chances to commit such violations, shall be punish-
able by a fine under this title or imprisonment not
exceeding six months, or both.''

Subsec. (d) to (f). Pub. L. 109–177, § 602(a)(3), redesign-
nated subsecs. (e) and (f) as (d) and (e), respectively,
and struck out former subsec. (d) which read as follows:
"The Secretary of the Treasury is authorized—

(1) to designate by regulations the buildings and
grounds which constitute the temporary residences
of the President or other person protected by the Secret
Service and the temporary offices of the President
and his staff or of any other person protected by the
Secret Service, and

(2) to prescribe regulations governing ingress or
egress to such buildings and grounds and to posted,
cordoned off, or otherwise restricted areas where the
President or other person protected by the Secret
Service is or will be temporarily visiting.''

1994—Subsec. (b). Pub. L. 103–322, which directed the
amendment of this section by substituting "under this
title" for "for more than $500", was executed in subsec.
(b) by substituting "under this title" for "not exceed-
ing $500" to reflect the probable intent of Congress.


TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and
obligations of the United States Secret Service, includ-
ing the functions of the Secretary of the Treasury re-
ating thereto, to the Secretary of Homeland Security,
and for treatment of related references, see sections
361, 551(d), 552(d), and 557 of Title 6, Domestic Security,
and the Department of Homeland Security Reorganiza-
tion Plan of November 25, 2002, as modified, set out as
a note under section 542 of Title 6.

CHAPTER 85—PRISON-MADE GOODS

1761. Transportation or importation

(a) Whoever knowingly transports in inter-
state commerce or from any foreign country
into the United States any goods, wares, or mer-
chandise manufactured, produced, or mined,
wholly or in part by convicts or prisoners, ex-
cept convicts or prisoners on parole, supervised
release, or probation, or in any penal or reform-
atory institution, shall be fined under this title or
imprisoned not more than two years, or both.
(b) This chapter shall not apply to agricul-
tural commodities or parts for the repair of
farm machinery, nor to commodities manufac-
tured in a Federal, District of Columbia, or
State institution for use by the Federal Govern-
ment, or by the District of Columbia, or by any
State or Political subdivision of a State or not-
for-profit organizations.

(c) In addition to the exceptions set forth in
subsection (b) of this section, this chapter shall
not apply to goods, wares, or merchandise manu-
factured, produced, or mined by convicts or pris-
oners who—

(1) are participating in—one of not more
than 50 prison work pilot projects designated
by the Director of the Bureau of Justice As-
sistance;

(2) have, in connection with such work, re-
ceived wages at a rate which is not less than
that paid for work of a similar nature in the
locality in which the work was performed, ex-
cept that such wages may be subject to deduc-
tions which shall not, in the aggregate, exceed
80 per centum of gross wages, and shall be lim-
ited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board,
as determined by regulations issued by the
Chief State correctional officer, in the case
of a State Prisoner;

(C) allocations for support of family pursu-
ant to State statute, court order, or agree-
ment by the offender;

(D) contributions to any fund established
by law to compensate the victims of crime of
not more than 20 per centum but not less
than 5 per centum of gross wages;

(3) have not solely by their status as offend-
ers, been deprived of the right to participate
in benefits made available by the Federal or
State Government to other individuals on the
basis of their employment, such as worker's
compensation. However, such convicts or pris-
oners shall not be qualified to receive any pay-
ments for unemployment compensation while
incarcerated, notwithstanding any other pro-
vision of the law to the contrary; and

(4) have participated in such employment
voluntarily and have agreed in advance to the
specific deductions made from gross wages
pursuant to this section, and all other finan-
cial arrangements as a result of participation
in such employment.

(d) This section shall not apply to goods,
wares, or merchandise manufactured, produced,
mixed and assembled by convicts or prisoners who
are participating in any pilot project approved
by the FPI Board of Directors, which are cur-
rently, or would otherwise be, manufactured,
produced, mined, or assembled outside the
United States.

(e) For the purposes of this section, the term
"State" means a State of the United States and
any commonwealth, territory, or possession of
the United States.

(June 25, 1948, ch. 465, 62 Stat. 785; Pub. L. 90–351,
title I, §819(a), formerly §827(a), as added Pub. L.
96–157, §2, Dec. 27, 1979, 93 Stat. 1215, and renum-


**HISTORICAL AND REVISION NOTES**


**AMENDMENTS**


1996—Subsec. (a). Pub. L. 104–294, § 601(a)(f), substituted “fined under this title” for “fined not more than $50,000.”

Subsec. (b). Pub. L. 104–134 inserted “or not-for-profit organizations” after “of a State”.


1994—Pub. L. 103–322, § 330016(1)(H), which directed the amendment of this section by substituting “under this title” for “not more than $1,000”, could not be executed because the phrase “not more than $1,000” did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 102–393. See 1992 Amendment note below.

Subsec. (c). Pub. L. 103–322, § 330010(b)(11), struck out “and” at end of par. (2)(B), and inserted “and” at end of par. (3).

1992—Subsec. (a). Pub. L. 102–293 substituted “$50,000” for “$1,000” and “two years” for “one year”.

1990—Subsec. (c). Pub. L. 101–647, § 2906(1), (2), substituted “In addition to the exceptions set forth in subsection (b) of this section, this chapter shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who” for “In addition to the exceptions set forth in subsection (b) of this section, this chapter shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than twenty pilot projects designated by the Director of the Bureau of Justice Assistance and who” in introductory provisions, added par. (1), and redesignated former pars. (1) to (3) as (2) to (4), respectively.

Subsec. (c)(2)(B). Pub. L. 101–647, § 2906(c), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer”.

1967—Subsec. (d). Pub. L. 100–17 struck out subsec. (d) which read as follows: “Notwithstanding any law to the contrary, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.”

1944—Subsec. (a). Pub. L. 98–473, § 223(c), inserted “‘supervised release,’” after “‘parole’.”

Subsec. (c). Pub. L. 98–473, § 609K(a), substituted “twenty” for “seven” and “‘Director of the Bureau of Justice Assistance’” for “‘Federal Government and the District of Columbia and vice versa.’”


EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 223(c) of Pub. L. 98–473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98–473, set out as an Effective Date note under section 3551 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) through (6) of Title 42, The Public Health and Welfare, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 3741 of Title 42.

REPORTS BY SECRETARY OF LABOR


EXEMPTIONS TO FEDERAL RESTRICTIONS ON MARKETABILITY OF PRISON-MADE GOODS


(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project qualifying for any exemption created by this section; and

(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.”

§ 1762. Marking packages

(a) All packages containing any goods, wares, or merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners,