

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.

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. 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 not exceed the lesser of the amount”, and “items and services under the Medicare program” for “items and services under—

“(A) the Medicare program” and struck out subpar. (B) which read as follows: “the Medicaid program under title XIX of such Act of the State in which the services were provided.”

2000—Subsec. (b)(1). Pub. L. 106-553 inserted “, the Federal Bureau of Investigation” after “United States Marshals Service”.

1999—Pub. L. 106-113 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

### § 4007. Expenses of prisoners

The expenses attendant upon the confinement of persons arrested or committed under the laws of the United States, as well as upon the execution of any sentence of a court thereof respecting them, shall be paid out of the Treasury of the United States in the manner provided by law.

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

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §701 (R.S. §5536).

Provision authorizing expenses for transportation was omitted as covered by similar provision in section 4008 of this title.

Minor changes of phraseology were made.

#### PAYMENT OF COSTS OF INCARCERATION BY FEDERAL PRISONERS

Pub. L. 100-690, title VII, §7301, Nov. 18, 1988, 102 Stat. 4463, provided that: “Not later than 1 year after the date of enactment of this section [Nov. 18, 1988], the United States Sentencing Commission shall study the feasibility of requiring prisoners incarcerated in Federal correctional institutions to pay some or all of the costs incident to the prisoner’s confinement, including, but not limited to, the costs of food, housing, and shelter. The study shall review measures which would allow prisoners unable to pay such costs to work at paid employment within the community, during incarceration or after release, in order to pay the costs incident to the prisoner’s confinement.”

### § 4008. Transportation expenses

Prisoners shall be transported by agents designated by the Attorney General or his authorized representative.

The reasonable expense of transportation, necessary subsistence, and hire and transportation of guards and agents shall be paid by the Attorney General from such appropriation for the Department of Justice as he shall direct.

Upon conviction by a consular court or court martial the prisoner shall be transported from the court to the place of confinement by agents of the Department of State, the Army, Navy, or Air Force, as the case may be, the expense to be paid out of the Treasury of the United States in the manner provided by law.

(June 25, 1948, ch. 645, 62 Stat. 849; May 24, 1949, ch. 139, §61, 63 Stat. 98.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 18, U.S.C., 1940 ed., §753g (May 14, 1930, ch. 274, §8, 46 Stat. 327).

The second paragraph was originally a proviso.

Minor changes of phraseology were made.

##### 1949 ACT

This section [section 61] corrects the third paragraph of section 4008 of title 18, U.S.C., by redesignating the “War Department” as the “Department of the Army”, to conform to such redesignation by act of July 26, 1947 (ch. 343, title II, §205(a), 61 Stat. 501), and by inserting a reference to the Department of the Air Force, in view of the creation of such Department by the same act.

#### AMENDMENTS

1949—Act May 24, 1949, substituted “the Army, Navy, or Air Force” for “War, or the Navy”.

### § 4009. Appropriations for sites and buildings

The Attorney General may authorize the use of a sum not to exceed \$100,000 in each instance, payable from any unexpended balance of the appropriation “Support of United States prisoners” for the purpose of leasing or acquiring a site, preparation of plans, and erection of necessary buildings under section 4003 of this title.

If in any instance it shall be impossible or impracticable to secure a proper site and erect the