

117TH CONGRESS
2D SESSION

S. 5027

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

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

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-

tion of the pregnancy of a woman in custody by clinical diagnostics and assessment, the chief health care professional of the Bureau of Prisons facility in which the woman is housed shall ensure that—

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

(B) such protocols are complied with; and

(C) such protocols include an assessment of undue safety risks and necessary changes to accommodate the woman where and when appropriate, as it relates to—

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

(ii) appropriate bedding or clothing to respond to the woman's changing physical requirements and the temperature in housing units;

(iii) regular access to water and bathrooms;

(iv) a diet that—

(I) complies with the nutritional standards established by the Secretary of Agriculture and the Secretary of 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-

retary of Health and Human
Services and consideration of
such recommendations as the
Secretary may provide;

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

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

(3) EDUCATION AND SUPPORT SERVICES.—

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

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

(ii) information about family preservation support services that are available to the woman.

(4) EVALUATIONS.—

(A) IN GENERAL.—Each woman in custody who is pregnant or whose pregnancy results in a birth or any other pregnancy outcome during the 6-month period immediately preceding intake or any time in custody thereafter shall be evaluated as soon as practicable after intake or confirmation of pregnancy through evidence-based screening and assessment for substance use disorders or mental health conditions, including postpartum depression or depression related 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.

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 ‘restric-
 19 tive 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.

