

**§ 4127. Prison Industries report to Congress**

The board of directors of Federal Prison Industries shall submit an annual report to the Congress on the conduct of the business of the corporation during each fiscal year, and on the condition of its funds during such fiscal year. Such report shall include a statement of the amount of obligations issued under section 4129(a)(1) during such fiscal year, and an estimate of the amount of obligations that will be so issued in the following fiscal year.

(June 25, 1948, ch. 645, 62 Stat. 852; Pub. L. 100-690, title VII, § 7095, Nov. 18, 1988, 102 Stat. 4413.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 744m (June 23, 1934, ch. 736, § 5, 48 Stat. 1212).

Words “of Federal Prison Industries” were inserted after “board of directors”.

Minor changes were made in phraseology.

## AMENDMENTS

1988—Pub. L. 100-690 amended section generally. Prior to amendment, section read as follows: “The board of directors of Federal Prison Industries shall make annual reports to Congress on the conduct of the business of the corporation and on the condition of its funds.”

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 117 of House Document No. 103-7.

**§ 4128. Enforcement by Attorney General**

In the event of any failure of Federal Prison Industries to act, the Attorney General shall not be limited in carrying out the duties conferred upon him by law.

(June 25, 1948, ch. 645, 62 Stat. 853.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 744n (June 23, 1934, ch. 736, § 6, 48 Stat. 1212).

Phrase relating to section being “supplemental” to sections 744i-744h of title 18, U.S.C., 1940 ed., is omitted as unnecessary.

Retention of remainder of section is essential to insure authority of Attorney General to require performance of duties of Prison Industries. (See sections 4001 and 4003 of this title.) This is also consistent with 1939 Reorganization Plan No. II, §3(a), transferring the corporation to the Department of Justice “under the general direction and supervision of the Attorney General”. (See section 133t of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.)

Words “Federal Prison Industries” were substituted for “the corporation”.

**§ 4129. Authority to borrow and invest**

(a)(1) As approved by the board of directors, Federal Prison Industries, to such extent and in such amounts as are provided in appropriations Acts, is authorized to issue its obligations to the Secretary of the Treasury, and the Secretary of the Treasury, in the Secretary’s discretion, may purchase or agree to purchase any such obligations, except that the aggregate amount of obligations issued by Federal Prison Industries

under this paragraph that are outstanding at any time may not exceed 25 percent of the net worth of the corporation. For purchases of such obligations by the Secretary of the Treasury, the Secretary is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31 after the date of the enactment of this section, and the purposes for which securities may be issued under that chapter are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. For purposes of the first sentence of this paragraph, the net worth of Federal Prison Industries is the amount by which its assets (including capital) exceed its liabilities.

(2) The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as the Secretary shall determine, any of the obligations acquired by the Secretary under this subsection. All purchases and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(b) Federal Prison Industries may request the Secretary of the Treasury to invest excess moneys from the Prison Industries Fund. Such investments shall be in public debt securities with maturities suitable to the needs of the corporation as determined by the board of directors, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(Added Pub. L. 100-690, title VII, § 7093(a), Nov. 18, 1988, 102 Stat. 4411.)

## REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 100-690 which was approved Nov. 18, 1988.

**[CHAPTER 309—REPEALED]****[[§§ 4161 to 4166. Repealed. Pub. L. 98-473, title II, § 218(a)(4), Oct. 12, 1984, 98 Stat. 2027]**

Section 4161, acts June 25, 1948, ch. 645, 62 Stat. 853; Sept. 14, 1959, Pub. L. 86-259, 73 Stat. 546, related to computation of reduction of time of sentence generally.

Section 4162, act June 25, 1948, ch. 645, 62 Stat. 853, related to deduction from sentence for industrial good time.

Section 4163, acts June 25, 1948, ch. 645, 62 Stat. 853; Sept. 19, 1962, Pub. L. 87-665, 76 Stat. 552, related to discharge of prisoner.

Section 4164, acts June 25, 1948, ch. 645, 62 Stat. 853; June 29, 1951, ch. 176, 65 Stat. 98, related to released prisoner as parolee.

Section 4165, act June 25, 1948, ch. 645, 62 Stat. 854, related to forfeiture of good time for offense.

Section 4166, act June 25, 1948, ch. 645, 62 Stat. 854, related to restoration of forfeited commutation.

## EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such re-

peal, with sections to remain in effect for five years as to an individual who committed as offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473, see section 235(a)(1), (b)(1)(B) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

### [CHAPTER 311—REPEALED]

#### CODIFICATION

A prior chapter 311, consisting of sections 4201-4210, act June 25, 1948, ch. 645, 62 Stat. 854, 855, as amended, was repealed by section 2 of Pub. L. 94-233 as part of the general revision of this chapter by Pub. L. 94-233.

### [§§ 4201 to 4218. Repealed. Pub. L. 98-473, title II, § 218(a)(5), Oct. 12, 1984, 98 Stat. 2027]

#### EFFECTIVE DATE OF REPEAL; CHAPTER TO REMAIN IN EFFECT FOR TWENTY-SIX YEARS AFTER NOV. 1, 1987

Pub. L. 98-473, title II, § 235(a)(1), Oct. 12, 1984, 98 Stat. 2031, set out as an Effective Date note under section 3551 of this title, provided that the repeal of this chapter is effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal. Pub. L. 98-473, title II, § 235(b)(1)(A), Oct. 12, 1984, 98 Stat. 2032, provided that the provisions of this chapter in effect before Nov. 1, 1987, shall remain in effect for five years after Nov. 1, 1987, as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98-473. Pub. L. 101-650, title III, § 316, Dec. 1, 1990, 104 Stat. 5115, extended the period that this chapter remains in effect after Nov. 1, 1987, from five years to ten years. Pub. L. 104-232, § 2(a), Oct. 2, 1996, 110 Stat. 3055, extended the period that this chapter remains in effect after Nov. 1, 1987, from ten years to fifteen years. Pub. L. 107-273, div. C, title I, § 11017(a), Nov. 2, 2002, 116 Stat. 1824, extended the period that this chapter remains in effect after Nov. 1, 1987, from fifteen years to eighteen years. Pub. L. 109-76, § 2, Sept. 29, 2005, 119 Stat. 2035, extended the period that this chapter remains in effect after Nov. 1, 1987, from eighteen years to twenty-one years. Pub. L. 110-312, § 2, Aug. 12, 2008, 122 Stat. 3013, extended the period that this chapter remains in effect after Nov. 1, 1987, from twenty-one years to twenty-four years. Pub. L. 112-44, § 2, Oct. 21, 2011, 125 Stat. 532, extended the period that this chapter remains in effect after Nov. 1, 1987, from twenty-four years to twenty-six years. The provisions of this chapter as in effect prior to repeal, and as amended subsequent to repeal, read as follows:

#### § 4201. Definitions

As used in this chapter—

- (1) "Commission" means the United States Parole Commission;
- (2) "Commissioner" means any member of the United States Parole Commission;
- (3) "Director" means the Director of the Bureau of Prisons;
- (4) "Eligible prisoner" means any Federal prisoner who is eligible for parole pursuant to this title or any other law including any Federal prisoner whose parole has been revoked and who is not otherwise ineligible for parole;
- (5) "Parolee" means any eligible prisoner who has been released on parole or deemed as if released on parole under section 4164 or section 4205(f); and
- (6) "Rules and regulations" means rules and regulations promulgated by the Commission pursuant to section 4203 and section 553 of title 5, United States Code.

(Added Pub. L. 94-233, § 2, Mar. 15, 1976, 90 Stat. 219.)

#### § 4202. Parole Commission created

There is hereby established, as an independent agency in the Department of Justice, a United States Pa-

role Commission which shall be comprised of nine members appointed by the President, by and with the advice and consent of the Senate. The President shall designate from among the Commissioners one to serve as Chairman. The term of office of a Commissioner shall be six years, except that the term of a person appointed as a Commissioner to fill a vacancy shall expire six years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office of a Commissioner, the Commissioner shall continue to act until a successor has been appointed and qualified, except that no Commissioner may serve in excess of twelve years. Commissioners shall be compensated at the highest rate now or hereafter prescribed for grade 18 of the General Schedule pay rates (5 U.S.C. 5332).

(Added Pub. L. 94-233, § 2, Mar. 15, 1976, 90 Stat. 219.)

#### UNITED STATES PAROLE COMMISSION EXTENSION

Pub. L. 107-273, div. C, title I, § 11017, Nov. 2, 2002, 116 Stat. 1824, provided that:

"(a) EXTENSION OF THE PAROLE COMMISSION.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 [Pub. L. 98-473, set out as a note under section 3551 of this title] (98 Stat. 2032) as such section relates to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to 'fifteen years' or 'fifteen-year period' shall be deemed to be a reference to 'eighteen years' or 'eighteen-year period', respectively.

"(b) STUDY BY ATTORNEY GENERAL.—The Attorney General, not later than 60 days after the enactment of this Act [Nov. 2, 2002], should establish a committee within the Department of Justice to evaluate the merits and feasibility of transferring the United States Parole Commission's functions regarding the supervised release of District of Columbia offenders to another entity or entities outside the Department of Justice. This committee should consult with the District of Columbia Superior Court and the District of Columbia Court Services and Offender Supervision Agency, and should report its findings and recommendations to the Attorney General. The Attorney General, in turn, should submit to Congress, not later than 18 months after the enactment of this Act, a long-term plan for the most effective and cost-efficient assignment of responsibilities relating to the supervised release of District of Columbia offenders.

"(c) SERVICE AS COMMISSIONER.—Notwithstanding subsection (a), the final clause of the fourth sentence of section 4202 of title 18, United States Code, which begins 'except that', shall not apply to a person serving as a Commissioner of the United States Parole Commission when this Act takes effect [Nov. 2, 2002]."

#### PAROLE COMMISSION PHASEOUT

Pub. L. 104-232, §§ 1-3, Oct. 2, 1996, 110 Stat. 3055, 3056, as amended by Pub. L. 105-33, title XI, § 11231(d), Aug. 5, 1997, 111 Stat. 745, provided that:

#### "SECTION 1. SHORT TITLE.

"This Act [enacting and amending provisions set out as notes under section 3551 of this title] may be cited as the 'Parole Commission Phaseout Act of 1996'.

#### "SEC. 2. EXTENSION OF PAROLE COMMISSION.

"(a) IN GENERAL.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 [Pub. L. 98-473, set out as a note under section 3551 of this title] (98 Stat. 2032) as it related to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to 'ten years' or 'ten-year period' shall be deemed to be a reference to 'fifteen years' or 'fifteen-year period', respectively.

"(b) POWERS AND DUTIES OF PAROLE COMMISSION.—Notwithstanding section 4203 of title 18, United States Code, the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.