

119TH CONGRESS
2D SESSION

H. R. 8690

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

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2026

Ms. KAMLAGER-DOVE (for herself, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. BROWNLEY, Ms. SIMON, Mrs. RAMIREZ, Mr. DAVIS of Illinois, and Ms. SEWELL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on the Budget, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 “Pregnant Women in
5 Custody Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COVERED FACILITY.—The term “covered
2 facility” means a—

3 (A) Bureau of Prisons facility;

4 (B) facility of the U.S. Customs and Bor-
5 der Protection or the U.S. Immigration and
6 Customs Enforcement; or

7 (C) shelter of the Office of Refugee Reset-
8 tlement of the Department of Health and
9 Human Services.

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

12 (A) is under the supervision of a Federal,
13 State, Tribal, or local correctional facility, in-
14 cluding a pretrial, juvenile, medical, or mental
15 health facility and a facility operated under a
16 contract with the Federal Government or a
17 State, Tribal, or local government;

18 (B) in the custody of the U.S. Customs
19 and Border Protection; or

20 (C) incarcerated, detained, or sheltered by
21 the U.S. Immigration and Customs Enforce-
22 ment or the Office of Refugee Resettlement of
23 the Department of Health and Human Services.

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

4 (4) POSTPARTUM RECOVERY.—The term
5 “postpartum recovery” has the meaning given that
6 term in section 4051(c) of title 18, United States
7 Code, as added by this Act.

8 (5) RESTRAINTS.—The term “restraints”
9 means any physical or mechanical device used to
10 control the movement of an in custody pregnant
11 woman’s body, limbs, or both.

12 (6) RESTRICTIVE HOUSING.—The term “re-
13 strictive housing” has the meaning given that term
14 in section 4322 of title 18, United States Code, as
15 added by this Act.

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

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

1 tice system at the Federal, State, Tribal, and local levels,
2 including—

3 (1) demographic and other information about
4 incarcerated women who are pregnant, in labor, or
5 in postpartum recovery, including the race, ethnicity,
6 and age of the woman;

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

9 (A) whether prenatal, delivery, and post-
10 delivery check-up visits were scheduled and pro-
11 vided;

12 (B) whether a social worker, psychologist,
13 doula or other support person was offered and
14 provided during pregnancy and delivery and
15 post-delivery;

16 (C) whether a pregnancy or parenting pro-
17 gram was offered and provided during preg-
18 nancy;

19 (D) whether a nursery or residential pro-
20 gram to keep mothers and infants together
21 post-delivery was offered and whether such a
22 nursery or residential program was provided;

23 (E) the number of days the mother stayed
24 in the hospital post-delivery;

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

3 (G) the number of days the infant re-
4 mained in the hospital after the mother was
5 discharged;

6 (3) the location of the nearest hospital with a
7 licensed obstetrician-gynecologist in proximity to
8 where the incarcerated pregnant woman is housed
9 and the length of travel required to transport the
10 woman;

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

13 (A) to respond to unexpected childbirth,
14 labor, deliveries, or medical complications re-
15 lated to the pregnancies of incarcerated preg-
16 nant women; and

17 (B) for incarcerated pregnant women expe-
18 riencing labor or medical complications related
19 to pregnancy outside of a hospital;

20 (5) the number of incarcerated women who are
21 determined by a health care professional to have a
22 high-risk pregnancy;

23 (6) the total number of incarcerated pregnant
24 women and the number of incarcerated women who
25 became pregnant while incarcerated;

1 (7) the number of incidents in which an incar-
2 cerated woman who is pregnant, in labor, or in
3 postpartum recovery is placed in restrictive housing,
4 the reason for such restriction or placement, and the
5 circumstances under which each incident occurred,
6 including the duration of time in restrictive housing,
7 during—

8 (A) pregnancy;

9 (B) labor;

10 (C) delivery;

11 (D) postpartum recovery; and

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

13 (8) the disposition of the custody of the infant
14 post-delivery.

15 (b) IN CUSTODY PREGNANT WOMEN.—Beginning
16 not later than 1 year after the date of enactment of this
17 Act, the Director of the Office of Homeland Security Sta-
18 tistics and the Director of the Office of Refugee Resettle-
19 ment shall publish on the internet website of the Depart-
20 ment of Homeland Security and the Department of Health
21 and Human Services, as applicable, the statistics relating
22 to the health needs of pregnant women in custody of the
23 Secretary of Homeland Security or the Secretary of
24 Health and Human Services, as applicable.

1 (c) 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. FAMILY UNITY.**

6 (a) IN GENERAL.—The Director of the Bureau of
7 Prisons, Secretary of Homeland Security, or the Director
8 of the Office of Refugee Resettlement, as applicable, shall
9 ensure that appropriate nursery or residential services and
10 programs, as described in subsection (b), are provided to
11 women in custody. The warden of each covered facility
12 that houses women shall ensure that these services and
13 programs are implemented for women in custody at that
14 facility.

15 (b) NURSERY OR RESIDENTIAL SERVICES AND PRO-
16 GRAMS.—The services and programs described in this sub-
17 section are the following:

18 (1) Programs that enable a mother and infant
19 to remain together after delivery.

20 (2) Programs that permit regular mother-infant
21 contact periods based on the mother's request.

22 (3) Programs that provide lactation support, in-
23 cluding:

24 (A) lactation counseling sessions;

1 (B) physical tools and equipment to assist
2 with lactation; and

3 (C) any other support recommended by a
4 physician attending the woman in custody.

5 (c) REQUIREMENT.—The Director of the Bureau of
6 Prisons, Secretary of Homeland Security, or the Director
7 of the Office of Refugee Resettlement, as applicable, shall
8 ensure a minimum bonding time of 60 minutes between
9 a mother and newborn.

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

12 (a) IN GENERAL.—The Director of the Bureau of
13 Prisons, Secretary of Homeland Security, or the Director
14 of the Office of Refugee Resettlement, as applicable, shall
15 ensure that appropriate services and programs, as de-
16 scribed in subsection (b), are provided to women in cus-
17 tody, to address the health and safety needs of such
18 women related to pregnancy and childbirth. The warden
19 of each covered facility that houses women shall ensure
20 that these services and programs are implemented for
21 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 Secretary of Homeland Security, or the Director of
5 the Office of Refugee Resettlement, as applicable,
6 shall ensure that each woman of reproductive age in
7 custody at a Bureau of Prisons facility—

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

11 (B) is administered a pregnancy test on
12 the date on which the woman enters the facility,
13 which the woman may decline.

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

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

23 (B) such protocols are complied with; and

24 (C) such protocols include an assessment
25 of undue safety risks and necessary changes to

1 accommodate the woman where and when ap-
2 propriate, as it relates to—

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

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

9 (iii) regular access to water and bath-
10 rooms;

11 (iv) a diet that—

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

21 (II) includes—

22 (aa) any appropriate dietary
23 supplement, including prenatal
24 vitamins;

1 (bb) timely and regular nu-
2 tritious meals;

3 (cc) additional caloric con-
4 tent in meals provided;

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

12 (ee) such other modifications
13 to the diet of the woman as the
14 Director of the Bureau of Pris-
15 ons, Secretary of Homeland Se-
16 curity, or the Director of the Of-
17 fice of Refugee Resettlement, as
18 applicable, determines to be nec-
19 essary after consultation with the
20 Secretary of Health and Human
21 Services and consideration of
22 such recommendations as the
23 Secretary may provide;

24 (v) modified recreation and transpor-
25 tation, in accordance with standards within

1 the obstetrical and gynecological care com-
2 munity, to prevent overexertion or pro-
3 longed periods of inactivity; and

4 (vi) such other changes to living con-
5 ditions as the Director of the Bureau of
6 Prisons, Secretary of Homeland Security,
7 or the Director of the Office of Refugee
8 Resettlement, as applicable, may require
9 after consultation with the Secretary of
10 Health and Human Services and consider-
11 ation of such recommendations as the Sec-
12 retary may provide.

13 (3) EDUCATION AND SUPPORT SERVICES.—

14 (A) PREGNANCY IN CUSTODY.—A woman
15 who is pregnant at intake or who becomes preg-
16 nant while in custody shall, not later than 14
17 days after the pregnant woman notifies a offi-
18 cial of a covered facility of the pregnancy, re-
19 ceive prenatal education, counseling, and birth
20 support services provided by a provider trained
21 to provide such services, including—

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

1 (ii) information about family preserva-
2 tion support services that are available to
3 the woman;

4 (iii) information about the nutritional
5 standards referred to in paragraph
6 (2)(C)(iv);

7 (iv) information pertaining to the
8 health and safety risks of pregnancy, child-
9 birth, and parenting, including postpartum
10 depression;

11 (v) information on breast-feeding, lac-
12 tation, and breast health;

13 (vi) appropriate educational materials,
14 resources, and services related to preg-
15 nancy, childbirth, and parenting;

16 (vii) information and notification serv-
17 ices for incarcerated parents regarding the
18 risk of debt repayment obligations associ-
19 ated with their child's participation in so-
20 cial welfare programs, including assistance
21 under any State program funded under
22 part A of title IV of the Social Security
23 Act (42 U.S.C. 601 et seq.) or benefits
24 under the supplemental nutrition assist-
25 ance program, as defined in section 3 of

1 the Food and Nutrition Act of 2008 (7
2 U.S.C. 2012), or any State program car-
3 ried out under that Act; and

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

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

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

1 (ii) information about family preserva-
2 tion support services that are available to
3 the woman; and

4 (iii) postpartum health conditions.

5 (4) EVALUATIONS.—

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

18 (B) RISK FACTORS.—Screening under sub-
19 paragraph (A) shall include identification of
20 any of the following risk factors:

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

23 (ii) Being underweight or overweight.

24 (iii) Multiple births or a previous still
25 birth.

- 1 (iv) A history of preeclampsia.
- 2 (v) A previous Caesarean section.
- 3 (vi) A previous miscarriage.
- 4 (vii) Being older than 35 or younger
- 5 than 15.
- 6 (viii) Being diagnosed with the human
- 7 immunodeficiency virus, hepatitis, diabetes,
- 8 or hypertension.
- 9 (ix) Such other risk factors as the
- 10 chief health care professional of the Bu-
- 11 reau of Prisons facility that houses the
- 12 woman may determine to be appropriate.

13 (5) UNEXPECTED BIRTHS RULEMAKING.—The
14 Director of the Bureau of Prisons, Secretary of
15 Homeland Security, or the Director of the Office of
16 Refugee Resettlement, as applicable, shall provide
17 services to respond to unexpected childbirth deliv-
18 eries, labor complications, and medical complications
19 related to pregnancy if a woman in custody is unable
20 to access a hospital in a timely manner in accord-
21 ance with rules promulgated by the Attorney Gen-
22 eral, which shall be promulgated not later than 180
23 days after the date of enactment of this Act.

24 (6) TREATMENT.—The Director of the Bureau
25 of Prisons shall use best efforts to provide a woman

1 in custody who is pregnant and diagnosed with hav-
 2 ing a substance use disorder or a mental health dis-
 3 order with appropriate evidence-based treatment.

4 (c) CIVIL ACTION.—Any person injured by a violation
 5 of this section may bring a civil action in a United States
 6 district court against the Director of the Bureau of Pris-
 7 ons, Secretary of Homeland Security, or the Director of
 8 the Office of Refugee Resettlement, as applicable, to ob-
 9 tain compensatory damages and injunctive relief or other
 10 equitable relief.

11 **SEC. 6. USE OF RESTRICTIVE HOUSING ON INCARCERATED**
 12 **PREGNANT WOMEN DURING PREGNANCY,**
 13 **LABOR, AND POSTPARTUM RECOVERY PRO-**
 14 **HIBITED.**

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

17 **“§ 4322. Use of restrictive housing on incarcerated**
 18 **women during the period of pregnancy,**
 19 **labor, and postpartum recovery prohib-**
 20 **ited**

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

1 sible for the health and safety of the woman in the custody
2 of the Bureau of Prisons, or in the custody of the United
3 States Marshals Service pursuant to section 4086, shall
4 not be held in restrictive housing or be shackled or re-
5 strained during pregnancy, labor, or delivery.

6 “(b) EXCEPTIONS.—

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

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

22 “(3) RESTRICTIVE HOUSING PLAN.—The offi-
23 cial who makes a determination under subparagraph
24 (A) shall develop an individualized plan to move an

1 incarcerated woman to less restrictive housing within
2 a reasonable amount of time.

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

7
8 “(c) REPORTS.—

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

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

1 “(B) The details of the placement, includ-
2 ing length of time of placement and how fre-
3 quently and how many times the determination
4 was made subsequent to the initial determina-
5 tion to continue the restrictive housing place-
6 ment.

7 “(C) A description of all attempts to use
8 alternative interventions and sanctions before
9 the restrictive housing was used.

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

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

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

1 housing under subsection (b), which shall include the
2 information described in paragraph (1).

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

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

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

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

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

24 “(f) NOTIFICATION OF RIGHTS.—The warden of the
25 Bureau of Prisons facility where a pregnant woman is in

1 custody shall notify necessary facility staff of the preg-
2 nancy and of the rights of the incarcerated pregnant
3 woman under subsection (a).

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

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

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

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

20 “(i) CIVIL ACTION.—Any person injured by a viola-
21 tion of this section may bring a civil action in a United
22 States district court against the Director of the Bureau
23 of Prisons or the Director of the United States Marshals
24 Service, as applicable, to obtain compensatory damages
25 and injunctive relief or other equitable relief.

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

2 “(1) removal from the general inmate population, whether voluntary or involuntary;

3 “(2) placement in a locked room or cell, whether alone or with another inmate; and

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

5 (b) CLERICAL AMENDMENT.—The table of sections for chapter 317 of title 18, United States Code, is amended by striking the item relating to section 4322 and inserting the following:

6 “4322. Use of restrictive housing on incarcerated women during the period of pregnancy, labor, and postpartum recovery prohibited.”.

7 **SEC. 7. USE OF RESTRICTIVE HOUSING ON INCARCERATED**
 8 **PREGNANT WOMEN DURING PREGNANCY,**
 9 **LABOR, AND POSTPARTUM RECOVERY PRO-**
 10 **HIBITED IN THE CUSTODY OF SECRETARY OF**
 11 **HOMELAND SECURITY.**

12 Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351 et seq.) is amended by adding at the end the following:

1 **“SEC. 295. USE OF RESTRICTIVE HOUSING ON INCARCER-**
2 **ATED WOMEN DURING THE PERIOD OF PREG-**
3 **NANCY, LABOR, AND POSTPARTUM RECOV-**
4 **ERY PROHIBITED.**

5 “(a) PROHIBITION.—Except as provided in sub-
6 section (b), during the period beginning on the date on
7 which pregnancy is confirmed by a health care professional
8 and ending not earlier than 12 weeks after delivery or
9 longer as determined by the healthcare professional re-
10 sponsible for the health and safety of the woman in the
11 custody of the U.S. Customs and Border Protection or in-
12 carcerated, detained, or sheltered by the U.S. Immigration
13 and Customs Enforcement or the Office of Refugee Reset-
14 tlement of the Department of Health and Human Service,
15 shall not be held in restrictive housing or be shackled or
16 restrained during pregnancy, labor, or delivery.

17 “(b) EXCEPTIONS.—

18 “(1) RESTRICTIVE HOUSING.—Subject to para-
19 graph (4), the prohibition under subsection (a) relat-
20 ing to restrictive housing shall not apply if the offi-
21 cial overseeing women’s health and services, in con-
22 sultation with senior officials in health services,
23 makes an individualized determination that restric-
24 tive housing is required as a temporary response to
25 behavior that poses a serious and immediate risk of
26 physical harm.

1 “(2) REVIEW.—The official who makes a deter-
2 mination under subparagraph (A) shall review such
3 determination daily for the purpose of removing a
4 woman as quickly as feasible from restrictive hous-
5 ing.

6 “(3) RESTRICTIVE HOUSING PLAN.—The offi-
7 cial who makes a determination under subparagraph
8 (A) shall develop an individualized plan to move a
9 woman to less restrictive housing within a reason-
10 able amount of time.

11 “(4) PROHIBITION ON SOLITARY CONFINEMENT.—An woman who is placed in restrictive hous-
12 ing under this subsection may not be placed in soli-
13 tary confinement if the incarcerated woman is in her
14 third trimester.

15 “(c) REPORTS.—

16 “(1) REPORT TO DIRECTORS AND HEALTH
17 CARE PROFESSIONAL AFTER PLACEMENT IN RE-
18 STRICTIVE HOUSING.—Not later than 30 days after
19 the date on which a woman is placed in restrictive
20 housing under subsection (b), the applicable official
21 identified in subsection (b)(1) shall submit to the
22 health care professional responsible for the health
23 and safety of the woman, a written report which de-
24 scribes the facts and circumstances surrounding the
25

1 restrictive housing placement, and includes the fol-
2 lowing:

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

5 “(B) The details of the placement, includ-
6 ing length of time of placement and how fre-
7 quently and how many times the determination
8 was made subsequent to the initial determina-
9 tion to continue the restrictive housing place-
10 ment.

11 “(C) A description of all attempts to use
12 alternative interventions and sanctions before
13 the restrictive housing was used.

14 “(D) Any resulting physical effects on the
15 woman observed by or reported by the health
16 care professional responsible for the health and
17 safety of the woman.

18 “(E) Strategies the facility is putting in
19 place to identify more appropriate alternative
20 interventions should a similar situation arise
21 again.

22 “(2) REPORT TO CONGRESS.—Not later than
23 180 days after the date of enactment of the Preg-
24 nant Women in Custody Act, and every 180 days
25 thereafter for a period of 10 years, the Secretary of

1 Homeland Security and the Secretary of Health and
2 Human Services shall submit to the Committee on
3 the Judiciary of the Senate and the Committee on
4 the Judiciary of the House of Representatives a re-
5 port on the placement of women in restrictive hous-
6 ing under subsection (b), which shall include the in-
7 formation described in paragraph (1).

8 “(d) NOTICE.—Not later than 24 hours after the con-
9 firmation of the pregnancy of a woman by a health care
10 professional, that woman shall be notified, orally and in
11 writing, by the health care professional, as applicable—

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

14 “(2) of the right of the woman to make a con-
15 fidential report of a violation of restrictions on the
16 use of restrictive housing placement; and

17 “(3) that the facility staff have been advised of
18 all rights of the woman under subsection (a).

19 “(e) VIOLATION REPORTING PROCESS.—Not later
20 than 180 days after the date of enactment of the Pregnant
21 Women in Custody Act, the Secretary of Homeland Secu-
22 rity and the Secretary of Health and Human Services
23 shall establish processes through which an incarcerated
24 person may report a violation of this section.

1 “(f) NOTIFICATION OF RIGHTS.—The warden of a fa-
2 cility where a pregnant woman is in custody shall notify
3 necessary facility staff of the pregnancy and of the rights
4 of the pregnant woman under subsection (a).

5 “(g) RETALIATION.—It shall be unlawful for any em-
6 ployee of a facility where a pregnant woman is in custody
7 to retaliate against a person for reporting under the proc-
8 esses established under subsection (e) a violation of sub-
9 section (a).

10 “(h) EDUCATION.—Not later than 90 days after the
11 date of enactment of the Pregnant Women in Custody Act,
12 the Secretary of Homeland Security and the Secretary of
13 Health and Human Services shall each—

14 “(1) develop education guidelines regarding the
15 physical and mental health needs of in custody preg-
16 nant women, and the use of restrictive housing
17 placements on women during the period of preg-
18 nancy, labor, and postpartum recovery; and

19 “(2) incorporate such guidelines into appro-
20 priate education programs.

21 “(i) CIVIL ACTION.—Any person injured by a viola-
22 tion of this section may bring a civil action in a United
23 States district court against the Secretary of Homeland
24 Security and the Secretary of Health and Human Serv-

ices, as applicable, to obtain compensatory damages and injunctive relief or other equitable relief.

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

“(1) removal from the general inmate population, whether voluntary or involuntary;

“(2) placement in a locked room or cell, whether alone or with another inmate; and

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

SEC. 8. TREATMENT OF WOMEN WITH HIGH-RISK PREGNANCIES.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“§ 4052. Treatment of incarcerated pregnant women

“(a) HIGH-RISK PREGNANCY HEALTH CARE.—The Director of the Bureau of Prisons shall ensure that each incarcerated pregnant woman receives an evaluation to determine if the pregnancy is high-risk and, if so, receives healthcare appropriate for a high-risk pregnancy, including obstetrical and gynecological care, during pregnancy and postpartum recovery.

“(b) HIGH-RISK PREGNANCIES.—

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

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

8 “(B) agrees to be transferred.

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

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

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

1 “(c) CIVIL ACTION.—Any person injured by a viola-
2 tion of this section may bring a civil action in a United
3 States district court against the Director of the Bureau
4 of Prisons to obtain compensatory damages and injunctive
5 relief or other equitable relief.

6 “(d) DEFINITIONS.—In this section:

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

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

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

18 “(C) any other person determined by the
19 Director of the Bureau of Prisons to be capable
20 of providing health care services.

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

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

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

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

“4052. Treatment of incarcerated pregnant women.”.

14 **SEC. 9. REPORTING REQUIREMENT REGARDING CLAIMS**
 15 **FILED BY PREGNANT INMATES.**

16 The Director of the Bureau of Prisons shall make
 17 publicly available on the website of the Federal Bureau
 18 of Prisons on an annual basis the following information:

19 (1) The total number of Administrative Remedy
 20 appeals related to pregnant inmates that were filed
 21 during the previous year.

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

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

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

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

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

15 **SEC. 10. EDUCATION AND TECHNICAL ASSISTANCE.**

16 (a) NATIONAL INSTITUTE OF CORRECTIONS.—The
17 Director of the National Institute of Corrections shall pro-
18 vide education and technical assistance, in conjunction
19 with the appropriate public agencies, at State and local
20 correctional facilities that house women and facilities in
21 which incarcerated women go into labor and give birth,
22 in order to educate the employees of such facilities, includ-
23 ing health personnel, on the dangers and potential mental
24 health consequences associated with the use of restrictive
25 housing and restraints on incarcerated women during

1 pregnancy, labor, and postpartum recovery, and on alter-
 2 natives to the use of restraints and restrictive housing
 3 placement.

4 (b) SECRETARY OF HOMELAND SECURITY.—The
 5 Secretary of Homeland Security and Secretary of Health
 6 and Human Services shall provide the education and tech-
 7 nical assistance described in subsection (a) to relevant fa-
 8 cilities that house women in custody of the U.S. Customs
 9 and Border Protection or incarcerated, detained, or shel-
 10 tered by the U.S. Immigration and Customs Enforcement
 11 or the Office of Refugee Resettlement of the Department
 12 of Health and Human Services.

13 **SEC. 11. BUREAU OF PRISONS STAFF AND UNITED STATES**
 14 **MARSHALS TRAINING.**

15 (a) BUREAU OF PRISONS TRAINING.—

16 (1) IN GENERAL.—

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

1 (B) SUBSEQUENT TRAINING.—After the
2 initial training provided under subparagraph
3 (A), 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 twice each year to each correctional officer
7 at any Bureau of Prisons facility that houses
8 women.

9 (2) NEW HIRES.—

10 (A) DEFINITION.—In this paragraph, the
11 term “covered new correctional officer” means
12 an individual appointed to a position as a cor-
13 rectional officer at a Bureau of Prisons facility
14 that houses women on or after the date that is
15 180 days after the date of enactment of this
16 Act.

17 (B) TRAINING.—The Director of the Bu-
18 reau of Prisons shall train each covered new
19 correctional officer to carry out the require-
20 ments of this Act and the amendments made by
21 this Act not later than 30 days after the date
22 on which the covered new correctional officer is
23 appointed.

24 (b) UNITED STATES MARSHALS TRAINING.—

1 (1) IN GENERAL.—On and after the date that
2 is 180 days after the date of enactment of this Act,
3 the Director of the United States Marshals Service
4 shall ensure that each Deputy United States Mar-
5 shal has received training pursuant to the guidelines
6 described in subsection (c).

7 (2) NEW HIRES.—

8 (A) DEFINITION.—In this paragraph, the
9 term “new Deputy United States Marshal”
10 means an individual appointed to a position as
11 a Deputy United States Marshal after the date
12 of enactment of this Act.

13 (B) TRAINING.—Not later than 30 days
14 after the date on which a new Deputy United
15 States Marshal is appointed, the new Deputy
16 United States Marshal shall receive training
17 pursuant to the guidelines described in sub-
18 section (c).

19 (c) GUIDELINES.—

20 (1) IN GENERAL.—The Director of the Bureau
21 of Prisons and the United States Marshals Service
22 shall each develop guidelines on the treatment of in-
23 carcerated women during pregnancy, labor, and
24 postpartum recovery and incorporate such guidelines
25 in the training required under this section.

1 (2) DETENTION FACILITIES.—The Secretary of
2 Homeland Security and Secretary of Health and
3 Human Services, as applicable, shall develop guide-
4 lines on the treatment of women in the custody of
5 U.S. Customs and Border Protection, U.S. Immigra-
6 tion and Customs Enforcement, or Office of Refugee
7 Resettlement of the Department of Health and
8 Human during pregnancy, labor, and postpartum re-
9 covery and incorporate such guidelines in the train-
10 ing required under this section.

11 (3) CONTENTS.—The guidelines developed
12 under paragraphs (1) and (2) shall include guidance
13 on—

14 (A) the transportation of incarcerated
15 pregnant women;

16 (B) housing of incarcerated pregnant
17 women;

18 (C) nutritional requirements for incarcer-
19 ated pregnant women; and

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

22 (d) DETENTION FACILITIES.—The Secretary of
23 Homeland Security shall take such actions as necessary
24 to ensure that equivalent training as the training de-

1 scribed under subsection (a) shall be provided to employ-
2 ees of a covered facility that houses women.

3 **SEC. 12. GAO STUDY ON STATE AND LOCAL CORRECTIONAL**
4 **FACILITIES.**

5 The Comptroller General of the United States shall
6 conduct a study of services and protections provided for
7 pregnant incarcerated women in a covered facility and
8 local and State correctional settings, including—

9 (1) policies on—

10 (A) obstetrical and gynecological care;

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

14 (C) mental health and substance use treat-
15 ment;

16 (D) access to prenatal and post-delivery
17 support services and programs; and

18 (E) the use of restraints and restrictive
19 housing placement; and

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

22 **SEC. 13. DETERMINATION OF BUDGETARY EFFECTS.**

23 The budgetary effects of this Act, for the purpose of
24 complying with the Statutory Pay-As-You-Go Act of 2010,
25 shall be determined by reference to the latest statement

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

