

Sec. 4049.	Officers and employees of the Bureau of Prisons authorized to carry oleoresin capsicum spray.
4050.	Secure firearms storage.
4051.	Treatment of primary caretaker parents and other individuals.

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–103, div. W, title X, §1001(e), Mar. 15, 2022, 136 Stat. 914, added item 4051.
 2018—Pub. L. 115–391, title II, §202(b), Dec. 21, 2018, 132 Stat. 5217, added item 4050.
 2016—Pub. L. 114–133, §2(b), Mar. 9, 2016, 130 Stat. 297, added item 4049.
 2000—Pub. L. 106–294, §2(b), Oct. 12, 2000, 114 Stat. 1040, added item 4048.
 1994—Pub. L. 103–322, title II, §20402(b), Sept. 13, 1994, 108 Stat. 1825, added item 4047.
 1990—Pub. L. 101–647, title XXX, §3001(b), Nov. 29, 1990, 104 Stat. 4915, added item 4046.
 1986—Pub. L. 99–646, §67(b), Nov. 10, 1986, 100 Stat. 3616, added items 4044 and 4045.
 1982—Pub. L. 97–258, §2(d)(4)(A), Sept. 13, 1982, 96 Stat. 1059, added item 4043.

§ 4041. Bureau of Prisons; director and employees

The Bureau of Prisons shall be in charge of a director appointed by and serving directly under the Attorney General. The Attorney General may appoint such additional officers and employees as he deems necessary.

(June 25, 1948, ch. 645, 62 Stat. 849; Pub. L. 107–273, div. A, title III, §302(1), Nov. 2, 2002, 116 Stat. 1781.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §753 (May 14, 1930, ch. 274, §1, 46 Stat. 325).

The entire second sentence was omitted as executed. All powers and authority originally vested in the former Superintendent of Prisons are now possessed by the Bureau of Prisons.

Minor changes of phraseology were made.

Editorial Notes

AMENDMENTS

2002—Pub. L. 107–273 struck out “at a salary of \$10,000 a year” after “under the Attorney General”.

Statutory Notes and Related Subsidiaries

AUGMENTATION

Pub. L. 118–71, §2(c), July 25, 2024, 138 Stat. 1501, provided that: “On and after the effective date of this Act [see Effective Date of 2024 Amendment note set out under section 413 of Title 5, Government Organization and Employees], the Bureau of Prisons shall implement the directive in the second sentence on the topic ‘Augmentation’ in the matter under the heading ‘SALARIES AND EXPENSES’ under the heading ‘FEDERAL PRISON SYSTEM’ in the joint explanatory statement accompanying Public Law 117–328 [set forth in House Appropriations Committee Print 117th Congress, Book 1—Consolidated Appropriations Act, 2023, div. B, p. 296].”

COMPENSATION OF DIRECTOR

Compensation of Director, see section 5315 of Title 5, Government Organization and Employees.

§ 4042. Duties of Bureau of Prisons

(a) IN GENERAL.—The Bureau of Prisons, under the direction of the Attorney General, shall—

(1) have charge of the management and regulation of all Federal penal and correctional institutions;

(2) provide suitable quarters and provide for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise;

(3) provide for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States;

(4) provide technical assistance to State, tribal, and local governments in the improvement of their correctional systems;

(5) provide notice of release of prisoners in accordance with subsections (b) and (c);

(6) establish prerelease planning procedures that help prisoners—

(A) apply for Federal and State benefits upon release (including Social Security benefits, and veterans’ benefits);

(B) obtain identification, including a social security card, driver’s license or other official photo identification, and a birth certificate; and

(C) secure such identification and benefits prior to release from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement, subject to any limitations in law; and

(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

(A) Health and nutrition.

(B) Employment.

(C) Literacy and education.

(D) Personal finance and consumer skills.

(E) Community resources.

(F) Personal growth and development.

(G) Release requirements and procedures.

(b) NOTICE OF RELEASE OF PRISONERS.—(1) At least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, written notice of the release or change of residence shall be provided to the chief law enforcement officers of each State, tribal, and local jurisdiction in which the prisoner will reside. Notice prior to release shall be provided by the Director of the Bureau of Prisons. Notice concerning a change of residence following release shall be provided by the probation officer responsible for the supervision of the released prisoner, or in a manner specified by the Director of the Administrative Office of the United States Courts. The notice requirements under this subsection do not apply in relation to a prisoner being protected under chapter 224.

(2) A notice under paragraph (1) shall disclose—

(A) the prisoner’s name;

(B) the prisoner’s criminal history, including a description of the offense of which the prisoner was convicted; and

(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

(3) A prisoner is described in this paragraph if the prisoner was convicted of—

(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

(B) a crime of violence (as defined in section 924(c)(3)).

(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (3), or any other person in a category specified by the Attorney General, who is released from prison or sentenced to probation, notice shall be provided to—

(A) the chief law enforcement officer of each State, tribal, and local jurisdiction in which the person will reside; and

(B) a State, tribal, or local agency responsible for the receipt or maintenance of sex offender registration information in the State, tribal, or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall register as required by the Sex Offender Registration and Notification Act. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (3) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.

[(4) Repealed. Pub. L. 109-248, title I, § 141(h), July 27, 2006, 120 Stat. 604.]

(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).

(d) APPLICATION OF SECTION.—This section shall not apply to military or naval penal or

correctional institutions or the persons confined therein.

(June 25, 1948, ch. 645, 62 Stat. 849; Pub. L. 90-371, July 1, 1968, 82 Stat. 280; Pub. L. 103-322, title II, § 20417, Sept. 13, 1994, 108 Stat. 1834; Pub. L. 105-119, title I, § 115(a)(8)(A), Nov. 26, 1997, 111 Stat. 2464; Pub. L. 109-248, title I, § 141(f)-(h), July 27, 2006, 120 Stat. 603, 604; Pub. L. 110-199, title II, § 231(d)(1), Apr. 9, 2008, 122 Stat. 685; Pub. L. 111-211, title II, § 261(a), July 29, 2010, 124 Stat. 2299; Pub. L. 115-391, title VI, § 604(b), Dec. 21, 2018, 132 Stat. 5241.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 753a, 753b, (May 14, 1930, ch. 274, §§ 2, 3, 46 Stat. 325).

Because of similarity in the provisions, the first sentence of section 753b of title 18, U.S.C., 1940 ed., was consolidated with section 753a of title 18, U.S.C., 1940 ed., to form this section.

Minor changes were made in phraseology.

The remainder of said section 753b of title 18, U.S.C., 1940 ed., is incorporated in section 4002 of this title.

Editorial Notes

REFERENCES IN TEXT

The Sex Offender Registration and Notification Act, referred to in subsec. (c)(2), (3), is title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, which was classified principally to subchapter I (§ 16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare, prior to editorial reclassification as chapter 209 (§ 20901 et seq.) of Title 34, Crime Control and Law Enforcement. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of Title 34 and Tables.

AMENDMENTS

2018—Subsec. (a)(D), (E). Pub. L. 115-391, § 604(b)(1), redesignated pars. (D) and (E) as (6) and (7), respectively.

Subsec. (a)(6). Pub. L. 115-391, § 604(b)(1), (2)(E), redesignated par. (D) as (6) and cls. (i) to (iii) as subpars. (A) to (C), respectively.

Subsec. (a)(6)(i). Pub. L. 115-391, § 604(b)(2)(A), struck out “Social Security Cards,” before “Social Security benefits” and “and” after “benefits);”.

Subsec. (a)(6)(ii). Pub. L. 115-391, § 604(b)(2)(C), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (a)(6)(iii). Pub. L. 115-391, § 604(b)(2)(B), (D), redesignated cl. (ii) as (iii) and inserted “from a sentence to a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term of community confinement” after “prior to release”.

Subsec. (a)(7). Pub. L. 115-391, § 604(b)(1), (3), redesignated par. (E) as (7) and cls. (i) to (vii) as subpars. (A) to (G), respectively.

2010—Subsec. (a)(4). Pub. L. 111-211, § 261(a)(1), inserted “, tribal,” after “State”.

Subsec. (b)(1). Pub. L. 111-211, § 261(a)(2), substituted “officers of each State, tribal, and local jurisdiction” for “officer of the State and of the local jurisdiction”.

Subsec. (c)(1)(A). Pub. L. 111-211, § 261(a)(3)(A), substituted “officer of each State, tribal, and local jurisdiction” for “officer of the State and of the local jurisdiction”.

Subsec. (c)(1)(B). Pub. L. 111-211, § 261(a)(3)(B), inserted “, tribal,” after “State” in two places.

2008—Subsec. (a)(D), (E). Pub. L. 110-199 added pars. (D) and (E).

2006—Subsec. (c)(1). Pub. L. 109-248, § 141(g)(1), substituted “paragraph (3), or any other person in a category specified by the Attorney General,” for “paragraph (4)” in introductory provisions.

Subsec. (c)(2). Pub. L. 109-248, § 141(g)(2), substituted “shall register as required by the Sex Offender Reg-

istration and Notification Act" for "shall be subject to a registration requirement as a sex offender" in first sentence and "paragraph (3)" for "paragraph (4)" in fourth sentence.

Subsec. (c)(3). Pub. L. 109-248, §141(f), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts."

Subsec. (c)(4). Pub. L. 109-248, §141(h), struck out par. (4) which read as follows: "A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

"(A) An offense under section 1201 involving a minor victim.

"(B) An offense under chapter 109A.

"(C) An offense under chapter 110.

"(D) An offense under chapter 117.

"(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection."

1997—Subsec. (a)(5). Pub. L. 105-119, §115(a)(8)(A)(i), substituted "subsections (b) and (c)" for "subsection (b)".

Subsec. (b)(4). Pub. L. 105-119, §115(a)(8)(A)(ii), struck out par. (4) which read as follows: "The notice provided under this section shall be used solely for law enforcement purposes."

Subsecs. (c), (d). Pub. L. 105-119, §115(a)(8)(A)(iv), added subsec. (c) and redesignated former subsec. (c) as (d).

1994—Pub. L. 103-322 designated first par. of existing provisions as subsec. (a) and inserted heading, substituted "provide" for "Provide" and ";" and" for period at end of par. (4), added par. (5) and subsec. (b), and designated second sentence of existing provisions as subsec. (c) and inserted heading.

1968—Pub. L. 90-371 added cl. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-119 effective 1 year after Nov. 26, 1997, see section 115(c)(1) of Pub. L. 105-119, set out as a note under section 3521 of this title.

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of Title 34, Crime Control and Law Enforcement.

PRISON CAMERA REFORM

Pub. L. 117-321, Dec. 27, 2022, 136 Stat. 4430, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Prison Camera Reform Act of 2021’.

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) The Bureau of Prisons has 122 institutions located throughout the United States. The Bureau of Prisons employs nearly 38,000 employees and is responsible for more than 150,000 Federal inmates.

“(2) Video footage from security camera systems and reliable communication over radio systems within Bureau of Prisons institutions are essential to pro-

tecting the health and safety of Bureau of Prisons employees and Federal inmates.

“(3) Based on the experience of Bureau of Prisons correctional staff, the noticeable presence of functioning security cameras serves as an effective deterrent to criminal behavior and misconduct.

“(4) Well-documented deficiencies of camera systems at Bureau of Prisons’ facilities have hindered investigators’ ability to substantiate allegations of serious misconduct by staff and inmates, including sexual and physical assaults, medical neglect, and introduction of contraband.

“(5) In a 2016 report, the Office of the Inspector General for the Department of Justice determined that ‘deficiencies within the BOP’s security camera system have affected the OIG’s ability to secure prosecutions of staff and inmates in BOP contraband introduction cases, and these same problems adversely impact the availability of critical evidence to support administrative or disciplinary action against staff and inmates’.

“(6) Shortcomings in the land-mobile radio systems at Bureau of Prison facilities institutions impede the communication abilities of staff, slowing or preventing the response of correctional officers during an emergency or threat of attack, and jeopardizing the safety of both staff and Federal inmates.

“SEC. 3. REQUIRED PLAN FOR REFORM OF BOP SECURITY CAMERA AND RADIO COVERAGE AND CAPABILITIES.

“(a) PLAN.—Not later than 90 days after the date of enactment of this Act [Dec. 27, 2022], the Director of the Bureau of Prisons shall—

“(1) evaluate the security camera, land-mobile radio (referred to in this Act as ‘LMR’), and public address (referred to in this Act as ‘PA’) systems in use by the Bureau of Prisons as of the date of enactment of this Act; and

“(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a plan for ensuring that all Bureau of Prisons correctional facilities have the security camera, LMR, and PA system coverage and capabilities necessary to—

“(A) ensure the health and safety of staff and Federal inmates; and

“(B) ensure the documentation and accessibility of video evidence that may pertain to misconduct by staff or inmates, negligent or abusive treatment of inmates, or criminal activity within correctional facilities.

“(b) CONTENTS.—The plan required under subsection (a) shall—

“(1) identify and include plans to address any deficiencies in the security camera system in use at Bureau of Prisons correctional facilities, including those related to—

“(A) an insufficient number of cameras;

“(B) inoperable or malfunctioning cameras;

“(C) blind spots;

“(D) poor quality video; and

“(E) any other deficits in the security camera system;

“(2) identify and include plans to adopt and maintain any security camera system upgrades needed to achieve the purposes described in subsection (a), including—

“(A) conversion of all analog cameras to digital surveillance systems, with corresponding infrastructure and equipment upgrade requirements;

“(B) upgrades to ensure the secure storage, logging, preservation, and accessibility of recordings such that the recordings are available to investigators or Courts at such time as may be reasonably required; and

“(C) additional enterprise-wide camera system capabilities needed to enhance the safety and security of inmates and staff;

“(3) identify and include plans to address any deficiencies in the LMR and PA systems in use at Bureau

of Prisons correctional facilities, including those related to—

“(A) an inadequate number of radios;
“(B) inoperable, outdated, or malfunctioning LMR or PA systems;

“(C) areas of Bureau of Prisons correctional facilities that lack adequate reception for radio operation;

“(D) radios that lack an emergency notification feature (also known as a ‘man down’ function), which automatically sends an alert and transmits the location of that radio in the event the wearer is in a prone position; and

“(E) any other deficits in the LMR or PA systems;

“(4) include an assessment of operational and logistical considerations in implementing the plan required under subsection (a), including—

“(A) a prioritization of facilities for needed upgrades, beginning with high security institutions;

“(B) the personnel and training necessary to implement the changes; and

“(C) ongoing repair and maintenance requirements; and

“(5) include a 3-year strategic plan and cost projection for implementing the changes and upgrades to the security camera, LMR, and PA systems identified under paragraphs (1) through (4).

“(c) IMPLEMENTATION DEADLINE.—Not later than 3 years after the date on which the plan is submitted under subsection (a)(2), and subject to appropriations, the Director of the Bureau of Prisons shall complete implementation of the submitted plan.

“(d) ANNUAL PROGRESS REPORTS.—Beginning 1 year after the date on which the plan is submitted under subsection (a)(2), and each year thereafter until the end of the 3-year period described in subsection (c), the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the implementation of the submitted plan.”

HEALTH AND SAFETY OF PREGNANT WOMEN AND MOTHERS

Pub. L. 117-103, div. W, title X, § 1002, Mar. 15, 2022, 136 Stat. 914, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Stop Infant Mortality and Recidivism Reduction Act’ or the ‘SIMARRA Act’.

“(b) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act [Mar. 15, 2022], the Director of the Bureau of Prisons (in this section referred to as the ‘Director’) shall establish a pilot program (in this section referred to as the ‘Program’) in accordance with this section to permit women incarcerated in Federal prisons and the children born to such women during incarceration to reside together while the inmate serves a term of imprisonment.

“(c) PURPOSES.—The purposes of this section are to—

“(1) prevent infant mortality among infants born to incarcerated mothers and greatly reduce the trauma and stress experienced by pregnant inmates;

“(2) reduce the recidivism rates of federally incarcerated women and mothers, and enhance public safety by improving the effectiveness of the Federal prison system for women as a population with special needs;

“(3) utilize a female offender risk and needs assessment to encourage a more effective and efficient Federal prison system;

“(4) utilize a validated post-sentencing risk and needs assessment system that relies on dynamic factors to provide Federal prison officials with information regarding needs of Federal pregnant offenders and enhance public safety;

“(5) perform regular outcome evaluations of the effectiveness of programs and interventions for federally incarcerated pregnant women and mothers to assure that such programs and interventions are evi-

dence-based and to suggest changes, deletions, and expansions based on the results of such evaluations; and

“(6) assist the Department of Justice to address the underlying cost structure of the Federal prison system and ensure that the Department can continue to run parenting programming safely and securely without compromising the scope or quality of the Department’s critical health, safety and law enforcement missions.

“(d) DUTIES OF THE DIRECTOR OF BUREAU OF PRISONS.—

“(1) IN GENERAL.—The Director shall carry out this section in consultation with—

“(A) the Director of the Administrative Office of the United States Courts;

“(B) the Director of the Office of Probation and Pretrial Services; and

“(C) the Director of the National Institute of Justice.

“(2) DUTIES.—The Director shall, in accordance with paragraph (3), and in addition to the mandates under section 3631 of title 18, United States Code—

“(A) evaluate the female offender risk and needs assessment for its ability to address the particular health and sensitivities of federally incarcerated pregnant women and mothers in accordance with this subsection;

“(B) develop recommendations regarding recidivism reduction programs and productive activities in accordance with subsection (c);

“(C) conduct ongoing research and data analysis on—

“(i) the best practices relating to the use of offender risk and needs assessment tools for female offenders with a particular emphasis on how those tools address the health and sensitivities of federally incarcerated pregnant women and mothers;

“(ii) potential improvements to risk and needs assessment tools for female offenders to address the health and sensitivities of federally incarcerated pregnant women and mothers; and

“(iii) which recidivism reduction programs are the most effective—

“(I) for federally incarcerated pregnant women and mothers classified at different recidivism risk levels; and

“(II) for addressing the specific needs of federally incarcerated pregnant women and mothers;

“(D) on a biennial basis, review any findings related to evaluations conducted under subparagraph (A) and the recommendations developed under subparagraph (B), using the research conducted under subparagraph (C), to determine whether any revisions or updates should be made to female offender risk and needs assessment systems, and if so, make such revisions or updates;

“(E) hold periodic meetings with the individuals listed in paragraph (1) at intervals to be determined by the Director;

“(F) develop tools to communicate parenting program availability and eligibility criteria to each employee of the Bureau of Prisons and each pregnant inmate to ensure that each pregnant inmate in the custody of a Bureau of Prisons facility understands the resources available to such inmate; and

“(G) report to Congress in accordance with subsection (h).

“(3) METHODS.—In carrying out the duties under paragraph (2), the Director shall—

“(A) consult relevant stakeholders; and

“(B) make decisions using data that is based on available statistical and empirical evidence.

“(e) ELIGIBILITY.—An inmate may apply to participate in the Program if the inmate—

“(1) is pregnant at the beginning of or during the term of imprisonment; and

“(2) is in the custody or control of the Bureau of Prisons.

“(f) PROGRAM TERMS.—

“(1) TERM OF PARTICIPATION.—To correspond with the purposes and goals of the Program to promote bonding during the critical stages of child development, an eligible inmate selected for the Program may participate in the Program, subject to subsection (g), until the earliest of—

“(A) the date that the inmate’s term of imprisonment terminates; or

“(B) the date the infant fails to meet any medical criteria established by the Director.

“(2) INMATE REQUIREMENTS.—For the duration of an inmate’s participation in the Program, the inmate shall agree to—

“(A) take substantive steps towards acting in the role of a parent or guardian to any child of that inmate;

“(B) participate in any recommended educational or counseling opportunities, including topics such as child development, parenting skills, domestic violence, vocational training, or substance abuse, as appropriate;

“(C) abide by any court decision regarding the legal or physical custody of the child; and

“(D) specify a person who has agreed to take at least temporary custody of the child if the inmate’s participation in the Program terminates before the inmate’s release.

“(g) CONTINUITY OF CARE.—The Director shall take appropriate actions to prevent detachment or disruption of either an inmate’s or infant’s health and bonding-based well-being due to termination of the Program.

“(h) REPORTING.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act [Mar. 15, 2022], and once each year thereafter for 5 years, the Director shall submit a progress report to the Congress with regards to implementing the Program.

“(2) FINAL REPORT.—Not later than 6 months after the termination of the Program, the Director shall issue a final report to the Congress that contains a detailed statement of the Director’s findings and conclusions, including recommendations for legislation, administrative actions, and regulations the Director considers appropriate.”

[For definitions of terms used in section 1002 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.]

DE-ESCALATION TRAINING

Pub. L. 115–391, title VI, § 606, Dec. 21, 2018, 132 Stat. 5244, provided that: “Beginning not later than 1 year after the date of enactment of this Act [Dec. 21, 2018], the Director of the Bureau of Prisons shall incorporate into training programs provided to officers and employees of the Bureau of Prisons (including officers and employees of an organization with which the Bureau of Prisons has a contract to provide services relating to imprisonment) specialized and comprehensive training in procedures to—

“(1) de-escalate encounters between a law enforcement officer or an officer or employee of the Bureau of Prisons, and a civilian or a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act); and

“(2) identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.”

PILOT PROGRAMS

Pub. L. 115–391, title VI, § 608, Dec. 21, 2018, 132 Stat. 5245, provided that:

“(a) IN GENERAL.—The Bureau of Prisons shall establish each of the following pilot programs for 5 years, in at least 20 facilities:

“(1) MENTORSHIP FOR YOUTH.—A program to pair youth with volunteers from faith-based or community organizations, which may include formerly incarcerated offenders, that have relevant experience or expertise in mentoring, and a willingness to serve as a mentor in such a capacity.

“(2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE ANIMALS.—A program to equip prisoners with the skills to provide training and therapy to animals seized by Federal law enforcement under asset forfeiture authority and to organizations that provide shelter and similar services to abandoned, rescued, or otherwise vulnerable animals.

“(b) REPORTING REQUIREMENT.—Not later than 1 year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the pilot programs under this section. Such report shall include cost savings, numbers of participants, and information about recidivism rates among participants.

“(c) DEFINITION.—In this title, the term ‘youth’ means a prisoner (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who was 21 years of age or younger at the time of the commission or alleged commission of the criminal offense for which the individual is being prosecuted or serving a term of imprisonment, as the case may be.”

HEALTHCARE PRODUCTS

Pub. L. 115–391, title VI, § 611, Dec. 21, 2018, 132 Stat. 5247, provided that:

“(a) AVAILABILITY.—The Director of the Bureau of Prisons shall make the healthcare products described in subsection (c) available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.

“(b) QUALITY PRODUCTS.—The Director shall ensure that the healthcare products provided under this section conform with applicable industry standards.

“(c) PRODUCTS.—The healthcare products described in this subsection are tampons and sanitary napkins.”

AMENITIES OR PERSONAL COMFORTS

Pub. L. 107–77, title VI, § 611, Nov. 28, 2001, 115 Stat. 800, provided that: “Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

“(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

“(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

“(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

“(4) possession of in-cell coffee pots, hot plates or heating elements; or

“(5) the use or possession of any electric or electronic musical instrument.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 106–553, § 1(a)(2) [title VI, § 611], Dec. 21, 2000, 114 Stat. 2762, 2762A–105.

Pub. L. 106–113, div. B, § 1000(a)(1) [title VI, § 612], Nov. 29, 1999, 113 Stat. 1535, 1501A–54.

Pub. L. 105–277, div. A, § 101(b) [title VI, § 611], Oct. 21, 1998, 112 Stat. 2681–50, 2681–113.

Pub. L. 105–119, title VI, § 611, Nov. 26, 1997, 111 Stat. 2517.

Pub. L. 104–208, div. A, title I, § 101(a) [title VI, § 611], Sept. 30, 1996, 110 Stat. 3009, 3009–66.

Pub. L. 104–134, title I, § 101(a) [title VI, § 611], Apr. 26, 1996, 110 Stat. 1321, 1321–64; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

SEXUALLY EXPLICIT COMMERCIALLY PUBLISHED MATERIAL

Pub. L. 107–77, title VI, § 614, Nov. 28, 2001, 115 Stat. 801, provided that: “Hereafter, none of the funds appro-

priated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity."

Similar provisions were contained in the following appropriation acts:

Pub. L. 106-553, §1(a)(2) [title VI, §614], Dec. 21, 2000, 114 Stat. 2762, 2762A-106.

Pub. L. 106-113, div. B, §1000(a)(1) [title VI, §615], Nov. 29, 1999, 113 Stat. 1535, 1501A-54.

Pub. L. 105-277, div. A, §101(b) [title VI, §614], Oct. 21, 1998, 112 Stat. 2681-50, 2681-113.

Pub. L. 105-119, title VI, §614, Nov. 26, 1997, 111 Stat. 2518.

Pub. L. 104-208, div. A, title I, §101(a) [title VI, §614], Sept. 30, 1996, 110 Stat. 3009, 3009-66.

REIMBURSEMENT FOR CERTAIN EXPENSES OUTSIDE OF FEDERAL INSTITUTIONS

Pub. L. 106-553, §1(a)(2) [title I], Dec. 21, 2000, 114 Stat. 2762, 2762A-55, provided in part: "That hereafter amounts appropriated for Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of transporting, guarding and providing medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing."

GUIDELINES FOR STATES REGARDING INFECTIOUS DISEASES IN CORRECTIONAL INSTITUTIONS

Pub. L. 105-370, §2(c), Nov. 12, 1998, 112 Stat. 3375, which required the Attorney General to provide to States proposed guidelines related to infectious diseases in correctional institutions, was editorially reclassified as a note under section 60101 of Title 34, Crime Control and Law Enforcement.

PRISONER ACCESS

Pub. L. 105-314, title VIII, §801, Oct. 30, 1998, 112 Stat. 2990, provided that: "Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government."

APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES

Pub. L. 103-322, title II, §20404, Sept. 13, 1994, 108 Stat. 1825, provided that: "In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole."

COST SAVINGS MEASURES

Pub. L. 101-647, title XXIX, §2907, Nov. 29, 1990, 104 Stat. 4915, provided that: "The Director of the Federal Bureau of Prisons (referred to as the 'Director') shall, to the extent practicable, take such measures as are appropriate to cut costs of construction. Such measures may include reducing expenditures for amenities including, for example, color television or pool tables."

ADMINISTRATION OF CONFINEMENT FACILITIES LOCATED ON MILITARY INSTALLATIONS BY BUREAU OF PRISONS

Pub. L. 100-690, title VII, §7302, Nov. 18, 1988, 102 Stat. 4463, provided that: "In conjunction with the Department of Defense and the Commission on Alternative Utilization of Military Facilities as established in the National Defense Authorization Act of Fiscal Year 1989 [see section 2819 of Pub. L. 100-456, 104 Stat. 1820, formerly set out as a note under section 2391 of Title 10,

Armed Forces], the Bureau of Prisons shall be responsible for—

"(1) administering Bureau of Prisons confinement facilities for civilian nonviolent prisoners located on military installations in cooperation with the Secretary of Defense, with an emphasis on placing women inmates in such facilities, or in similar minimum security confinement facilities not located on military installations, so that the percentage of eligible women equals the percentage of eligible men housed in such or similar minimum security confinement facilities (i.e., prison camps);

"(2) establishing and regulating drug treatment programs for inmates held in such facilities in coordination and cooperation with the National Institute on Drug Abuse; and

"(3) establishing and managing work programs in accordance with guidelines under the Bureau of Prisons for persons held in such facilities and in cooperation with the installation commander."

Executive Documents

LIMITING THE USE OF RESTRICTIVE HOUSING BY THE FEDERAL GOVERNMENT

Memorandum of President of the United States, Mar. 1, 2016, 81 F.R. 11997, provided:

Memorandum for the Heads of Executive Departments and Agencies

A growing body of evidence suggests that the overuse of solitary confinement and other forms of restrictive housing in U.S. correctional systems undermines public safety and is contrary to our Nation's values.

In July 2015, as part of my Administration's ongoing efforts to pursue reforms that make the criminal justice system more fair and effective, I directed the Attorney General to undertake a comprehensive review of the overuse of solitary confinement across American prisons. Since that time, senior officials at the Department of Justice (DOJ) have met regularly to study the issue and develop strategies for reducing the use of this practice nationwide.

Those efforts gave rise to a final report transmitted to me on January 25, 2016 (DOJ Report and Recommendations Concerning the Use of Restrictive Housing) (the "DOJ Report"), that sets forth specific policy recommendations for DOJ with respect to the Federal Bureau of Prisons and other DOJ entities as well as more general guiding principles for all correctional systems.

As the DOJ Report makes clear, although occasions exist when correctional officials have no choice but to segregate inmates from the general population, this action has the potential to cause serious, long-lasting harm. The DOJ Report accordingly emphasizes the responsibility of Government to ensure that this practice is limited, applied with constraints, and used only as a measure of last resort.

Given the urgency and importance of this issue, it is critical that DOJ accelerate efforts to reduce the number of Federal inmates and detainees held in restrictive housing and that Federal correctional and detention systems be models for facilities across the United States. Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, and to address the overuse of solitary confinement in correctional and detention systems throughout the United States, I hereby direct as follows:

SECTION 1. *Implementation of the DOJ Report.* (a) DOJ shall promptly undertake to revise its regulations and policies, consistent with the direction of the Attorney General, to implement the policy recommendations in the DOJ Report concerning the use of restrictive housing. DOJ shall provide me with an update on the status of these efforts not later than 180 days after the date of this memorandum.

(b) Other executive departments and agencies (agencies) that impose restrictive housing shall review the

DOJ Report to determine whether corresponding changes at their facilities should be made in light of the policy recommendations and guiding principles in the DOJ Report.

These other agencies shall report back to me not later than 180 days after the date of this memorandum on how they plan to address their use of restrictive housing.

SEC. 2. *General Provisions.* (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SEC. 3. *Publication.* The Attorney General is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 4043. Acceptance of gifts and bequests to the Commissary Funds, Federal Prisons

The Attorney General may accept gifts or bequests of money for credit to the “Commissary Funds, Federal Prisons”. A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(Added Pub. L. 97-258, §2(d)(4)(B), Sept. 13, 1982, 96 Stat. 1059; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
4043	31:725s-4.	May 15, 1952, ch. 289, §2, 66 Stat. 72; July 9, 1952, ch. 600, 66 Stat. 479.

Editorial Notes

AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

Statutory Notes and Related Subsidiaries

EXPENDITURES; INMATE TELEPHONE SYSTEM

Pub. L. 105-277, div. A, §101(b) [title I, §108], Oct. 21, 1998, 112 Stat. 2681-50, 2681-67, provided that: “For fiscal year 1999 and thereafter, the Director of the Bureau of Prisons may make expenditures out of the Commissary Fund of the Federal Prison System, regardless of whether any such expenditure is security-related, for programs, goods, and services for the benefit of inmates (to the extent the provision of those programs, goods, or services to inmates is not otherwise prohibited by law), including—

“(1) the installation, operation, and maintenance of the Inmate Telephone System;

“(2) the payment of all the equipment purchased or leased in connection with the Inmate Telephone System; and

“(3) the salaries, benefits, and other expenses of personnel who install, operate, and maintain the Inmate Telephone System.”

DEPOSIT OR INVESTMENT OF EXCESS AMOUNTS IN FEDERAL PRISON COMMISSARY FUND

Section 108 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37, provided that: “For fiscal year 1996 and each fiscal year thereafter, amounts in the Federal Prison System’s Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investment shall be deposited in the Commissary Fund.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 103-317, title I, §107, Aug. 26, 1994, 108 Stat. 1735.

§ 4044. Donations on behalf of the Bureau of Prisons

The Attorney General may, in accordance with rules prescribed by the Attorney General, accept in the name of the Department of Justice any form of devise, bequest, gift or donation of money or property for use by the Bureau of Prisons or Federal Prison Industries. The Attorney General may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey such property other than money.

(Added Pub. L. 99-646, §67(a), Nov. 10, 1986, 100 Stat. 3616.)

§ 4045. Authority to conduct autopsies

A chief executive officer of a Federal penal or correctional facility may, pursuant to rules prescribed by the Director, order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death, when it is determined that such autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of State and local law protecting religious beliefs with respect to such autopsies shall be observed. Such officer may also order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility, with the written consent of a person authorized to permit such an autopsy or post-mortem operation under the law of the State in which the facility is located.

(Added Pub. L. 99-646, §67(a), Nov. 10, 1986, 100 Stat. 3616.)

§ 4046. Shock incarceration program

(a) The Bureau of Prisons may place in a shock incarceration program any person who is sentenced to a term of imprisonment of more than 12, but not more than 30, months, if such person consents to that placement.

(b) For such initial portion of the term of imprisonment as the Bureau of Prisons may deter-