

117TH CONGRESS  
2D SESSION

# H. R. 6878

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Pregnant Women in  
3 Custody Act”.

4 **SEC. 2. DEFINITIONS.**

5       In this Act:

6           (1) **IN CUSTODY.**—The term “in custody”, with  
7       respect to an individual, means that the individual is  
8       under the supervision of a Federal, State, Tribal, or  
9       local correctional facility, including a pretrial, juve-  
10      nile, medical, or mental health facility and a facility  
11      operated under a contract with the Federal Govern-  
12      ment or a State, Tribal, or local government.

13          (2) **OTHER PREGNANCY OUTCOME.**—The term  
14      “other pregnancy outcome” means a pregnancy that  
15      ends in stillbirth, miscarriage, or ectopic pregnancy.

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

20          (4) **RESTRAINTS.**—The term “restraints”  
21      means any physical or mechanical device used to  
22      control the movement of an incarcerated pregnant  
23      woman’s body, limbs, or both.

24          (5) **RESTRICTIVE HOUSING.**—The term “re-  
25      strictive housing” has the meaning given that term

1 in section 4322 of title 18, United States Code, as  
2 added by this Act.

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

4 (a) IN GENERAL.—Beginning not later than 1 year  
5 after the date of enactment of this Act, pursuant to the  
6 authority under section 302 of title I of the Omnibus  
7 Crime Control and Safe Streets Act of 1968 (34 U.S.C.  
8 10132), the Director of the Bureau of Justice Statistics  
9 shall include in the National Prisoner Statistics Program  
10 and Annual Survey of Jails statistics relating to the health  
11 needs of incarcerated pregnant women in the criminal jus-  
12 tice system at the Federal, State, Tribal, and local levels,  
13 including—

14 (1) demographic and other information about  
15 incarcerated women who are pregnant, in labor, or  
16 in postpartum recovery, including the race, ethnicity,  
17 and age of the woman;

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

20 (A) whether prenatal, delivery, and post-  
21 delivery check-up visits were scheduled and pro-  
22 vided;

23 (B) whether a social worker, psychologist,  
24 doula or other support person was offered and

1 provided during pregnancy and delivery and  
2 post-delivery;

3 (C) whether a pregnancy or parenting pro-  
4 gram was offered and provided during preg-  
5 nancy;

6 (D) whether a nursery or residential pro-  
7 gram to keep mothers and infants together  
8 post-delivery was offered and whether such a  
9 nursery or residential program was provided;

10 (E) the number of days the mother stayed  
11 in the hospital post-delivery;

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

14 (G) the number of days the infant re-  
15 mained in the hospital after the mother was  
16 discharged;

17 (3) the location of the nearest hospital with a  
18 licensed obstetrician-gynecologist in proximity to  
19 where the incarcerated pregnant woman is housed  
20 and the length of travel required to transport the  
21 woman;

22 (4) whether a written policy or protocol is in  
23 place—

24 (A) to respond to unexpected childbirth,  
25 labor, deliveries, or medical complications re-

1           lated to the pregnancies of incarcerated preg-  
2           nant women; and

3                   (B) for incarcerated pregnant women expe-  
4           riencing labor or medical complications related  
5           to pregnancy outside of a hospital;

6           (5) the number of incarcerated women who are  
7           determined by a health care professional to have a  
8           high-risk pregnancy;

9           (6) the total number of incarcerated pregnant  
10          women and the number of incarcerated women who  
11          became pregnant while incarcerated;

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

19                   (A) pregnancy;

20                   (B) labor;

21                   (C) delivery;

22                   (D) postpartum recovery; and

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

24          (8) the disposition of the custody of the infant  
25          post-delivery.

1 (b) PERSONALLY IDENTIFIABLE INFORMATION.—

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

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

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

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

18 (1) ACCESS TO COMPLETE APPROPRIATE  
 19 HEALTH SERVICES FOR THE LIFE CYCLE OF  
 20 WOMEN.—The Director of the Bureau of Prisons  
 21 shall ensure that each woman of reproductive age in  
 22 custody at a Bureau of Prisons facility—

23 (A) has access to contraception and testing  
 24 for pregnancy and sexually transmitted dis-  
 25 eases, upon request of any such woman; and

1 (B) is administered a pregnancy test on  
2 the date on which the woman enters the facility,  
3 which the woman may decline.

4 (2) COMPLIANCE WITH PROTOCOLS RELATING  
5 TO HEALTH OF A PREGNANT WOMAN.—On confirma-  
6 tion of the pregnancy of a woman in custody by clin-  
7 ical diagnostics and assessment, the chief health  
8 care professional of the Bureau of Prisons facility in  
9 which the woman is housed shall ensure that—

10 (A) a summary of all appropriate protocols  
11 directly pertaining to the safety and well-being  
12 of the woman are provided to the woman;

13 (B) such protocols are complied with; and

14 (C) such protocols include an assessment  
15 of undue safety risks and necessary changes to  
16 accommodate the woman where and when ap-  
17 propriate, as it relates to—

18 (i) housing or transfer to a lower  
19 bunk for safety reasons;

20 (ii) appropriate bedding or clothing to  
21 respond to the woman's changing physical  
22 requirements and the temperature in hous-  
23 ing units;

24 (iii) regular access to water and bath-  
25 rooms;

1 (iv) a diet that—

2 (I) complies with the nutritional  
3 standards established by the Secretary  
4 of Agriculture and the Secretary of  
5 Health and Human Services in the  
6 Dietary Guidelines for Americans re-  
7 port published pursuant to section  
8 301(a)(3) of the National Nutrition  
9 Monitoring and Related Research Act  
10 of 1990 (7 U.S.C. 5341(a)(3)); and

11 (II) includes—

12 (aa) any appropriate dietary  
13 supplement, including prenatal  
14 vitamins;

15 (bb) timely and regular nu-  
16 tritious meals;

17 (cc) additional caloric con-  
18 tent in meals provided;

19 (dd) a prohibition on with-  
20 holding food from the woman or  
21 serving any food that is used as  
22 a punishment, including  
23 nutraloaf or any food similar to  
24 nutraloaf that is not considered a  
25 nutritious meal; and



1 (ee) such other modifications  
2 to the diet of the woman as the  
3 Director of the Bureau of Pris-  
4 ons determines to be necessary  
5 after consultation with the Sec-  
6 retary of Health and Human  
7 Services and consideration of  
8 such recommendations as the  
9 Secretary may provide;

10 (v) modified recreation and transpor-  
11 tation, in accordance with standards within  
12 the obstetrical and gynecological care com-  
13 munity, to prevent overexertion or pro-  
14 longed periods of inactivity; and

15 (vi) such other changes to living con-  
16 ditions as the Director of the Bureau of  
17 Prisons may require after consultation  
18 with the Secretary of Health and Human  
19 Services and consideration of such rec-  
20 ommendations as the Secretary may pro-  
21 vide.

22 (3) EDUCATION AND SUPPORT SERVICES.—

23 (A) PREGNANCY IN CUSTODY.—A woman  
24 who is pregnant at intake or who becomes preg-  
25 nant while in custody shall, not later than 14

1 days after the pregnant woman notifies a Bu-  
2 reau of Prisons official of the pregnancy, re-  
3 ceive prenatal education, counseling, and birth  
4 support services provided by a provider trained  
5 to provide such services, including—

6 (i) information about the parental  
7 rights of the woman, including the right to  
8 place the child in kinship care, and notice  
9 of the rights of the child;

10 (ii) information about family preserva-  
11 tion support services that are available to  
12 the woman;

13 (iii) information about the nutritional  
14 standards referred to in paragraph  
15 (2)(C)(iv);

16 (iv) information pertaining to the  
17 health and safety risks of pregnancy, child-  
18 birth, and parenting, including postpartum  
19 depression;

20 (v) information on breast-feeding, lac-  
21 tation, and breast health;

22 (vi) appropriate educational materials,  
23 resources, and services related to preg-  
24 nancy, childbirth, and parenting;

1 (vii) information and notification serv-  
2 ices for incarcerated parents regarding the  
3 risk of debt repayment obligations associ-  
4 ated with their child's participation in so-  
5 cial welfare programs, including assistance  
6 under any State program funded under  
7 part A of title IV of the Social Security  
8 Act (42 U.S.C. 601 et seq.) or benefits  
9 under the supplemental nutrition assist-  
10 ance program, as defined in section 3 of  
11 the Food and Nutrition Act of 2008 (7  
12 U.S.C. 2012), or any State program car-  
13 ried out under that Act; and

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

24 (B) BIRTH WHILE IN CUSTODY OR PRIOR  
25 TO CUSTODY.—A woman who, while in custody

1 or during the 6-month period immediately pre-  
2 ceding intake, gave birth or experienced any  
3 other pregnancy outcome shall receive coun-  
4 seling provided by a licensed or certified pro-  
5 vider trained to provide such services, includ-  
6 ing—

7 (i) information about the parental  
8 rights of the woman, including the right to  
9 place the child in kinship care, and notice  
10 of the rights of the child;

11 (ii) information about family preserva-  
12 tion support services that are available to  
13 the woman; and

14 (iii) postpartum health conditions.

15 (4) EVALUATIONS.—

16 (A) IN GENERAL.—Each woman in custody  
17 who is pregnant or whose pregnancy results in  
18 a birth or any other pregnancy outcome during  
19 the 6-month period immediately preceding in-  
20 take or any time in custody thereafter shall be  
21 evaluated as soon as practicable after intake or  
22 confirmation of pregnancy through evidence-  
23 based screening and assessment for substance  
24 use disorders or mental health conditions, in-  
25 cluding postpartum depression or depression re-

lated to pregnancy, birth, or any other pregnancy outcome or early child care.

(B) RISK FACTORS.—Screening under subparagraph (A) shall include identification of any of the following risk factors:

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

(ii) Being underweight or overweight.

(iii) Multiple births or a previous still birth.

(iv) A history of preeclampsia.

(v) A previous Caesarean section.

(vi) A previous miscarriage.

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

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

(ix) Such other risk factors as the chief health care professional of the Bureau of Prisons facility that house the woman may determine to be appropriate.

(5) UNEXPECTED BIRTHS RULEMAKING.—The Director of the Bureau of Prisons shall provide services to respond to unexpected childbirth deliveries,

1 labor complications, and medical complications re-  
 2 lated to pregnancy if a woman in custody is unable  
 3 to access a hospital in a timely manner in accord-  
 4 ance with rules promulgated by the Attorney Gen-  
 5 eral, which shall be promulgated not later than 180  
 6 days after the date of enactment of this Act.

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

12 **SEC. 5. USE OF RESTRICTIVE HOUSING ON INCARCERATED**  
 13 **PREGNANT WOMEN DURING PREGNANCY,**  
 14 **LABOR, AND POSTPARTUM RECOVERY PRO-**  
 15 **HIBITED.**

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

18 **“§ 4322. Use of restrictive housing on incarcerated**  
 19 **women during the period of pregnancy,**  
 20 **labor, and postpartum recovery prohib-**  
 21 **ited**

22 “(a) PROHIBITION.—Except as provided in sub-  
 23 section (b), during the period beginning on the date on  
 24 which pregnancy is confirmed by a health care professional  
 25 and ending not earlier than 12 weeks after delivery, an

1 incarcerated woman in the custody of the Bureau of Pris-  
2 ons, or in the custody of the United States Marshals Serv-  
3 ice pursuant to section 4086, shall not be held in restric-  
4 tive housing.

5 “(b) EXCEPTIONS.—

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

16 “(2) REVIEW.—The official who makes a deter-  
17 mination under subparagraph (A) shall review such  
18 determination daily for the purpose of removing an  
19 incarcerated woman as quickly as feasible from re-  
20 strictive housing.

21 “(3) RESTRICTIVE HOUSING PLAN.—The offi-  
22 cial who makes a determination under subparagraph  
23 (A) shall develop an individualized plan to move an  
24 incarcerated woman to less restrictive housing within  
25 a reasonable amount of time.

1           “(4) PROHIBITION ON SOLITARY CONFINEMENT.—An incarcerated woman who is placed in re-  
2           strictive housing under this subsection may not be  
3           placed in solitary confinement if the incarcerated  
4           woman is in her third trimester.  
5

6           “(c) REPORTS.—

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

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

23                  “(B) The details of the placement, includ-  
24                  ing length of time of placement and how fre-  
25                  quently and how many times the determination



1           was made subsequent to the initial determina-  
2           tion to continue the restrictive housing place-  
3           ment.

4           “(C) A description of all attempts to use  
5           alternative interventions and sanctions before  
6           the restrictive housing was used.

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

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

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

1       “(d) NOTICE.—Not later than 24 hours after the con-  
2 firmation of the pregnancy of an incarcerated woman by  
3 a health care professional, that woman shall be notified,  
4 orally and in writing, by an appropriate health care profes-  
5 sional, correctional officer, or United States Marshal, as  
6 applicable—

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

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

13               “(3) that the facility staff have been advised of  
14 all rights of the incarcerated woman under sub-  
15 section (a).

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

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

1 nancy and of the rights of the incarcerated pregnant  
2 woman under subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

12 **“§ 4052. Treatment of incarcerated pregnant women**

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

20 “(b) HIGH-RISK PREGNANCIES.—

21 “(1) IN GENERAL.—The Director of the Bureau  
22 of Prisons shall transfer to a Residential Reentry  
23 Center with adequate health care during her preg-

1 nancy and postpartum recovery any incarcerated  
2 woman who—

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

5 “(B) agrees to be transferred.

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

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

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

23 “(c) DEFINITIONS.—In this section:

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

1           “(A) a doctor of medicine or osteopathy  
2           who is authorized to diagnose and treat phys-  
3           ical or mental health conditions under the laws  
4           of the State in which the doctor practices and  
5           where the facility is located;

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

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

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

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

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

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

          “4052. Treatment of incarcerated pregnant women.”.

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

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

13                   (1) The total number of Administrative Remedy  
14                   appeals related to pregnant inmates that were filed  
15                   during the previous year.

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

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

23                   (4) The total number of requests or appeals re-  
24                   lated to pregnant inmates during the previous year  
25                   that were not resolved before the inmate gave birth

1 or that were mooted because the inmate's pregnancy  
2 ended.

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

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

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

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

22 **SEC. 9. BUREAU OF PRISONS STAFF AND UNITED STATES**  
23 **MARSHALS TRAINING.**

24 (a) BUREAU OF PRISONS TRAINING.—

25 (1) IN GENERAL.—



1           (A) INITIAL TRAINING.—Not later than  
2           180 days after the date of enactment of this  
3           Act, the Director of the Bureau of Prisons shall  
4           provide training to carry out the requirements  
5           of this Act and the amendments made by this  
6           Act to each correctional officer at any Bureau  
7           of Prisons facility that houses women who is  
8           employed on the date of enactment of this Act.

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

17       (2) NEW HIRES.—

18           (A) DEFINITION.—In this paragraph, the  
19           term “covered new correctional officer” means  
20           an individual appointed to a position as a cor-  
21           rectional officer at a Bureau of Prisons facility  
22           that houses women on or after the date that is  
23           180 days after the date of enactment of this  
24           Act.

1 (B) TRAINING.—The Director of the Bu-  
2 reau of Prisons shall train each covered new  
3 correctional officer to carry out the require-  
4 ments of this Act and the amendments made by  
5 this Act not later than 30 days after the date  
6 on which the covered new correctional officer is  
7 appointed.

8 (b) UNITED STATES MARSHALS TRAINING.—

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

15 (2) NEW HIRES.—

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

21 (B) TRAINING.—Not later than 30 days  
22 after the date on which a new Deputy United  
23 States Marshal is appointed, the new Deputy  
24 United States Marshal shall receive training

1           pursuant to the guidelines described in sub-  
2           section (c).

3       (c) GUIDELINES.—

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

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

12                (A) the transportation of incarcerated  
13                pregnant women;

14                (B) housing of incarcerated pregnant  
15                women;

16                (C) nutritional requirements for incarcer-  
17                ated pregnant women; and

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

20   **SEC. 10. GAO STUDY ON STATE AND LOCAL CORRECTIONAL**  
21               **FACILITIES.**

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

1 (1) policies on—

2 (A) obstetrical and gynecological care;

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

6 (C) mental health and substance use treat-  
7 ment;

8 (D) access to prenatal and post-delivery  
9 support services and programs; and

10 (E) the use of restraints and restrictive  
11 housing placement; and

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

14 **SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.**

15 The budgetary effects of this Act, for the purpose of  
16 complying with the Statutory Pay-As-You-Go-Act of 2010,  
17 shall be determined by reference to the latest statement  
18 titled “Budgetary Effects of PAYGO Legislation” for this  
19 Act, submitted for printing in the Congressional Record  
20 by the Chairman of the House Budget Committee, pro-

- 1 vided that such statement has been submitted prior to the
- 2 vote on passage.

Passed the House of Representatives December 1,  
2022.

Attest:

*Clerk.*

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 6878**

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**AN ACT**

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