

in custody of the United States Marshals pursuant to Federal law and funding under subsection (a)(3),² 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).²

(As amended Pub. L. 101-647, title XVII, § 1701, title XXXV, § 3599, Nov. 29, 1990, 104 Stat. 4843, 4931.)

AMENDMENTS

1990—Pub. L. 101-647, § 3599, struck out “(a)” at beginning of text.

Subsec. (b). Pub. L. 101-647, § 1701, added subsec. (b).

CHAPTER 303—BUREAU OF PRISONS

Sec.

4046. Shock incarceration program.

AMENDMENTS

1990—Pub. L. 101-647, title XXX, § 3001(b), Nov. 29, 1990, 104 Stat. 4915, added item 4046.

§ 4042. Duties of Bureau of Prisons

COST SAVINGS MEASURES

Pub. L. 101-647, title XXIX, § 2907, Nov. 29, 1990, 104 Stat. 4915, provided that: “The Director of the Federal Bureau of Prisons (referred to as the ‘Director’) shall, to the extent practicable, take such measures as are appropriate to cut costs of construction. Such measures may include reducing expenditures for amenities including, for example, color television or pool tables.”

§ 4046. Shock incarceration program

(a) The Bureau of Prisons may place in a shock incarceration program any person who is sentenced to a term of imprisonment of more than 12, but not more than 30, months, if such person consents to that placement.

(b) For such initial portion of the term of imprisonment as the Bureau of Prisons may determine, not to exceed 6 months, an inmate in the shock incarceration program shall be required to—

(1) adhere to a highly regimented schedule that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training; and

(2) participate in appropriate job training and educational programs (including literacy programs) and drug, alcohol, and other counseling programs.

(c) An inmate who in the judgment of the Director of the Bureau of Prisons has successfully completed the required period of shock incar-

ceration shall remain in the custody of the Bureau for such period (not to exceed the remainder of the prison term otherwise required by law to be served by that inmate), and under such conditions, as the Bureau deems appropriate.

(Added Pub. L. 101-647, title XXX, § 3001(a), Nov. 29, 1990, 104 Stat. 4915.)

AUTHORIZATION OF APPROPRIATIONS

Section 3002 of Pub. L. 101-647 provided that: “There are authorized to be appropriated for fiscal year 1990 and each fiscal year thereafter such sums as may be necessary to carry out the shock incarceration program established under the amendments made by this Act (see Tables for classification)”.

CHAPTER 306—TRANSFER TO OR FROM FOREIGN COUNTRIES

§ 4106A. Transfer of offenders on parole; parole of offenders transferred

[See main edition for text of (a)]

(b)(1) [See main edition for text of (A) and (B)]

(C) The combined periods of imprisonment and supervised release that result from such determination shall not exceed the term of imprisonment imposed by the foreign court on that offender.

[See main edition for text of (D), (2) and (3); (c)]

(As amended Pub. L. 101-647, title XXXV, §§ 3599B, 3599C, Nov. 29, 1990, 104 Stat. 4931, 4932.)

AMENDMENTS

1990—Pub. L. 101-647, § 3599B, inserted “of” before second reference to “offenders” in section catchline.

Subsec. (b)(1)(C). Pub. L. 101-647, § 3599C, inserted period at end.

§ 4107. Verification of consent of offender to transfer from the United States

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 4108. Verification of consent of offender to transfer to the United States

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 4109. Right to counsel, appointment of counsel

(a) In proceedings to verify consent of an offender for transfer, the offender shall have the right to advice of counsel. If the offender is financially unable to obtain counsel—

(1) counsel for proceedings conducted under section 4107 shall be appointed in accordance with section 3006A of this title. Such appointment shall be considered an appointment in a

² So in original. There is no subsec. (a) designation. See 1990 Amendment note below.

misdemeanor case for purposes of compensation under the Act;¹

(2) counsel for proceedings conducted under section 4108 shall be appointed by the verifying officer pursuant to such regulations as may be prescribed by the Director of the Administrative Office of the United States Courts. The Secretary of State shall make payments of fees and expenses of the appointed counsel, in amounts approved by the verifying officer, which shall not exceed the amounts authorized under section 3006A of this title for representation in a misdemeanor case. Payment in excess of the maximum amount authorized may be made for extended or complex representation whenever the verifying officer certifies that the amount of the excess payment is necessary to provide fair compensation, and the payment is approved by the chief judge of the United States court of appeals for the appropriate circuit. Counsel from other agencies in any branch of the Government may be appointed: *Provided*, That in such cases the Secretary of State shall pay counsel directly, or reimburse the employing agency for travel and transportation expenses. Notwithstanding section 3324(a) and (b) of title 31, the Secretary may make advance payments of travel and transportation expenses to counsel appointed under this subsection.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-647, title XXXV, § 3598, Nov. 29, 1990, 104 Stat. 4931.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647 substituted “section 3006A of this title” for “the Criminal Justice Act (18 U.S.C. 3006A)” in par. (1) and for “the Criminal Justice Act (18 U.S.C. 3006(a))” in par. (2).

§ 4114. Return of transferred offenders

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

CHAPTER 307—EMPLOYMENT

Sec.

4126. Prison Industries Fund; use and settlement of accounts.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3599A, Nov. 29, 1990, 104 Stat. 4931, substituted “Fund” for “fund” in item 4126.

§ 4121. Federal Prison Industries; board of directors

MANDATORY WORK REQUIREMENT FOR ALL PRISONERS

Pub. L. 101-647, title XXIX, § 2905, Nov. 29, 1990, 104 Stat. 4914, provided that:

“(a) **IN GENERAL.**—(1) It is the policy of the Federal Government that convicted inmates confined in Federal prisons, jails, and other detention facilities shall work. The type of work in which they will be involved

shall be dictated by appropriate security considerations and by the health of the prisoner involved.

“(2) A Federal prisoner may be excused from the requirement to work only as necessitated by—

“(A) security considerations;

“(B) disciplinary action;

“(C) medical certification of disability such as would make it impracticable for prison officials to arrange useful work for the prisoner to perform; or

“(D) a need for the prisoner to work less than a full work schedule in order to participate in literacy training, drug rehabilitation, or similar programs in addition to the work program.”

§ 4124. Purchase of prison-made products by Federal departments

(a) The several Federal departments and agencies and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries authorized by this chapter as meet their requirements and may be available.

(b) Disputes as to the price, quality, character, or suitability of such products shall be arbitrated by a board consisting of the Comptroller General of the United States, the Administrator of General Services, and the President, or their representatives. Their decision shall be final and binding upon all parties.

(c) Each Federal department, agency, and institution subject to the requirements of subsection (a) shall separately report to the General Services Administration all of its acquisitions of products and services from Federal Prison Industries, and that reported information shall be entered in the Federal Procurement Data System referred to in section 6(d)(4) of the Office of Federal Procurement Policy Act. Each report published by the Federal Procurement Data System that contains the information collected by the System shall include a statement to accompany the information reported by the department, agency, or institution under the preceding sentence as follows: “Under current law, sales by Federal Prison Industries are considered intragovernmental transfers. The purpose of reporting sales by Federal Prison Industries is to provide a complete overview of acquisitions by the Federal Government during the reporting period.”

(d) Within 90 days after the date of the enactment of this subsection, Federal Prison Industries shall publish a catalog of all products and services which it offers for sale. This catalog shall be updated periodically to the extent necessary to ensure that the information in the catalog is complete and accurate.

(As amended Nov. 29, 1990, Pub. L. 101-647, title XXIX, § 2901, 104 Stat. 4912.)

REFERENCES IN TEXT

Section 6(d)(4) of the Office of Federal Procurement Policy Act, referred to in subsec. (c), is classified to section 405(d)(4) of Title 41, Public Contracts.

The date of the enactment of this subsection, referred to in subsec. (d), is the date of enactment of Pub. L. 101-647, which was approved Nov. 29, 1990.

AMENDMENTS

1990—Pub. L. 101-647 designated first and second pars. as subsecs. (a) and (b), respectively, and added subsecs. (c) and (d).

¹ So in original. Probably should be “section 3006A of this title;”. See 1990 Amendment note below.