

see section 4(a) of div. W of Pub. L. 117–103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

PART III—PRISONS AND PRISONERS

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Editorial Notes

AMENDMENTS

1990—Pub. L. 101–647, title XXXV, § 3597, Nov. 29, 1990, 104 Stat. 4931, added items 306 and 319.

1984—Pub. L. 98–473, title II, § 218(d), Oct. 12, 1984, 98 Stat. 2027, in items 309, 311, and 314 substituted “Repealed” for “Good time allowances”, “Parole”, and “Narcotic addicts”, respectively.

Pub. L. 98–473, title II, § 403(b), Oct. 12, 1984, 98 Stat. 2067, substituted “Offenders with mental disease or defect” for “Mental defectives” in item 313.

1966—Pub. L. 89–793, title VI, § 603, Nov. 8, 1966, 80 Stat. 1450, added item 314.

CHAPTER 301—GENERAL PROVISIONS

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Editorial Notes

AMENDMENTS

1998—Pub. L. 105–370, § 2(b), Nov. 12, 1998, 112 Stat. 3375, added item 4014.

1988—Pub. L. 100–690, title VII, § 7608(d)(2), Nov. 18, 1988, 102 Stat. 4517, added item 4013.

1984—Pub. L. 98–473, title II, § 1109(e), Oct. 12, 1984, 98 Stat. 2148, added item 4012.

1971—Pub. L. 92–128, § 1(c), Sept. 25, 1971, 85 Stat. 347, substituted “Limitation on detention; control of prisons” for “Control by Attorney General” in item 4001.

1966—Pub. L. 89–554, § 3(e), Sept. 6, 1966, 80 Stat. 610, added items 4010 and 4011.

§ 4001. Limitation on detention; control of prisons

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

(b)(1) The control and management of Federal penal and correctional institutions, except military or naval institutions, shall be vested in the Attorney General, who shall promulgate rules for the government thereof, and appoint all necessary officers and employees in accordance with the civil-service laws, the Classification Act, as amended, and the applicable regulations.

(2) The Attorney General may establish and conduct industries, farms, and other activities and classify the inmates; and provide for their proper government, discipline, treatment, care, rehabilitation, and reformation.

(June 25, 1948, ch. 645, 62 Stat. 847; Pub. L. 92–128, § 1(a), (b), Sept. 25, 1971, 85 Stat. 347.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1934 ed., §§ 741 and 753e (Mar. 3, 1891, ch. 529, §§ 1, 4, 26 Stat. 839; May 14, 1930, ch. 274, § 6, 46 Stat. 326).

This section consolidates said sections 741 and 753e with such changes of language as were necessary to effect consolidation.

“The Classification Act, as amended,” was inserted more clearly to express the existing procedure for appointment of officers and employees as noted in letter of the Director of Bureau of Prisons, June 19, 1944.

Editorial Notes

REFERENCES IN TEXT

The Classification Act, as amended, referred to in subsec. (b)(1), originally was the Classification Act of 1923, Mar. 4, 1923, ch. 265, 42 Stat. 1488, which was repealed by section 1202 of the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 972. Section 1106(a) of the 1949 Act provided that references in other laws to the Classification Act of 1923 shall be held and considered to mean the Classification Act of 1949. The Classification Act of 1949 was in turn repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as chapter 51 and subchapter III of chapter 53 of Title 5.

AMENDMENTS

1971—Pub. L. 92–128, § 1(b), substituted “Limitation on detention; control of prisons” for “Control by Attorney General” in section catchline.

Subsec. (a). Pub. L. 92–128, § 1(a), added subsec. (a).

Subsec. (b). Pub. L. 92–128, § 1(a), designated existing first and second pars. as pars. (1) and (2) of subsec. (b).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–294, § 1, Oct. 12, 2000, 114 Stat. 1038, provided that: “This Act [enacting section 4048 of this title and amending section 4013 of this title] may be cited as the ‘Federal Prisoner Health Care Copayment Act of 2000’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–370, § 1, Nov. 12, 1998, 112 Stat. 3374, provided that: “This Act [enacting section 4014 of this title and provisions set out as a note under section 4042 of this title] may be cited as the ‘Correction Officers Health and Safety Act of 1998’.”

RESEARCH AND REPORT ON WOMEN IN FEDERAL INCARCERATION

Pub. L. 117–103, div. W, title X, § 1003, Mar. 15, 2022, 136 Stat. 917, provided that: “Not later than 18 months

after the date of enactment of this Act [Mar. 15, 2022], and thereafter, every other year, the National Institute of Justice, in consultation with the Bureau of Justice Statistics and the Bureau of Prisons (including the Women and Special Population Branch) shall prepare a report on the status of women in Federal incarceration. Depending on the topic to be addressed, and the facility, data shall be collected from Bureau of Prisons personnel and a sample that is representative of the population of incarcerated women. The report shall include—

“(1) with regard to Federal facilities wherein women are incarcerated—

“(A) responses by such women to questions from the Adverse Childhood Experience (ACES) questionnaire;

“(B) demographic data of such women;

“(C) data on the number of women who are incarcerated and placed in Federal and private facilities more than 200 miles from their place of residence;

“(D) responses by such women to questions about the extent of exposure to sexual victimization, sexual violence and domestic violence (both inside and outside of incarceration);

“(E) the number of such women pregnant at the time that they entered incarceration;

“(F) the number of such women who have children age 18 or under, and if so, how many; and

“(G) the crimes for which such women are incarcerated and the length of their sentence and to the extent practicable, any information on the connection between the crime of which they were convicted and their experience of domestic violence, dating violence, sexual assault, or stalking; and

“(2) with regard to all Federal facilities where persons are incarcerated—

“(A) a list of best practices with respect to women’s incarceration and transition, including staff led programs, services, and management practices (including making sanitary products readily available and easily accessible, and access to and provision of healthcare);

“(B) the availability of trauma treatment at each facility (including number of beds, and number of trained staff);

“(C) rates of serious mental illness broken down by gender and security level and a list of residential programs available by site; and

“(D) the availability of vocational education and a list of vocational programs provided by each facility.”

[For definitions of terms used in section 1003 of div. W of Pub. L. 117-103, set out above, see section 12291 of Title 34, Crime Control and Law Enforcement, as made applicable by section 2(b) of div. W of Pub. L. 117-103, which is set out as a note under section 12291 of Title 34.]

FEDERAL LAW ENFORCEMENT DEATH IN CUSTODY REPORTING REQUIREMENT

Pub. L. 113-242, §3, Dec. 18, 2014, 128 Stat. 2861, provided that:

“(a) IN GENERAL.—For each fiscal year (beginning after the date that is 120 days after the date of the enactment of this Act [Dec. 18, 2014]), the head of each Federal law enforcement agency shall submit to the Attorney General a report (in such form and manner specified by the Attorney General) that contains information regarding the death of any person who is—

“(1) detained, under arrest, or is in the process of being arrested by any officer of such Federal law enforcement agency (or by any State or local law enforcement officer while participating in and for purposes of a Federal law enforcement operation, task force, or any other Federal law enforcement capacity carried out by such Federal law enforcement agency); or

“(2) en route to be incarcerated or detained, or is incarcerated or detained at—

“(A) any facility (including any immigration or juvenile facility) pursuant to a contract with such Federal law enforcement agency;

“(B) any State or local government facility used by such Federal law enforcement agency; or

“(C) any Federal correctional facility or Federal pre-trial detention facility located within the United States.

“(b) INFORMATION REQUIRED.—Each report required by this section shall include, at a minimum, the information required by section 2(b) [34 U.S.C. 60105(b)].

“(c) STUDY AND REPORT.—Information reported under subsection (a) shall be analyzed and included in the study and report required by section 2(f) [34 U.S.C. 60105(f)].”

PLACEMENT OF CERTAIN PERSONS IN PRIVATELY OPERATED PRISONS

Pub. L. 106-553, §1(a)(2) [title I, §114, formerly §115], Dec. 21, 2000, 114 Stat. 2762, 2762A-68; renumbered §114, Pub. L. 106-554, §1(a)(4) [div. A, §213(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A-179, provided that: “Beginning in fiscal year 2001 and thereafter, funds appropriated to the Federal Prison System may be used to place in privately operated prisons only such persons sentenced to incarceration under the District of Columbia Code as the Director, Bureau of Prisons, may determine to be appropriate for such placement consistent with Federal classification standards, after consideration of all relevant factors, including the threat of danger to public safety.”

FEE TO RECOVER COST OF INCARCERATION

Pub. L. 102-395, title I, §111(a), Oct. 6, 1992, 106 Stat. 1842, provided that:

“(1) For fiscal year 1993 and thereafter the Attorney General shall establish and collect a fee to cover the costs of confinement from any person convicted in a United States District Court and committed to the Attorney General’s custody.

“(2) Such fee shall be equivalent to the average cost of one year of incarceration, and the Attorney General shall credit or rebate a prorated portion of the fee with respect to any such person incarcerated for 334 days or fewer in a given fiscal year.

“(3) The calculation of the number of days of incarceration in a given fiscal year for the purpose of such fee shall include time served prior to conviction.

“(4) The Attorney General shall not collect such fee from any person with respect to whom a fine was imposed or waived by a judge of a United States District Court pursuant to section 5E1.2(f) and (i) of the United States Sentencing Guidelines, or any successor provisions.

“(5) In cases in which the Attorney General has authority to collect the fee, the Attorney General shall have discretion to waive the fee or impose a lesser fee if the person under confinement establishes that (1) he or she is not able and, even with the use of a reasonable installment schedule, is not likely to become able to pay all or part of the fee, or (2) imposition of a fine would unduly burden the defendant’s dependents.

“(6) For fiscal year 1993 only, fees collected in accordance with this section shall be deposited as offsetting receipts to the Treasury.

“(7) For fiscal year 1994 and thereafter, fees collected in accordance with this section shall be deposited as offsetting collections to the appropriation Federal Prison System, ‘Salaries and expenses’, and shall be available, inter alia, to enhance alcohol and drug abuse prevention programs.”

USE OF INACTIVE DEPARTMENT OF DEFENSE FACILITIES AS PRISONS

Pub. L. 95-624, §9, Nov. 9, 1978, 92 Stat. 3463, provided that: “The Attorney General shall consult with the Secretary of Defense in order to develop a plan to assure that such suitable facilities as the Department of Defense operates which are not in active use shall be made available for operation by the Department of Justice for the confinement of United States prisoners. Such plan shall provide for the return to the manage-

ment of the Department of Defense of any such facility upon a finding by the Secretary of Defense that such return is necessary to the operation of the Department."

§ 4002. Federal prisoners in State institutions; employment

For the purpose of providing suitable quarters for the safekeeping, care, and subsistence of all persons held under authority of any enactment of Congress, the Attorney General may contract, for a period not exceeding three years, with the proper authorities of any State, Territory, or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of such persons.

Such Federal prisoners shall be employed only in the manufacture of articles for, the production of supplies for, the construction of public works for, and the maintenance and care of the institutions of, the State or political subdivision in which they are imprisoned.

The rates to be paid for the care and custody of said persons shall take into consideration the character of the quarters furnished, sanitary conditions, and quality of subsistence and may be such as will permit and encourage the proper authorities to provide reasonably decent, sanitary, and healthful quarters and subsistence for such persons.

(June 25, 1948, ch. 645, 62 Stat. 847; Pub. L. 95-624, § 8, Nov. 9, 1978, 92 Stat. 3463.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 753b, (May 14, 1930, ch. 274, § 3, 46 Stat. 325).

Changes were made in phraseology. The first sentence was incorporated in section 4042 of this title.

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-624 substituted "Attorney General" for "Director of the Bureau of Prisons".

§ 4003. Federal institutions in States without appropriate facilities

If by reason of the refusal or inability of the authorities having control of any jail, workhouse, penal, correctional, or other suitable institution of any State or Territory, or political subdivision thereof, to enter into a contract for the imprisonment, subsistence, care, or proper employment of United States prisoners, or if there are no suitable or sufficient facilities available at reasonable cost, the Attorney General may select a site either within or convenient to the State, Territory, or judicial district concerned and cause to be erected thereon a house of detention, workhouse, jail, prison-industries project, or camp, or other place of confinement, which shall be used for the detention of persons held under authority of any Act of Congress, and of such other persons as in the opinion of the Attorney General are proper subjects for confinement in such institutions.

(June 25, 1948, ch. 645, 62 Stat. 848.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 753c (May 14, 1930, ch. 274, § 4, 46 Stat. 326).

Words "with or without hard labor" were omitted as unnecessary in view of omission of "hard labor" as part of the punishment. (See reviser's note under section 1 of this title.)

The phrase "held under authority of any Act of Congress," was substituted for the following "held as material witnesses, persons awaiting trial, persons sentenced to imprisonment and awaiting transfer to other institutions, persons held for violation of the immigration laws or awaiting deportation, and for the confinement of persons convicted of offenses against the United States and sentenced to imprisonment".

Minor changes in arrangement and phraseology were made.

§ 4004. Oaths and acknowledgments

The wardens and superintendents, associate wardens and superintendents, chief clerks, and record clerks, of Federal penal or correctional institutions, may administer oaths to and take acknowledgments of officers, employees, and inmates of such institutions, but shall not demand or accept any fee or compensation therefor.

(June 25, 1948, ch. 645, 62 Stat. 848; July 7, 1955, ch. 282, 69 Stat. 282; Pub. L. 98-473, title II, § 223(l), Oct. 12, 1984, 98 Stat. 2029.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 754 (Feb. 11, 1938, ch. 24, §§ 1, 2, 52 Stat. 28).

Section was extended to include superintendents and associate superintendents.

Minor changes were made in phraseology. Words "the authority conferred by" were omitted as surplusage.

Editorial Notes

AMENDMENTS

1984—Pub. L. 98-473 substituted "and record clerks" for "record clerks, and parole officers".

1955—Act July 7, 1955, permitted chief clerks, record clerks, and parole officers to administer oaths and take acknowledgments.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by 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.

§ 4005. Medical relief; expenses

(a) Upon request of the Attorney General and to the extent consistent with the Assisted Suicide Funding Restriction Act of 1997, the Federal Security Administrator shall detail regular and reserve commissioned officers of the Public Health Service, pharmacists, acting assistant surgeons, and other employees of the Public Health Service to the Department of Justice for the purpose of supervising and furnishing medical, psychiatric, and other technical and scientific services to the Federal penal and correctional institutions.

(b) The compensation, allowances, and expenses of the personnel detailed under this section may be paid from applicable appropriations of the Public Health Service in accordance with the law and regulations governing the personnel of the Public Health Service, such appropriations to be reimbursed from applicable appro-