

Subsec. (a)(1)(ii). Pub. L. 97-308, §1(c), inserted “or other person protected by the Secret Service” after “President”.

Subsec. (d)(1). Pub. L. 97-308, §1(d), authorized regulations for designation of the temporary residences and the temporary offices of any other person protected by the Secret Service.

Subsec. (d)(2). Pub. L. 97-308, §1(e), inserted “or other person protected by the Secret Service” after “President”.

Subsec. (f). Pub. L. 97-308, §1(f), added subsec. (f).

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 85—PRISON-MADE GOODS

Sec.

1761. Transportation or importation.

1762. Marking packages.

§ 1761. Transportation or importation

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole, supervised release, or probation, or in any penal or reformatory institution, shall be fined under this title or imprisoned not more than two years, or both.

(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State or not-for-profit organizations.

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who—

(1) are participating in—one of not more than 50 non-Federal prison work pilot projects designated by the Director of the Bureau of Justice Assistance;

(2) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board, as determined by regulations issued by the chief State correctional officer, in the case of a State prisoner;

(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

(D) contributions to any fund established by law to compensate the victims of crime of

not more than 20 per centum but not less than 5 per centum of gross wages;

(3) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary; and

(4) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

(d) For the purposes of this section, the term “State” means a State of the United States and any commonwealth, territory, or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 785; Pub. L. 90-351, title I, §819(a), formerly §827(a), as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1215, and renumbered Pub. L. 98-473, title II, §609B(f), Oct. 12, 1984, 98 Stat. 2093; Pub. L. 98-473, title II, §§223(c), 609K, Oct. 12, 1984, 98 Stat. 2028, 2102; Pub. L. 100-17, title I, §112(b)(3), Apr. 2, 1987, 101 Stat. 149; Pub. L. 101-647, title XXIX, §2906, Nov. 29, 1990, 104 Stat. 4914; Pub. L. 102-393, title V, §535(a), Oct. 6, 1992, 106 Stat. 1764; Pub. L. 103-322, title XXXIII, §§330010(11), 330016(1)(H), Sept. 13, 1994, 108 Stat. 2144, 2147; Pub. L. 104-134, title I, §101(b) [title I, §136], Apr. 26, 1996, 110 Stat. 1321-77, 1321-93; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 104-294, title VI, §§601(a)(7), 607(h), Oct. 11, 1996, 110 Stat. 3498, 3512.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§396a, 396b (July 24, 1935, ch. 412, §1, 49 Stat. 494; Oct. 14, 1940, ch. 872, 54 Stat. 1134; July 9, 1941, ch. 283, 55 Stat. 581).

Section consolidates sections 396a and 396b of title 18, U.S.C., 1940 ed. Each section related to the same subject matter and defined the same offense. Section 396a of title 18, U.S.C., 1940 ed., was enacted later and superseded section 396b of title 18, U.S.C., 1940 ed.

Reference to persons aiding, causing or assisting was omitted. Such persons are principals under section 2 of this title.

Reference to states, territories, specific places, etc., were omitted. This was made possible by insertion of words “interstate commerce or from any foreign country into the United States,” and by definitive section 10 of this title.

Subsection (b) was rewritten to eliminate ambiguity and uncertainty by expressly making the exceptive language apply to the entire chapter and by permitting State institutions to manufacture goods for the Federal Government and the District of Columbia and vice versa. In such subsections, the words “penal and correctional” and “penal or correctional,” preceding “institutions” and “institution,” respectively, were omitted as surplusage.

Minor changes in phraseology were made.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294, §601(a)(7), substituted “fined under this title” for “fined not more than \$50,000”.

Subsec. (b). Pub. L. 104-134 inserted “or not-for-profit organizations” after “of a State”.