

107TH CONGRESS
1ST SESSION

H. R. 45

To amend title 18, United States Code, with regard to prison commissaries,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mrs. BIGGERT introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 18, United States Code, with regard to prison
commissaries, 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 “Federal Telephone
5 Abuse Reduction Act of 2001”.

6 **SEC. 2. ADMINISTRATION OF FEDERAL PRISON COM-**
7 **MISSARIES.**

8 (a) IMPLEMENTATION OF INSPECTOR GENERAL REC-
9 COMMENDATIONS.—The Bureau of Prisons shall implement
10 and follow the recommendations contained in the report

1 entitled “Criminal Calls: A Review of the Bureau of Pris-
2 ons’ Management of Inmate Telephone Privileges” made
3 by the Inspector General of the Department of Justice in
4 August of 1999.

5 (b) GENERAL REVISION AND REENACTMENT OF SEC-
6 TION 4043.—Section 4043 of title 18, United States Code,
7 is amended to read as follows:

8 **“§ 4043. Prison commissary administration**

9 “(a) The Director of the Bureau of Prisons may es-
10 tablish, operate, and maintain commissaries in Federal
11 penal or correctional facilities, from and through which ar-
12 ticles and services may be procured, sold, rendered, or oth-
13 erwise provided or made available for the benefit of in-
14 mates confined within those facilities. Only those articles
15 or services authorized by the Director of the Bureau of
16 Prisons may be procured from or through prison com-
17 missaries for the use of inmates.

18 “(b) There is established in the Treasury of the
19 United States a revolving fund to be known as the Prison
20 Commissary Fund, which shall be available to the Bureau
21 of Prisons without fiscal year limitation to carry out the
22 purposes, functions, and powers authorized by this section.
23 Funds currently on deposit in the “Commissary funds,
24 Federal prisons” account of the Treasury shall be trans-
25 ferred to the Prison Commissary Fund.

1 “(c) The Director of the Bureau of Prisons may ac-
2 cept gifts or bequests of money for credit to the Fund.
3 The Director may also accept gifts or bequests of other
4 property, real or personal, for use or other disposition by
5 the Bureau of Prisons. A gift or bequest under this section
6 is a gift or bequest to or for the use of the United States
7 under the Internal Revenue Code of 1986 (26 U.S.C. 1
8 et seq.).

9 “(d) Amounts in the Prison Commissary Fund that
10 are not needed for operations shall be kept on deposit or
11 invested in obligations of, or guaranteed by, the United
12 States and all earnings on such investments shall be de-
13 posited in the Prison Commissary Fund.

14 “(e) There shall be deposited in the Fund, subject
15 to withdrawal by the Bureau of Prisons—

16 “(1) revenues received from the sale of articles
17 through prison commissaries;

18 “(2) revenues received from services rendered
19 by prison commissaries;

20 “(3) a gift or bequest of money for credit to the
21 Fund;

22 “(4) proceeds from the sale or disposal of do-
23 nated property, real or personal, for credit to the
24 Fund; and

1 “(5) earnings or interest that may be derived
2 from investments of the Fund.

3 “(f)(1) The Fund shall be available for the payment
4 of any expenses incurred by the Bureau of Prisons in es-
5 tablishing, operating, and maintaining prison com-
6 missaries, including the employment of personnel, the pur-
7 chase of equipment, security-related or otherwise, and
8 those expenses incurred in the provision of articles or serv-
9 ices procured, sold, rendered, or otherwise provided or
10 made available to inmates.

11 “(2) The Director of the Bureau of Prisons may use
12 amounts from the Prison Commissary Fund for any pur-
13 pose, including expenditures for programs, goods, and
14 services, that benefits the general welfare of inmates. No
15 inmate shall be entitled to any portion of the Fund.

16 “(g) Employees compensated by or through the Pris-
17 on Commissary Fund may be assigned additional duties
18 other than those directly related to commissary activities.

19 “(h) Sections 554 and 555 and 701 through 706 of
20 title 5, United States Code, do not apply to the making
21 of any determination, decision, or order under this sec-
22 tion.”.

23 (c) CONFORMING AMENDMENT.—Section 1321(a) of
24 title 31, United States Code, is amended by striking para-
25 graph (22).

1 (d) CLERICAL AMENDMENT.—The item in the table
2 of sections for chapter 303 of title 18, United States Code,
3 that relates to section 4043 is amended to read as follows:

“4043. Prison commissary administration.”.

