

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6878
OFFERED BY M . _____

Strike all that follows after the enacting clause and
insert the following:

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

1 term in section 4051(c) of title 18, United States
2 Code, as added by this Act.

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

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

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

12 (a) IN GENERAL.—Beginning not later than 1 year
13 after the date of enactment of this Act, pursuant to the
14 authority under section 302 of title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
16 10132), the Director of the Bureau of Justice Statistics
17 shall include in the National Prisoner Statistics Program
18 and Annual Survey of Jails statistics relating to the health
19 needs of incarcerated pregnant women in the criminal jus-
20 tice system at the Federal, State, Tribal, and local levels,
21 including—

22 (1) demographic and other information about
23 incarcerated women who are pregnant, in labor, or
24 in postpartum recovery, including the race, ethnicity,
25 and age of the woman;

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

3 (A) whether prenatal, delivery, and post-
4 delivery check-up visits were scheduled and pro-
5 vided;

6 (B) whether a social worker, psychologist,
7 doula or other support person was offered and
8 provided during pregnancy and delivery and
9 post-delivery;

10 (C) whether a pregnancy or parenting pro-
11 gram was offered and provided during preg-
12 nancy;

13 (D) whether a nursery or residential pro-
14 gram to keep mothers and infants together
15 post-delivery was offered and whether such a
16 nursery or residential program was provided;

17 (E) the number of days the mother stayed
18 in the hospital post-delivery;

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

21 (G) the number of days the infant re-
22 mained in the hospital after the mother was
23 discharged;

24 (3) the location of the nearest hospital with a
25 licensed obstetrician-gynecologist in proximity to

1 where the incarcerated pregnant woman is housed
2 and the length of travel required to transport the
3 woman;

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

6 (A) to respond to unexpected childbirth,
7 labor, deliveries, or medical complications re-
8 lated to the pregnancies of incarcerated preg-
9 nant women; and

10 (B) for incarcerated pregnant women expe-
11 riencing labor or medical complications related
12 to pregnancy outside of a hospital;

13 (5) the number of incarcerated women who are
14 determined by a health care professional to have a
15 high-risk pregnancy;

16 (6) the total number of incarcerated pregnant
17 women and the number of incarcerated women who
18 became pregnant while incarcerated;

19 (7) the number of incidents in which an incar-
20 cerated woman who is pregnant, in labor, or in
21 postpartum recovery is placed in restrictive housing,
22 the reason for such restriction or placement, and the
23 circumstances under which each incident occurred,
24 including the duration of time in restrictive housing,
25 during—

- 1 (A) pregnancy;
2 (B) labor;
3 (C) delivery;
4 (D) postpartum recovery; and
5 (E) the 6-month period after delivery; and
6 (8) the disposition of the custody of the infant
7 post-delivery.

8 (b) PERSONALLY IDENTIFIABLE INFORMATION.—
9 Data collected under this section may not contain any per-
10 sonally identifiable information of any incarcerated preg-
11 nant woman or woman in postpartum recovery.

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

14 (a) IN GENERAL.—The Director of the Bureau of
15 Prisons shall ensure that appropriate services and pro-
16 grams, as described in subsection (b), are provided to
17 women in custody, to address the health and safety needs
18 of such women related to pregnancy and childbirth. The
19 warden of each Bureau of Prisons facility that houses
20 women shall ensure that these services and programs are
21 implemented for women in custody at that facility.

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

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

4 (A) shall provide to each woman in cus-
5 tody—

6 (i) pregnancy testing and testing for
7 sexually transmitted diseases; and

8 (ii) the option to decline such testing;
9 and

10 (B) at an inmate's request, shall provide
11 contraception.

12 (2) COMPLIANCE WITH PROTOCOLS RELATING
13 TO HEALTH OF A PREGNANT WOMAN.—On confirma-
14 tion of the pregnancy of a woman in custody by clin-
15 ical diagnostics and assessment, the chief health
16 care professional of the Bureau of Prisons facility in
17 which the woman is housed shall ensure that—

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

21 (B) such protocols are complied with; and

22 (C) such protocols include an assessment
23 of undue safety risks and necessary changes to
24 accommodate the woman where and when ap-
25 propriate, as it relates to—

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

3 (ii) appropriate bedding or clothing to
4 respond to the woman's changing physical
5 requirements and the temperature in hous-
6 ing units;

7 (iii) regular access to water and bath-
8 rooms;

9 (iv) a diet that—

10 (I) complies with the nutritional
11 standards established by the Secretary
12 of Agriculture and the Secretary of
13 Health and Human Services in the
14 Dietary Guidelines for Americans re-
15 port published pursuant to section
16 301(a)(3) of the National Nutrition
17 Monitoring and Related Research Act
18 of 1990 (7 U.S.C. 5341(a)(3)); and

19 (II) includes—

20 (aa) any appropriate dietary
21 supplement, including prenatal
22 vitamins;

23 (bb) timely and regular nu-
24 tritious meals;

1 (cc) additional caloric con-
2 tent in meals provided;

3 (dd) a prohibition on with-
4 holding food from the woman or
5 serving any food that is used as
6 a punishment, including
7 nutraloaf or any food similar to
8 nutraloaf that is not considered a
9 nutritious meal; and

10 (ee) such other modifications
11 to the diet of the woman as the
12 Director of the Bureau of Pris-
13 ons determines to be necessary
14 after consultation with the Sec-
15 retary of Health and Human
16 Services and consideration of
17 such recommendations as the
18 Secretary may provide;

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

24 (vi) such other changes to living con-
25 ditions as the Director of the Bureau of

1 Prisons may require after consultation
2 with the Secretary of Health and Human
3 Services and consideration of such rec-
4 ommendations as the Secretary may pro-
5 vide.

6 (3) EDUCATION AND SUPPORT SERVICES.—

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

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

19 (ii) information about family preserva-
20 tion support services that are available to
21 the woman;

22 (iii) information about the nutritional
23 standards referred to in paragraph
24 (2)(C)(iv);

1 (iv) information pertaining to the
2 health and safety risks of pregnancy, child-
3 birth, and parenting, including postpartum
4 depression;

5 (v) information on breast-feeding, lac-
6 tation, and breast health;

7 (vi) appropriate educational materials,
8 resources, and services related to preg-
9 nancy, childbirth, and parenting;

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

23 (viii) information from the Office of
24 Child Support Enforcement of the Depart-
25 ment of Health and Human Services re-

1 garding seeking or modifying child support
2 while incarcerated, including how to par-
3 ticipate in the Bureau of Prison's Inmate
4 Financial Responsibility Program under
5 subpart B of part 545 of title 28, Code of
6 Federal Regulations (or any successor pro-
7 gram).

8 (B) BIRTH WHILE IN CUSTODY OR PRIOR
9 TO CUSTODY.—A woman who, while in custody
10 or during the 6-month period immediately pre-
11 ceding intake, gave birth or experienced any
12 other pregnancy outcome shall receive coun-
13 seling provided by a licensed or certified pro-
14 vider trained to provide such services, includ-
15 ing—

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

20 (ii) information about family preserva-
21 tion support services that are available to
22 the woman.

23 (4) EVALUATIONS.—

24 (A) IN GENERAL.—Each woman in custody
25 who is pregnant or whose pregnancy results in

1 a birth or any other pregnancy outcome during
2 the 6-month period immediately preceding in-
3 take or any time in custody thereafter shall be
4 evaluated as soon as practicable after intake or
5 confirmation of pregnancy through evidence-
6 based screening and assessment for substance
7 use disorders or mental health conditions, in-
8 cluding postpartum depression or depression re-
9 lated to pregnancy, birth, or any other preg-
10 nancy outcome or early child care.

11 (B) RISK FACTORS.—Screening under sub-
12 paragraph (A) shall include identification of
13 any of the following risk factors:

- 14 (i) An existing mental or physical
15 health condition or substance use disorder.
- 16 (ii) Being underweight or overweight.
- 17 (iii) Multiple births or a previous still
18 birth.
- 19 (iv) A history of preeclampsia.
- 20 (v) A previous Caesarean section.
- 21 (vi) A previous miscarriage.
- 22 (vii) Being older than 35 or younger
23 than 15.

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

4 (ix) Such other risk factors as the
5 chief health care professional of the Bu-
6 reau of Prisons facility that house the
7 woman may determine to be appropriate.

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

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

1 **SEC. 5. USE OF RESTRICTIVE HOUSING ON INCARCERATED**
2 **PREGNANT WOMEN DURING PREGNANCY,**
3 **LABOR, AND POSTPARTUM RECOVERY PRO-**
4 **HIBITED.**

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

7 **“§ 4322. Use of restrictive housing on incarcerated**
8 **women during the period of pregnancy,**
9 **labor, and postpartum recovery prohib-**
10 **ited**

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

19 “(b) EXCEPTIONS.—

20 “(1) RESTRICTIVE HOUSING.—Subject to para-
21 graph (4), the prohibition under subsection (a) relat-
22 ing to restrictive housing shall not apply if the Di-
23 rector of the Bureau of Prisons or a senior Bureau
24 of Prisons official overseeing women’s health and
25 services, in consultation with senior officials in
26 health services, makes an individualized determina-

1 tion that restrictive housing is required as a tem-
2 porary response to behavior that poses a serious and
3 immediate risk of physical harm.

4 “(2) REVIEW.—The official who makes a deter-
5 mination under subparagraph (A) shall review such
6 determination daily for the purpose of removing an
7 incarcerated woman as quickly as feasible from re-
8 strictive housing.

9 “(3) RESTRICTIVE HOUSING PLAN.—The offi-
10 cial who makes a determination under subparagraph
11 (A) shall develop an individualized plan to move an
12 incarcerated woman to less restrictive housing within
13 a reasonable amount of time.

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

18 “(c) REPORTS.—

19 “(1) REPORT TO DIRECTORS AND HEALTH
20 CARE PROFESSIONAL AFTER PLACEMENT IN RE-
21 STRICTIVE HOUSING.—Not later than 30 days after
22 the date on which an incarcerated woman is placed
23 in restrictive housing under subsection (b), the ap-
24 plicable official identified in subsection (b)(1), cor-
25

1 rectional officer, or United States Marshal shall sub-
2 mit to the Director of the Bureau of Prisons or the
3 Director of the United States Marshals Service, as
4 applicable, and to the health care professional re-
5 sponsible for the health and safety of the woman, a
6 written report which describes the facts and cir-
7 cumstances surrounding the restrictive housing
8 placement, and includes the following:

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

11 “(B) The details of the placement, includ-
12 ing length of time of placement and how fre-
13 quently and how many times the determination
14 was made subsequent to the initial determina-
15 tion to continue the restrictive housing place-
16 ment.

17 “(C) A description of all attempts to use
18 alternative interventions and sanctions before
19 the restrictive housing was used.

20 “(D) Any resulting physical effects on the
21 woman observed by or reported by the health
22 care professional responsible for the health and
23 safety of the woman.

24 “(E) Strategies the facility is putting in
25 place to identify more appropriate alternative

1 interventions should a similar situation arise
2 again.

3 “(2) REPORT TO CONGRESS.—Not later than
4 180 days after the date of enactment of the Preg-
5 nant Women in Custody Act, and every 180 days
6 thereafter for a period of 10 years, the Attorney
7 General shall submit to the Committee on the Judi-
8 ciary of the Senate and the Committee on the Judi-
9 ciary of the House of Representatives a report on
10 the placement of incarcerated women in restrictive
11 housing under subsection (b), which shall include the
12 information described in paragraph (1).

13 “(d) NOTICE.—Not later than 24 hours after the con-
14 firmation of the pregnancy of an incarcerated woman by
15 a health care professional, that woman shall be notified,
16 orally and in writing, by an appropriate health care profes-
17 sional, correctional officer, or United States Marshal, as
18 applicable—

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

21 “(2) of the right of the incarcerated woman to
22 make a confidential report of a violation of restric-
23 tions on the use of restrictive housing placement;
24 and

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

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

10 “(f) NOTIFICATION OF RIGHTS.—The warden of the
11 Bureau of Prisons facility where a pregnant woman is in
12 custody shall notify necessary facility staff of the preg-
13 nancy and of the rights of the incarcerated pregnant
14 woman under subsection (a).

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

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

24 “(1) develop education guidelines regarding the
25 physical and mental health needs of incarcerated

1 pregnant women, and the use of restrictive housing
2 placements on incarcerated women during the period
3 of pregnancy, labor, and postpartum recovery; and

4 “(2) incorporate such guidelines into appro-
5 priate education programs.

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

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

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

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

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

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

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

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

1 **“§ 4051. Treatment of incarcerated pregnant women**

2 “(a) HIGH-RISK PREGNANCY HEALTH CARE.—The
3 Director of the Bureau of Prisons shall ensure that each
4 incarcerated pregnant woman receives an evaluation to de-
5 termine if the pregnancy is high-risk and, if so, receives
6 healthcare appropriate for a high-risk pregnancy, includ-
7 ing obstetrical and gynecological care, during pregnancy
8 and postpartum recovery.

9 “(b) HIGH-RISK PREGNANCIES.—

10 “(1) IN GENERAL.—The Director of the Bureau
11 of Prisons shall transfer to a Residential Reentry
12 Center with adequate health care during her preg-
13 nancy and postpartum recovery any incarcerated
14 woman who—

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

17 “(B) agrees to be transferred.

18 “(2) PRIORITY.—The Residential Reentry Cen-
19 ter to which an incarcerated pregnant woman is
20 transferred under paragraph (1) shall, to the extent
21 practicable, be in a geographical location that is
22 close to the family members of the incarcerated
23 pregnant woman.

24 “(3) TRANSPORTATION.—To transport an in-
25 carcerated pregnant woman to a Residential Reentry
26 Center, the Director of the Bureau of Prisons shall

1 provide to the woman a mode of transportation that
2 a healthcare professional has determined to be safe
3 for transporting the pregnant woman.

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

9 “(c) DEFINITIONS.—In this section:

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

12 “(A) a doctor of medicine or osteopathy
13 who is authorized to diagnose and treat phys-
14 ical or mental health conditions under the laws
15 of the State in which the doctor practices and
16 where the facility is located;

17 “(B) any physician’s assistant or nurse
18 practitioner who is supervised by a doctor of
19 medicine or osteopathy described in subpara-
20 graph (A); or

21 “(C) any other person determined by the
22 Director of the Bureau of Prisons to be capable
23 of providing health care services.

24 “(2) HIGH-RISK PREGNANCY.—The term ‘high-
25 risk pregnancy’ means, with respect to an incarcer-

1 ated woman, that the pregnancy threatens the
2 health or life of the woman or pregnancy, as deter-
3 mined by a health care professional.

4 “(3) POSTPARTUM RECOVERY.—The term
5 ‘postpartum recovery’ means the 3-month period be-
6 ginning on the date on which an incarcerated preg-
7 nant woman gives birth, or longer as determined by
8 a health care professional following delivery, and
9 shall include the entire period that the incarcerated
10 pregnant woman is in the hospital or infirmary.

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

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

“4051. Treatment of incarcerated pregnant women.”.

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

19 The Director of the Federal Bureau of Prisons shall
20 make publicly available on the website of the Federal Bu-
21 reau of Prisons on an annual basis the following informa-
22 tion:

23 (1) The total number of Administrative Remedy
24 appeals related to pregnant inmates that were filed
25 during the previous year.

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

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

8 (4) The total number of requests or appeals re-
9 lated to pregnant inmates during the previous year
10 that were not resolved before the inmate gave birth
11 or that were mooted because the inmate's pregnancy
12 ended.

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

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

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

20 The Director of the National Institute of Corrections
21 shall provide education and technical assistance, in con-
22 junction with the appropriate public agencies, at State and
23 local correctional facilities that house women and facilities
24 in which incarcerated women go into labor and give birth,
25 in order to educate the employees of such facilities, includ-

1 ing health personnel, on the dangers and potential mental
2 health consequences associated with the use of restrictive
3 housing and restraints on incarcerated women during
4 pregnancy, labor, and postpartum recovery, and on alter-
5 natives to the use of restraints and restrictive housing
6 placement.

7 **SEC. 9. BUREAU OF PRISONS STAFF AND UNITED STATES**
8 **MARSHALS TRAINING.**

9 (a) BUREAU OF PRISONS TRAINING.—

10 (1) IN GENERAL.—

11 (A) INITIAL TRAINING.—Not later than
12 180 days after the date of enactment of this
13 Act, the Director of the Bureau of Prisons shall
14 provide training to carry out the requirements
15 of this Act and the amendments made by this
16 Act to each correctional officer at any Bureau
17 of Prisons facility that houses women who is
18 employed on the date of enactment of this Act.

19 (B) SUBSEQUENT TRAINING.—After the
20 initial training provided under subparagraph
21 (A), the Director of the Bureau of Prisons shall
22 provide training to carry out the requirements
23 of this Act and the amendments made by this
24 Act twice each year to each correctional officer

1 at any Bureau of Prisons facility that houses
2 women.

3 (2) NEW HIRES.—

4 (A) DEFINITION.—In this paragraph, the
5 term “covered new correctional officer” means
6 an individual appointed to a position as a cor-
7 rectional officer at a Bureau of Prisons facility
8 that houses women on or after the date that is
9 180 days after the date of enactment of this
10 Act.

11 (B) TRAINING.—The Director of the Bu-
12 reau of Prisons shall train each covered new
13 correctional officer to carry out the require-
14 ments of this Act and the amendments made by
15 this Act not later than 30 days after the date
16 on which the covered new correctional officer is
17 appointed.

18 (b) UNITED STATES MARSHALS TRAINING.—

19 (1) IN GENERAL.—On and after the date that
20 is 180 days after the date of enactment of this Act,
21 the Director of the United States Marshals Service
22 shall ensure that each Deputy United States Mar-
23 shal has received trained pursuant to the guidelines
24 described in subsection (c).

25 (2) NEW HIRES.—

1 (A) DEFINITION.—In this paragraph, the
2 term “new Deputy United States Marshal”
3 means an individual appointed to a position as
4 a Deputy United States Marshal after the date
5 of enactment of this Act.

6 (B) TRAINING.—Not later than 30 days
7 after the date on which a new Deputy United
8 States Marshal is appointed, the new Deputy
9 United States Marshal shall receive training
10 pursuant to the guidelines described in sub-
11 section (c).

12 (c) GUIDELINES.—

13 (1) IN GENERAL.—The Director of the Bureau
14 of Prisons and the United States Marshals Service
15 shall each develop guidelines on the treatment of in-
16 carcerated women during pregnancy, labor, and
17 postpartum recovery and incorporate such guidelines
18 in the training required under this section.

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

21 (A) the transportation of incarcerated
22 pregnant women;

23 (B) housing of incarcerated pregnant
24 women;

1 (C) nutritional requirements for incarcerated
2 ated pregnant women; and

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

5 **SEC. 10. GAO STUDY ON STATE AND LOCAL CORRECTIONAL**
6 **FACILITIES.**

7 The Comptroller General of the United States shall
8 conduct a study of services and protections provided for
9 pregnant incarcerated women in local and State correc-
10 tional settings, including—

11 (1) policies on—

12 (A) obstetrical and gynecological care;

13 (B) education on nutritional issues and
14 health and safety risks associated with preg-
15 nancy;

16 (C) mental health and substance use treat-
17 ment;

18 (D) access to prenatal and post-delivery
19 support services and programs; and

20 (E) the use of restraints and restrictive
21 housing placement; and

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

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

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go-Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the Senate Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

