           of Prisons shall use best efforts to provide a woman  
3           in custody who is pregnant and diagnosed with hav-  
4           ing a substance use disorder or a mental health dis-  
5           order with appropriate evidence-based treatment.

6 **SEC. 5. USE OF RESTRICTIVE HOUSING ON INCARCERATED**  
7                           **PREGNANT WOMEN DURING PREGNANCY,**  
8                           **LABOR, AND POSTPARTUM RECOVERY PRO-**  
9                           **HIBITED.**

10          (a) IN GENERAL.—Section 4322 of title 18, United  
11 States Code, is amended to read as follows:

12 **“§ 4322. Use of restrictive housing on incarcerated**  
13                           **women during the period of pregnancy,**  
14                           **labor, and postpartum recovery prohib-**  
15                           **ited**

16          “(a) PROHIBITION.—Except as provided in sub-  
17 section (b), during the period beginning on the date on  
18 which pregnancy is confirmed by a health care professional  
19 and ending not earlier than 12 weeks after delivery, an  
20 incarcerated woman in the custody of the Bureau of Pris-  
21 ons, or in the custody of the United States Marshals Serv-  
22 ice pursuant to section 4086, shall not be held in restric-  
23 tive housing.

24          “(b) EXCEPTIONS.—

1           “(1) RESTRICTIVE HOUSING.—Subject to para-  
2           graph (4), the prohibition under subsection (a) relat-  
3           ing to restrictive housing shall not apply if the Di-  
4           rector of the Bureau of Prisons or a senior Bureau  
5           of Prisons official overseeing women’s health and  
6           services, in consultation with senior officials in  
7           health services, makes an individualized determina-  
8           tion that restrictive housing is required as a tem-  
9           porary response to behavior that poses a serious and  
10          immediate risk of physical harm.

11          “(2) REVIEW.—The official who makes a deter-  
12          mination under subparagraph (A) shall review such  
13          determination daily for the purpose of removing an  
14          incarcerated woman as quickly as feasible from re-  
15          strictive housing.

16          “(3) RESTRICTIVE HOUSING PLAN.—The offi-  
17          cial who makes a determination under subparagraph  
18          (A) shall develop an individualized plan to move an  
19          incarcerated woman to less restrictive housing within  
20          a reasonable amount of time.

21          “(4) PROHIBITION ON SOLITARY CONFINEMENT.—An incarcerated woman who is placed in re-  
22          strictive housing under this subsection may not be  
23          placed in solitary confinement if the incarcerated  
24          woman is in her third trimester.  
25

1 “(c) REPORTS.—

2 “(1) REPORT TO DIRECTORS AND HEALTH  
3 CARE PROFESSIONAL AFTER PLACEMENT IN RE-  
4 STRICTIVE HOUSING.—Not later than 30 days after  
5 the date on which an incarcerated woman is placed  
6 in restrictive housing under subsection (b), the ap-  
7 plicable official identified in subsection (b)(1), cor-  
8 rectional officer, or United States Marshal shall sub-  
9 mit to the Director of the Bureau of Prisons or the  
10 Director of the United States Marshals Service, as  
11 applicable, and to the health care professional re-  
12 sponsible for the health and safety of the woman, a  
13 written report which describes the facts and cir-  
14 cumstances surrounding the restrictive housing  
15 placement, and includes the following:

16 “(A) The reasoning upon which the deter-  
17 mination for the placement was made.

18 “(B) The details of the placement, includ-  
19 ing length of time of placement and how fre-  
20 quently and how many times the determination  
21 was made subsequent to the initial determina-  
22 tion to continue the restrictive housing place-  
23 ment.



1           “(C) A description of all attempts to use  
2           alternative interventions and sanctions before  
3           the restrictive housing was used.

4           “(D) Any resulting physical effects on the  
5           woman observed by or reported by the health  
6           care professional responsible for the health and  
7           safety of the woman.

8           “(E) Strategies the facility is putting in  
9           place to identify more appropriate alternative  
10          interventions should a similar situation arise  
11          again.

12          “(2) REPORT TO CONGRESS.—Not later than  
13          180 days after the date of enactment of the Pro-  
14          tecting the Health and Wellness of Babies and Preg-  
15          nant Women in Custody Act, and every 180 days  
16          thereafter for a period of 10 years, the Attorney  
17          General shall submit to the Committee on the Judi-  
18          ciary of the Senate and the Committee on the Judi-  
19          ciary of the House of Representatives a report on  
20          the placement of incarcerated women in restrictive  
21          housing under subsection (b), which shall include the  
22          information described in paragraph (1).

23          “(d) NOTICE.—Not later than 24 hours after the con-  
24          firmation of the pregnancy of an incarcerated woman by  
25          a health care professional, that woman shall be notified,

1 orally and in writing, by an appropriate health care profes-  
2 sional, correctional officer, or United States Marshal, as  
3 applicable—

4 “(1) of the restrictions on the use of restrictive  
5 housing placements under this section;

6 “(2) of the right of the incarcerated woman to  
7 make a confidential report of a violation of restric-  
8 tions on the use of restrictive housing placement;  
9 and

10 “(3) that the facility staff have been advised of  
11 all rights of the incarcerated woman under sub-  
12 section (a).

13 “(e) VIOLATION REPORTING PROCESS.—Not later  
14 than 180 days after the date of enactment of the Pro-  
15 tecting the Health and Wellness of Babies and Pregnant  
16 Women in Custody Act, the Director of the Bureau of  
17 Prisons and the Director of the United States Marshals  
18 Service shall establish processes through which an incar-  
19 cerated person may report a violation of this section.

20 “(f) NOTIFICATION OF RIGHTS.—The warden of the  
21 Bureau of Prisons facility where a pregnant woman is in  
22 custody shall notify necessary facility staff of the preg-  
23 nancy and of the rights of the incarcerated pregnant  
24 woman under subsection (a).

1       “(g) RETALIATION.—It shall be unlawful for any Bu-  
2 reau of Prisons or United States Marshals Service em-  
3 ployee to retaliate against an incarcerated person for re-  
4 porting under the processes established under subsection  
5 (e) a violation of subsection (a).

6       “(h) EDUCATION.—Not later than 90 days after the  
7 date of enactment of the Protecting the Health and  
8 Wellness of Babies and Pregnant Women in Custody Act,  
9 the Director of the Bureau of Prisons and the Director  
10 of the United States Marshals Service shall each—

11           “(1) develop education guidelines regarding the  
12 physical and mental health needs of incarcerated  
13 pregnant women, and the use of restrictive housing  
14 placements on incarcerated women during the period  
15 of pregnancy, labor, and postpartum recovery; and

16           “(2) incorporate such guidelines into appro-  
17 priate education programs.

18       “(i) DEFINITION.—In this section, the term ‘restrictive  
19 housing’ means any type of detention that involves—

20           “(1) removal from the general inmate popu-  
21 lation, whether voluntary or involuntary;

22           “(2) placement in a locked room or cell, wheth-  
23 er alone or with another inmate; and

24           “(3) inability to leave the room or cell for the  
25 vast majority of the day.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 for chapter 317 of title 18, United States Code, is amend-  
 3 ed by striking the item relating to section 4322 and insert-  
 4 ing the following:

“4322. Use of restrictive housing on incarcerated women during the period of  
 pregnancy, labor, and postpartum recovery prohibited.”.

5 **SEC. 6. TREATMENT OF WOMEN WITH HIGH-RISK PREG-**  
 6 **NANCIES.**

7 (a) IN GENERAL.—Chapter 303 of title 18, United  
 8 States Code, is amended by adding at the end the fol-  
 9 lowing:

10 **“§ 4051. Treatment of incarcerated pregnant women**

11 “(a) HIGH-RISK PREGNANCY HEALTH CARE.—The  
 12 Director of the Bureau of Prisons shall ensure that each  
 13 incarcerated pregnant woman receives an evaluation to de-  
 14 termine if the pregnancy is high-risk and, if so, receives  
 15 healthcare appropriate for a high-risk pregnancy, includ-  
 16 ing obstetrical and gynecological care, during pregnancy  
 17 and postpartum recovery.

18 “(b) HIGH-RISK PREGNANCIES.—

19 “(1) IN GENERAL.—The Director of the Bureau  
 20 of Prisons shall transfer to a Residential Reentry  
 21 Center with adequate health care during her preg-  
 22 nancy and postpartum recovery any incarcerated  
 23 woman who—

1           “(A) is determined by a health care profes-  
2           sional to have a high-risk pregnancy; and

3           “(B) agrees to be transferred.

4           “(2) PRIORITY.—The Residential Reentry Cen-  
5           ter to which an incarcerated pregnant woman is  
6           transferred under paragraph (1) shall, to the extent  
7           practicable, be in a geographical location that is  
8           close to the family members of the incarcerated  
9           pregnant woman.

10          “(3) TRANSPORTATION.—To transport an in-  
11          carcerated pregnant woman to a Residential Reentry  
12          Center, the Director of the Bureau of Prisons shall  
13          provide to the woman a mode of transportation that  
14          a healthcare professional has determined to be safe  
15          for transporting the pregnant woman.

16          “(4) SERVICE OF SENTENCE.—Any time ac-  
17          crued at a Residential Reentry Center or alternative  
18          housing as a result of a transfer made under this  
19          section shall be credited toward service of the incar-  
20          cerated pregnant woman’s sentence.

21          “(c) DEFINITIONS.—In this section:

22               “(1) HEALTH CARE PROFESSIONAL.—The term  
23               ‘health care professional’ means—

24                       “(A) a doctor of medicine or osteopathy  
25                       who is authorized to diagnose and treat phys-

1           ical or mental health conditions under the laws  
2           of the State in which the doctor practices and  
3           where the facility is located;

4           “(B) any physician’s assistant or nurse  
5           practitioner who is supervised by a doctor of  
6           medicine or osteopathy described in subpara-  
7           graph (A); or

8           “(C) any other person determined by the  
9           Director of the Bureau of Prisons to be capable  
10          of providing health care services.

11          “(2) HIGH-RISK PREGNANCY.—The term ‘high-  
12          risk pregnancy’ means, with respect to an incarcer-  
13          ated woman, that the pregnancy threatens the  
14          health or life of the woman or pregnancy, as deter-  
15          mined by a health care professional.

16          “(3) POSTPARTUM RECOVERY.—The term  
17          ‘postpartum recovery’ means the 3-month period be-  
18          ginning on the date on which an incarcerated preg-  
19          nant woman gives birth, or longer as determined by  
20          a health care professional following delivery, and  
21          shall include the entire period that the incarcerated  
22          pregnant woman is in the hospital or infirmary.

23          “(4) RESIDENTIAL REENTRY CENTER.—The  
24          term ‘Residential Reentry Center’ means a Bureau  
25          of Prisons contracted residential reentry center.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-  
2 tions for chapter 303 of title 18, United States Code, is  
3 amended by adding at the end the following:

“4051. Treatment of incarcerated pregnant women.”.

4 **SEC. 7. REPORTING REQUIREMENT REGARDING CLAIMS**  
5 **FILED BY PREGNANT INMATES.**

6 The Director of the Federal Bureau of Prisons shall  
7 make publicly available on the website of the Federal Bu-  
8 reau of Prisons on an annual basis the following informa-  
9 tion:

10 (1) The total number of Administrative Remedy  
11 appeals related to pregnant inmates that were filed  
12 during the previous year.

13 (2) The total number of institution-level Re-  
14 quests for Administrative Remedy related to preg-  
15 nant inmates that were filed during the previous  
16 year.

17 (3) The total number of informal requests for  
18 administrative remedy related to pregnant inmates  
19 that were filed during the previous year.

20 (4) The total number of requests or appeals re-  
21 lated to pregnant inmates during the previous year  
22 that were not resolved before the inmate gave birth  
23 or that were mooted because the inmate’s pregnancy  
24 ended.

1           (5) The average amount of time that each cat-  
2           egory of request or appeal took to resolve during the  
3           previous year.

4           (6) The shortest and longest amounts of time  
5           that a request or appeal in each category that was  
6           resolved in the last year took to resolve.

7   **SEC. 8. EDUCATION AND TECHNICAL ASSISTANCE.**

8           The Director of the National Institute of Corrections  
9           shall provide education and technical assistance, in con-  
10          junction with the appropriate public agencies, at State and  
11          local correctional facilities that house women and facilities  
12          in which incarcerated women go into labor and give birth,  
13          in order to educate the employees of such facilities, includ-  
14          ing health personnel, on the dangers and potential mental  
15          health consequences associated with the use of restrictive  
16          housing and restraints on incarcerated women during  
17          pregnancy, labor, and postpartum recovery, and on alter-  
18          natives to the use of restraints and restrictive housing  
19          placement.

20   **SEC. 9. BUREAU OF PRISONS STAFF AND UNITED STATES**  
21                           **MARSHALS TRAINING.**

22          (a) BUREAU OF PRISONS TRAINING.—

23                  (1) IN GENERAL.—

24                           (A) INITIAL TRAINING.—Not later than  
25                  180 days after the date of enactment of this



1 Act, the Director of the Bureau of Prisons shall  
2 provide training to carry out the requirements  
3 of this Act and the amendments made by this  
4 Act to each correctional officer at any Bureau  
5 of Prisons facility that houses women who is  
6 employed on the date of enactment of this Act.

7 (B) SUBSEQUENT TRAINING.—After the  
8 initial training provided under subparagraph  
9 (A), the Director of the Bureau of Prisons shall  
10 provide training to carry out the requirements  
11 of this Act and the amendments made by this  
12 Act twice each year to each correctional officer  
13 at any Bureau of Prisons facility that houses  
14 women.

15 (2) NEW HIRES.—

16 (A) DEFINITION.—In this paragraph, the  
17 term “covered new correctional officer” means  
18 an individual appointed to a position as a cor-  
19 rectional officer at a Bureau of Prisons facility  
20 that houses women on or after the date that is  
21 180 days after the date of enactment of this  
22 Act.

23 (B) TRAINING.—The Director of the Bu-  
24 reau of Prisons shall train each covered new  
25 correctional officer to carry out the require-

1           ments of this Act and the amendments made by  
2           this Act not later than 30 days after the date  
3           on which the covered new correctional officer is  
4           appointed.

5           (b) UNITED STATES MARSHALS TRAINING.—

6           (1) IN GENERAL.—On and after the date that  
7           is 180 days after the date of enactment of this Act,  
8           the Director of the United States Marshals Service  
9           shall ensure that each Deputy United States Mar-  
10          shal has received trained pursuant to the guidelines  
11          described in subsection (c).

12          (2) NEW HIRES.—

13           (A) DEFINITION.—In this paragraph, the  
14           term “new Deputy United States Marshal”  
15           means an individual appointed to a position as  
16           a Deputy United States Marshal after the date  
17           of enactment of this Act.

18           (B) TRAINING.—Not later than 30 days  
19           after the date on which a new Deputy United  
20           States Marshal is appointed, the new Deputy  
21           United States Marshal shall receive training  
22           pursuant to the guidelines described in sub-  
23           section (c).

24          (c) GUIDELINES.—

1           (1) IN GENERAL.—The Director of the Bureau  
2 of Prisons and the United States Marshals Service  
3 shall each develop guidelines on the treatment of in-  
4 carcerated women during pregnancy, labor, and  
5 postpartum recovery and incorporate such guidelines  
6 in the training required under this section.

7           (2) CONTENTS.—The guidelines developed  
8 under paragraph (1) shall include guidance on—

9                   (A) the transportation of incarcerated  
10 pregnant women;

11                   (B) housing of incarcerated pregnant  
12 women;

13                   (C) nutritional requirements for incarcer-  
14 ated pregnant women; and

15                   (D) the right of a health care professional  
16 to request that restraints not be used.

17 **SEC. 10. GAO STUDY ON STATE AND LOCAL CORRECTIONAL**  
18 **FACILITIES.**

19           The Comptroller General of the United States shall  
20 conduct a study of services and protections provided for  
21 pregnant incarcerated women in local and State correc-  
22 tional settings, including—

23                   (1) policies on—

24                           (A) obstetrical and gynecological care;

1 (B) education on nutritional issues and  
2 health and safety risks associated with preg-  
3 nancy;

4 (C) mental health and substance use treat-  
5 ment;

6 (D) access to prenatal and post-delivery  
7 support services and programs; and

8 (E) the use of restraints and restrictive  
9 housing placement; and

10 (2) the extent to which the intent of such poli-  
11 cies is fulfilled.

12 **SEC. 11. GAO STUDY ON FEDERAL PRETRIAL DETENTION**  
13 **FACILITIES.**

14 (a) STUDY.—The Comptroller General of the United  
15 States shall conduct a study of services and protections  
16 provided for pregnant women who are incarcerated in Fed-  
17 eral pretrial detention facilities, which shall examine—

18 (1) what available data indicate about pregnant  
19 women detained or held in Federal pretrial detention  
20 facilities;

21 (2) existing United States Marshals Service  
22 policies and standards that address the care of preg-  
23 nant women in Federal pretrial detention facilities;  
24 and

1           (3) what is known about the care provided to  
2           pregnant women in Federal pretrial detention facili-  
3           ties.

4           (b) REPORT AND BEST PRACTICES.—Not later than  
5           2 years after the date of enactment of this Act, the Comp-  
6           troller General shall submit to the Committee on the Judi-  
7           ciary of the Senate and the Committee on the Judiciary  
8           of the House of Representatives a report of the results  
9           of the study conducted under subsection (a), which shall—

10           (1) identify best practices for ensuring that  
11           Federal pretrial detention facilities implement serv-  
12           ices and protections for pregnant women consistent  
13           with this Act and the amendments made by this Act;  
14           and

15           (2) provide recommendations on how to imple-  
16           ment these best practices among all Federal pretrial  
17           detention facilities.

18           (c) DEFINITION.—For purposes of this section, the  
19           term “Federal pretrial detention facilities” includes State,  
20           local, private, or other facilities under contract with the  
21           United States Marshals Service for the purpose of housing  
22           Federal pretrial detainees.

23           **SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.**

24           The budgetary effects of this Act, for the purpose of  
25           complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement  
2 titled “Budgetary Effects of PAYGO Legislation” for this  
3 Act, submitted for printing in the Congressional Record  
4 by the Chairman of the Senate Budget Committee, pro-  
5 vided that such statement has been submitted prior to the  
6 vote on passage.

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