

after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of non-custodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under section 5702(a) of title 5, United States Code. When so ordered, such expenses shall be paid by the marshal out of funds authorized by the Attorney General for such expenses.

(Added Pub. L. 95-503, §1, Oct. 24, 1978, 92 Stat. 1704; amended Pub. L. 101-647, title XXXV, §3599E, Nov. 29, 1990, 104 Stat. 4932; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1990—Pub. L. 101-647 substituted "exceed" for "exced" after "not to".

CHANGE OF NAME

Words "magistrate judge" substituted for "magistrate" wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Pub. L. 95-503, §3, Oct. 24, 1978, 92 Stat. 1704, provided that: "The amendments made by this Act [enacting this section] shall take effect on October 1, 1978."

**CHAPTER 317—INSTITUTIONS FOR WOMEN**

Sec. 4321. Board of Advisers.

**§ 4321. Board of Advisers**

Four citizens of the United States of prominence and distinction, appointed by the President to serve without compensation, for terms of four years, together with the Attorney General of the United States, the Director of the Bureau of Prisons and the warden of the Federal Reformatory for Women, shall constitute a Board of Advisers of said Federal Reformatory for Women, which shall recommend ways and means for the discipline and training of the inmates, to fit them for suitable employment upon their discharge.

Any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed.

(June 25, 1948, ch. 645, 62 Stat. 856; Pub. L. 98-473, title II, §223(n), Oct. 12, 1984, 98 Stat. 2030.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §816 (June 7, 1924, ch. 287, §7, 43 Stat. 474; May 14, 1930, ch. 274, §1, 46 Stat. 325).

The provisions relating to the appointment of the board in the first instance were omitted as executed.

"Warden" was substituted for "superintendent" and "Federal Reformatory for Women" for "United States Industrial Institution for Women" to conform to existing administrative usage.

Minor changes were made in translation, phraseology, and arrangement.

AMENDMENTS

1984—Pub. L. 98-473 struck out "parole or" before "discharge" at end of first par.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

**CHAPTER 319—NATIONAL INSTITUTE OF CORRECTIONS**

Sec. 4351. Establishment; Advisory Board; appointment of members; compensation; officers; committees; delegation of powers; Director, appointment and powers.<sup>1</sup>  
 4352. Authority of Institute; time; records of recipients; access; scope of section.<sup>1</sup>

AMENDMENTS

1974—Pub. L. 93-415, title V, §521, Sept. 7, 1974, 88 Stat. 1139, added chapter heading.

**§ 4351. Establishment; Advisory Board; appointment of members; compensation; officers; committees; delegation of powers; Director, appointment and powers<sup>1</sup>**

(a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Director of the Bureau of Justice Assistance or his designee, Chairman of the United States Sentencing Commission or his designee, the Director of the Federal Judicial Center or his designee, the Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention<sup>2</sup> or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

(c) The remaining ten members of the Board shall be selected as follows:

(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years. Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such

<sup>1</sup> Editorially supplied. Sections 4351 and 4352 added by Pub. L. 93-415 without corresponding enactment of chapter analysis.

<sup>1</sup> Section catchline editorially supplied.

<sup>2</sup> See References in Text note below.

as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

(Added Pub. L. 93-415, title V, §521, Sept. 7, 1974, 88 Stat. 1139; amended Pub. L. 95-115, §8(a), Oct. 3, 1977, 91 Stat. 1060; Pub. L. 98-473, title II, §223(o), Oct. 12, 1984, 98 Stat. 2030; Pub. L. 103-322, title XXXIII, §330001(i), Sept. 13, 1994, 108 Stat. 2140.)

#### REFERENCES IN TEXT

The Office of Juvenile Justice and Delinquency Prevention, referred to in subsec. (b), as originally created by section 1111 of Title 34, Crime Control and Law Enforcement, was headed by an Associate Administrator. However, section 1111 of Title 34, as amended by Pub. L. 98-473, establishes the Office of Juvenile Justice and Delinquency Prevention, headed by an Administrator.

#### AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “Director of the Bureau of Justice Assistance” for “Administrator of the Law Enforcement Assistance Administration”.

1984—Subsec. (b). Pub. L. 98-473 substituted “Sentencing Commission” for “Parole Board”.

1977—Subsec. (b). Pub. L. 95-115 substituted “Associate” for “Deputy Assistant” and “Office of” for “National Institute for”.

#### CHANGE OF NAME

Department of Health, Education, and Welfare redesignated Department of Health and Human Services by Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695, which is classified to section 3508(b) of Title 20, Education.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

#### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, formerly set out as a note under section 11101 of Title 34, Crime Control and Law Enforcement.

#### TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 10142(3) through (6) of Title 34, Crime Control and Law Enforcement, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 10141 of Title 34.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Ap-

pendix to Title 5, Government Organization and Employees.

EXCEPTIONS TO MEMBERSHIP REQUIREMENTS DURING  
FIVE-YEAR PERIOD

For exceptions to the membership requirements set forth in this section, which exceptions are applicable for five-year period following Nov. 1, 1987, see section 235(b)(5) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of this title.

**§ 4352. Authority of Institute; time; records of recipients; access; scope of section<sup>1</sup>**

(a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

(1) to receive from or make grants to and enter into contracts with Federal, State, tribal, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

(3) to assist and serve in a consulting capacity to Federal, State, tribal, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

(4) to encourage and assist Federal, State, tribal, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and tribal communities, and with the State, tribal, and local agencies which work with prisoners, parolees, probationers, and other offenders;

(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, tribal, and local correctional agencies, organizations, institutions, and personnel;

(9) to conduct evaluation programs which study the effectiveness of new approaches,

techniques, systems, programs, and devices employed to improve the corrections system;

(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

(12) to confer with and avail itself of the assistance, services, records, and facilities of State, tribal, and local governments or other public or private agencies, organizations, or individuals;

(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

[(b) Repealed. Pub. L. 97-375, title I, §109(a), Dec. 21, 1982, 96 Stat. 1820.]

(c) Each recipient of assistance under this chapter shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

(Added Pub. L. 93-415, title V, §521, Sept. 7, 1974, 88 Stat. 1140; amended Pub. L. 97-375, title I, §109(a), Dec. 21, 1982, 96 Stat. 1820; Pub. L. 101-647, title XXXV, §3599F, Nov. 29, 1990, 104 Stat. 4932; Pub. L. 111-211, title II, §261(b), July 29, 2010, 124 Stat. 2299.)

AMENDMENTS

2010—Subsec. (a)(1), (3), (4). Pub. L. 111-211, §261(b)(1), inserted “tribal,” after “State.”.

Subsec. (a)(6). Pub. L. 111-211, §261(b)(2), inserted “and tribal communities,” after “States” and “, tribal,” after “State”.

Subsec. (a)(8). Pub. L. 111-211, §261(b)(1), inserted “tribal,” after “State.”.

Subsec. (a)(12). Pub. L. 111-211, §261(b)(3), inserted “, tribal,” after “State”.

<sup>1</sup> Section catchline editorially supplied.