

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-

priations of the Department of Justice; or the Attorney General may make allotments of funds and transfer of credit to the Public Health Service in such amounts as are available and necessary, for payment of compensation, allowances, and expenses of personnel so detailed, in accordance with the law and regulations governing the personnel of the Public Health Service.

(June 25, 1948, ch. 645, 62 Stat. 848; Pub. L. 105-12, §9(k), Apr. 30, 1997, 111 Stat. 28.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§751, 752 (May 13, 1930, ch. 256, §§1, 2, 46 Stat. 273; Reorg. Plan No. 1, §201, 205, 4 F.R. 2728, 2729, 53 Stat. 1424, 1425).

Section consolidates sections 751 and 752 of title 18, U.S.C., 1940 ed., as subsections (a) and (b), respectively. "Federal Security Administrator" was substituted for "Federal Security Agency."

Functions of the Secretary of the Treasury were transferred to the Federal Security Administrator by Reorg. Plan No. 1, §205, 4 F.R. 2729, 53 Stat. 1425. (See note under section 133t of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.)

The first part of said section 751, which read "Authorized medical relief under the Department of Justice in Federal penal and correctional institutions shall be supervised and furnished by personnel of the Public Health Service, and" was omitted as surplusage, considering the remainder of the text.

Minor changes of phraseology were made.

#### Editorial Notes

#### REFERENCES IN TEXT

The Assisted Suicide Funding Restriction Act of 1997, referred to in subsec. (a), is Pub. L. 105-12, Apr. 30, 1997, 111 Stat. 23, which is classified principally to chapter 138 (§14401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 14401 of Title 42 and Tables.

#### AMENDMENTS

1997—Subsec. (a). Pub. L. 105-12 inserted "and to the extent consistent with the Assisted Suicide Funding Restriction Act of 1997" after "Upon request of the Attorney General".

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695, which is classified to section 3508(b) of Title 20, Education.

##### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-12 effective Apr. 30, 1997, and applicable to Federal payments made pursuant to obligations incurred after Apr. 30, 1997, for items and services provided on or after such date, subject to also being applicable with respect to contracts entered into, renewed, or extended after Apr. 30, 1997, as well as contracts entered into before Apr. 30, 1997, to the extent permitted under such contracts, see section 11 of Pub. L. 105-12, set out as an Effective Date note under section 14401 of Title 42, The Public Health and Welfare.

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare,

and office of Federal Security Administrator abolished by sections 5 and 8 of Reorg. Plan No. 1 of 1953, as amended, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, Government Organization and Employees.

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare (see Change of Name note above) by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5.

#### § 4006. Subsistence for prisoners

(a) IN GENERAL.—The Attorney General or the Secretary of Homeland Security, as applicable, shall allow and pay only the reasonable and actual cost of the subsistence of prisoners in the custody of any marshal of the United States, and shall prescribe such regulations for the government of the marshals as will enable him to determine the actual and reasonable expenses incurred.

(b) HEALTH CARE ITEMS AND SERVICES.—

(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service, the Federal Bureau of Investigation and the Department of Homeland Security shall be the amount billed, not to exceed the amount that would be paid for the provision of similar health care items and services under the Medicare program under title XVIII of the Social Security Act.

(2) FULL AND FINAL PAYMENT.—Any payment for a health care item or service made pursuant to this subsection, shall be deemed to be full and final payment.

(June 25, 1948, ch. 645, 62 Stat. 848; Pub. L. 106-113, div. B, §1000(a)(1) [title I, §114], Nov. 29, 1999, 113 Stat. 1535, 1501A-20; Pub. L. 106-553, §1(a)(2) [title VI, §626], Dec. 21, 2000, 114 Stat. 2762, 2762A-108; Pub. L. 109-162, title XI, §1157, Jan. 5, 2006, 119 Stat. 3114.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §703 (R.S. §5545; Mar. 2, 1911, ch. 192, 36 Stat. 1003).

The provisions relating to the Washington Asylum and Jail are now included in the District of Columbia Code. (See D.C. Code, 1940 ed., §24-421.)

Changes of phraseology were made.

#### Editorial Notes

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XVIII of the Act is classified generally to subchapter XVIII (§1395 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-162, §1157(1), inserted "or the Secretary of Homeland Security, as applicable," after "The Attorney General".

Subsec. (b)(1). Pub. L. 109-162, §1157(2), substituted "the Department of Homeland Security" for "the Immigration and Naturalization Service", "shall be the amount billed, not to exceed the amount" for "shall