

from the executive authority of such State or the District of Columbia, to which the prisoner is to be returned, supported by indictment or affidavit as prescribed by section 3182 of this title.

The expense incident to the transportation of any such person, as herein authorized, shall be paid from the appropriation "Salaries, Fees, and Expenses, United States Marshals."

(June 25, 1948, ch. 645, 62 Stat. 857; Pub. L. 100-690, title VI, § 6467(b), Nov. 18, 1988, 102 Stat. 4376.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 662a (June 11, 1932, ch. 243, 47 Stat. 301).

Language preceding "Whenever" was omitted as unnecessary, and "the District of Columbia" was inserted after "State".

Changes were made in phraseology and surplusage eliminated.

#### AMENDMENTS

1988—Pub. L. 100-690 inserted " , unless such surrender is precluded under section 5032 of this title" before period at end of first par.

**[§ 5002. Repealed. Pub. L. 104-134, title I, § 101(a) [title VI, § 614(a)(1)], Apr. 26, 1996, 110 Stat. 1321, 1321-65; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327]**

Section, added act Sept. 30, 1950, ch. 1115, § 4, 64 Stat. 1090; amended Oct. 12, 1984, Pub. L. 98-473, title II, § 223(p), 98 Stat. 2030, provided for creation of Advisory Corrections Council.

#### EFFECTIVE DATE OF REPEAL

Section 101(a) [title VI, § 614(b)] of Pub. L. 104-134 provided that: "This section [repealing this section] shall take effect 30 days after the date of the enactment of this Act [Apr. 26, 1996]."

#### § 5003. Custody of State offenders

(a)(1) The Director of the Bureau of Prisons when proper and adequate facilities and personnel are available may contract with proper officials of a State or territory, for the custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in the courts of such State or territory.

(2) Any such contract shall provide—

(A) for reimbursing the United States in full for all costs or expenses involved;

(B) for receiving in exchange persons convicted of criminal offenses in the courts of the United States, to serve their sentence in appropriate institutions or facilities of the State or territory by designation as provided in section 4082(b)<sup>1</sup> of this title, this exchange to be made according to formulas or conditions which may be negotiated in the contract; or

(C) for compensating the United States by means of a combination of monetary payment and of receipt of persons convicted of criminal offenses in the courts of the United States, according to formulas or conditions which may be negotiated in the contract.

(3) No such contract shall provide for the receipt of more State or territory prisoners by the

United States than are transferred to that State or territory by such contract.

(b) Funds received under such contract may be deposited in the Treasury to the credit of the appropriation or appropriations from which the payments for such service were originally made.

(c) Unless otherwise specifically provided in the contract, a person committed to the Attorney General hereunder shall be subject to all the provisions of law and regulations applicable to persons committed for violations of laws of the United States not inconsistent with the sentence imposed.

(d) The term "State" as used in this section includes any State, territory, or possession of the United States, and the Canal Zone.

(Added May 9, 1952, ch. 253, § 1, 66 Stat. 68; amended Pub. L. 89-267, § 1, Oct. 19, 1965, 79 Stat. 990; Pub. L. 99-646, § 66, Nov. 10, 1986, 100 Stat. 3615.)

#### REFERENCES IN TEXT

Section 4082(b) of this title, referred to in subsec. (a)(2)(B), was repealed, and section 4082(f) was redesignated section 4082(b), by Pub. L. 98-473, title II, § 218(a), Oct. 12, 1984, 98 Stat. 2027.

For definition of Canal Zone, referred to in subsec. (d), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

#### AMENDMENTS

1986—Subsec. (a). Pub. L. 99-646 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Attorney General, when the Director shall certify that proper and adequate treatment facilities and personnel are available, is hereby authorized to contract with the proper officials of a State or Territory for the custody, care, subsistence, education, treatment, and training of persons convicted of criminal offenses in the courts of such State or Territory: *Provided*, That any such contract shall provide for reimbursing the United States in full for all costs or other expenses involved."

1965—Subsec. (d). Pub. L. 89-267 added subsec. (d).

#### [CHAPTER 402—REPEALED]

**[§§ 5005, 5006. Repealed. Pub. L. 98-473, title II, § 218(a)(8), Oct. 12, 1984, 98 Stat. 2027]**

Section 5005, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086; amended Mar. 15, 1976, Pub. L. 94-233, § 3, 90 Stat. 231, related to the making of youth correction decisions by United States Parole Commission.

Section 5006, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086; amended Mar. 15, 1976, Pub. L. 94-233, § 4, 90 Stat. 231, defined terms for the purpose of this chapter.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, see section 235(a)(1)(A) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

**[§§ 5007 to 5009. Repealed Pub. L. 94-233, § 5, Mar. 15, 1976, 90 Stat. 231]**

Section 5007, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086, provided for meetings and duties of members of Youth Correction Division.

Section 5008, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086, provided for appointment of officers and employees by Attorney General.

Section 5009, added act Sept. 30, 1950, ch. 1115, § 2, 64 Stat. 1086, provided for adoption and promulgation of rules governing procedure by Youth Correction Division.

<sup>1</sup> See References in Text note below.