

**§ 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.

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 (b)(1), originally was the Classification Act of 1923, Mar. 4, 1923, ch. 265, 42 Stat. 1488, which was repealed by section 1202 of the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 972.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 The Classification Act of 1949 was in turn repealed by Pub.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).

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’.”

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 management 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 produc-