

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.

**Statutory Notes and Related Subsidiaries**

## 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 Nov. 18, 1988, the United States Sentencing Commission would 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.

**§ 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.

**Editorial Notes**

## 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 necessary buildings within the above limitation the Attorney General may authorize the use of a sum not to exceed \$10,000 in each instance, payable from any unexpended balance of the appropriation “Support of United States prisoners” for the purpose of securing options and making preliminary surveys or sketches.

Upon selection of an appropriate site the Attorney General shall submit to Congress an estimate of the cost of purchasing same and of remodeling, constructing, and equipping the necessary buildings thereon.

(June 25, 1948, ch. 645, 62 Stat. 849.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 753d (May 14, 1930, ch. 274, § 5, 46 Stat. 326).

Minor changes of phraseology were made.

**§ 4010. Acquisition of additional land**

The Attorney General may, when authorized by law, acquire land adjacent to or in the vicinity of a Federal penal or correctional institution if he considers the additional land essential to the protection of the health or safety of the inmates of the institution.

(Added Pub. L. 89-554, §3(f), Sept. 6, 1966, 80 Stat. 610.)

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 341f.	July 28, 1950, ch. 503, §7, 64 Stat. 381. Sept. 16, 1959, Pub. L. 86-286, 73 Stat. 567.

The reference to an appropriation law is omitted as covered by the words “when authorized by law”.

**§ 4011. Disposition of cash collections for meals, laundry, etc.**

Collections in cash for meals, laundry, barber service, uniform equipment, and other items for which payment is made originally from appropriations for the maintenance and operation of Federal penal and correctional institutions, may be deposited in the Treasury to the credit of the appropriation currently available for those items when the collection is made.

(Added Pub. L. 89-554, §3(f), Sept. 6, 1966, 80 Stat. 610.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 341g.	July 28, 1950, ch. 503, § 8, 64 Stat. 381.

**§ 4012. Summary seizure and forfeiture of prison contraband**

An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States.

(Added Pub. L. 98-473, title II, §1109(d), Oct. 12, 1984, 98 Stat. 2148.)

**§ 4013. Support of United States prisoners in non-Federal institutions**

(a) The Attorney General, in support of United States prisoners in non-Federal institutions, is authorized to make payments from funds appropriated for Federal prisoner detention for—

- (1) necessary clothing;
- (2) medical care and necessary guard hire; and
- (3) the housing, care, and security of persons held in custody of a United States marshal pursuant to Federal law under agreements with State or local units of government or contracts with private entities.

(b) The Attorney General, in support of Federal prisoner detainees in non-Federal institutions, is authorized to make payments, from funds appropriated for State and local law enforcement assistance, for entering into contracts or cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for Federal detainees within that correctional system, in accordance with regulations which are issued by the Attorney General and are comparable to the regulations issued under section 4006 of this title, except that—

- (1) amounts made available for purposes of this paragraph shall not exceed the average per-inmate cost of constructing similar con-

finement facilities for the Federal prison population,

(2) the availability of such federally assisted facility shall be assured for housing Federal prisoners, and

(3) the per diem rate charged for housing such Federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement.

(c)(1) The United States Marshals Service may designate districts that need additional support from private detention entities under subsection (a)(3) based on—

(A) the number of Federal detainees in the district; and

(B) the availability of appropriate Federal, State, and local government detention facilities.

(2) In order to be eligible for a contract for the housing, care, and security of persons held in custody of the United States Marshals pursuant to Federal law and funding under subsection (a)(3), a private entity shall—

(A) be located in a district that has been designated as needing additional Federal detention facilities pursuant to paragraph (1);

(B) meet the standards of the American Correctional Association;

(C) comply with all applicable State and local laws and regulations;

(D) have approved fire, security, escape, and riot plans; and

(E) comply with any other regulations that the Marshals Service deems appropriate.

(3) The United States Marshals Service shall provide an opportunity for public comment on a contract under subsection (a)(3).

(d) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

(B) the fee—

(i) is authorized under State law; and

(ii) does not exceed the amount collected from State or local prisoners for the same services; and

(C) the services—

(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment.

(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be