

1 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART II. DEPARTMENT OF JUSTICE
CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 561 (2005)

§ 561. United States Marshals Service

(a) There is hereby established a United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. There shall be at the head of the United States Marshals Service (hereafter in this chapter [28 USCS §§ 561 et seq.] referred to as the "Service") a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Director of the United States Marshals Service (hereafter in this chapter [28 USCS §§ 561 et seq.] referred to as the "Director") shall, in addition to the powers and duties set forth in this chapter [28 USCS §§ 561 et seq.], exercise such other functions as may be delegated by the Attorney General.

(c) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district of the United States and for the Superior Court of the District of Columbia, except that any marshal appointed for the Northern Mariana Islands may at the same time serve as marshal in another judicial district. Each United States marshal shall be an official of the Service and shall serve under the direction of the Director.

(d) Each marshal shall be appointed for a term of four years. A marshal shall, unless that marshal has resigned or been removed by the President, continue to perform the duties of that office after the end of that 4-year term until a successor is appointed and qualifies.

(e) The Director shall designate places within a judicial district for the official station and offices of each marshal. Each marshal shall reside within the district for which such marshal is appointed, except that—

(1) the marshal for the District of Columbia, for the Superior Court of the District of Columbia, and for the Southern District of New York may reside within 20 miles of the district for which the marshal is appointed; and

(2) any marshal appointed for the Northern Mariana Islands who at the same time is serving as marshal in another district may reside in such other district.

(f) The Director is authorized to appoint and fix the compensation of such employees as are necessary to carry out the powers and duties of the Service and may designate such employees as law enforcement officers in accordance with such policies and procedures as the Director shall establish pursuant to the applicable provisions of title 5 and regulations issued thereunder.

(g) The Director shall supervise and direct the United States Marshals Service in the performance of its duties.

(h) The Director may administer oaths and may take affirmations of officials and employees of the Service, but shall not demand or accept any fee or compensation therefor.

(i) [Deleted]

HISTORY:

(Added Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512.)

(As amended Nov. 2, 2002, P.L. 107-273, Div A, Title III, § 301(b), 116 Stat. 1781.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 561 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 619; Oct. 27, 1978, P.L. 95-530, § 2, 92 Stat. 2028) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section provided for the appointment, terms, and offices of United States marshals.

Amendments:

2002. Act Nov. 2, 2002, deleted subsec. (i), which read: "(i) There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service."

2 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART II. DEPARTMENT OF JUSTICE
CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 562 (2005)

§ 562. Vacancies

(a) In the case of a vacancy in the office of a United States marshal, the Attorney General may designate a person to perform the functions of and act as marshal, except that the Attorney General may not designate to act as marshal any person who was appointed by the President to that office but with respect to such appointment the Senate has refused to give its advice and consent.

(b) A person designated by the Attorney General under subsection (a) may serve until the earliest of the following events:

(1) The entry into office of a United States marshal appointed by the President, pursuant to section 561(c) [*28 USCS § 561(c)*].

(2) The expiration of the thirtieth day following the end of the next session of the Senate.

(3) If such designee of the Attorney General is appointed by the President pursuant to section 561(c) [*28 USCS § 561(c)*], but the Senate refuses to give its advice and consent to the appointment, the expiration of the thirtieth day following such refusal.

HISTORY:

(Added Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4513.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 562 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 619) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section provided for deputy marshals and clerical assistants. For similar provisions, see *29 USCS § 561(f)*.

3 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART II. DEPARTMENT OF JUSTICE
CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 563 (2005)

§ 563. Oath of office

The Director and each United States marshal and law enforcement officer of the Service, before taking office, shall take an oath or affirmation to faithfully execute the duties of that office.

HISTORY:

(Added Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4513.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 563 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 619) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section contained similar provisions to those of this section.

4 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART II. DEPARTMENT OF JUSTICE
CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 564 (2005)

§ 564. Powers as sheriff

United States marshals, deputy marshals and such other officials of the Service as may be designated by the Director, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

HISTORY:

(Added Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4513.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 564 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 619) was repealed by Act June 6, 1972, P.L. 92-310, Title II, § 206(a)(1), 86 Stat. 203. Such section provided for bonds of United States marshals.

5 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART II. DEPARTMENT OF JUSTICE
CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 565 (2005)

§ 565. Expenses of the Service

The Director is authorized to use funds appropriated for the Service to make payments for expenses incurred pursuant to personal services contracts and cooperative agreements, authorized by the Attorney General, for security guards and for the service of summons on complaints, subpoenas, and notices in lieu of services by United States marshals and deputy marshals.

HISTORY:

(Added Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4513.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 565 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 620) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section provided for vacancies. For similar provisions, see 28 *USCS* § 562.

6 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART II. DEPARTMENT OF JUSTICE
CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 566 (2005)

§ 566. Powers and duties

(a) It is the primary role and mission of the United States Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals and the Court of International Trade.

(b) The United States marshal of each district is the marshal of the district court and of the court of appeals when sitting in that district, and of the Court of International Trade holding sessions in that district, and may, in the discretion of the respective courts, be required to attend any session of court.

(c) Except as otherwise provided by law or Rule of Procedure, the United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute its duties.

(d) Each United States marshal, deputy marshal, and any other official of the Service as may be designated by the Director may carry firearms and make arrests without warrant for any offense against the United States committed in his or her presence, or for any felony cognizable under the laws of the United States if he or she has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(e) (1) The United States Marshals Service is authorized to—

(A) provide for the personal protection of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding; and

(B) investigate such fugitive matters, both within and outside the United States, as directed by the Attorney General.

(2) Nothing in paragraph (1)(B) shall be construed to interfere with or supersede the authority of other Federal agencies or bureaus.

(f) In accordance with procedures established by the Director, and except for public money deposited under section 2041 of this title [28 USCS § 2041], each United States marshal shall deposit public moneys that the marshal collects into the Treasury, subject to disbursement by the marshal. At the end of each accounting period, the earned part of public moneys accruing to the United States shall be deposited in the Treasury to the credit of the appropriate receipt accounts.

(g) Prior to resignation, retirement, or removal from office—

(1) a United States marshal shall deliver to the marshal's successor all prisoners in his custody and all unserved process; and

(2) a deputy marshal shall deliver to the marshal all process in the custody of the deputy marshal.

(h) The United States marshals shall pay such office expenses of United States Attorneys as may be directed by the Attorney General.

HISTORY:

(Added Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4514.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

A prior § 566 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 620; June 6, 1972, P.L. 92-310, Title II, Part 1, § 206(b), 86 Stat. 203) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section provided for duties in the case of the death of a marshal.

Other provisions:

Fugitive Apprehension Task Forces. Act Dec. 19, 2000, P.L. 106-544, § 6, 114 Stat. 2718, provides:

"(a) In general. The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

"(b) Authorization of appropriations. There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section \$30,000,000 for the fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

"(c) Other existing applicable law. Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means."

7 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
 Copyright © 2005 Matthew Bender & Company, Inc.,
 one of the LEXIS Publishing (TM) companies
 All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
 PART II. DEPARTMENT OF JUSTICE
 CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 567 (2005)

§ 567. Collection of fees; accounting

- (a) Each United States marshal shall collect, as far as possible, his lawful fees and account for the same as public moneys.
- (b) The marshal's accounts of fees and costs paid to a witness or juror on certificate of attendance issued as provided by sections 1825 and 1871 of this title [28 USCS §§ 1825 and 1871] may not be reexamined to charge him for an erroneous payment of the fees or costs.

HISTORY:

(Added Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(2)(B), 102 Stat. 4514.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

1966 Act

1966 Act

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 553.	[None].

In subsection (b), the words "may not" are substituted for "shall not".

1948 Act

Prior section 551.—Based on title 28, *U.S.C.*, 1940 ed., §§ 577, 578a (R.S. § 846; May 28, 1896, ch. 252, §§ 6, 13, 24, 29 Stat. 179, 183, 186; May 27, 1908, ch. 200, § 1, 35 Stat. 375; June 6, 1930, ch. 409, 46 Stat. 522; Oct. 13, 1941, ch. 431, § 1, 55 Stat. 736).

Section consolidates first sentence of section 577 with section 578a of title 28, *U.S.C.*, 1940 ed., with changes of phraseology necessary to effect consolidation. Other provisions of said section 577 are incorporated in section 1929 of this title.

The qualification that payments of witness fees or costs be made upon "order of court," contained in said section 577 of title 28, *U.S.C.*, 1940 ed., was omitted as obsolete and suitable reference was made to sections 1825 and 1871 of this title under which payments are now made on certificates of attendance.

28 USCS § 567

Section 578a of title 28, *U.S.C., 1940* ed., is rewritten in simplified terms without change of substance. The proviso of such section 578a, prohibiting the collection of fees from the United States, was omitted as covered by section 2412 of this title, providing that the United States should be liable only for fees when such liability is expressly provided by Congress.

The provision of section 578a of title 28, *U.S.C., 1940* ed., requiring that fees and emoluments collected by the marshal shall be deposited by him in accordance with the provisions of section 495 of title 31, *U.S.C., 1940* ed., Money and Finance, was omitted as said section 495 governs such deposits without implementation in this section.

Explanatory notes:

A prior § 567 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 620; June 6, 1972, P.L. 92-310, Title II, Part 1, § 206(b), 86 Stat. 203) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section provided for expenses of marshals. For similar provisions, see 28 *USCS* § 565.

Amendments:

1988. Act Nov. 18, 1988 redesignated this section, formerly 28 *USCS* § 572, as 28 *USCS* § 567.

8 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
 Copyright © 2005 Matthew Bender & Company, Inc.,
 one of the LEXIS Publishing (TM) companies
 All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
 PART II. DEPARTMENT OF JUSTICE
 CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 568 (2005)

§ 568. Practice of law prohibited

A United States marshal or deputy marshal may not practice law in any court of the United States.

HISTORY:

(Added Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 621; Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(2)(B), 102 Stat. 4514.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

1966 Act

1966 Act

Derivation	Revised Statutes and	
	U.S. Code	Statutes at Large
.....	28 U.S.C. 556.	[None].

The words "may not" are substituted for "shall not".

1948 Act

Prior section 556.—Based on title 28, *U.S.C.*, 1940 ed., §§ 395 and 396 (Mar. 3, 1911, ch. 231, §§ 273, 274, 36 Stat. 1164).

Section consolidates parts of sections 395 and 396 of title 28, *U.S.C.*, 1940 ed. Similar provisions in said sections, relating to clerks, are incorporated in section 955 of this title.

The revised section substitutes, as simpler and more appropriate, the prohibition against practice of law "in any court of the United States" for the more involved language of section 395 of title 28, *U.S.C.*, 1940 ed., which provided that no clerks or marshals, deputies, or assistants within the district for which appointed "shall act as solicitor, proctor, attorney or counsel, in any cause depending in any of said courts, or in any district for which he is acting as such officer."

Provisions of section 396 of title 28, *U.S.C.*, 1940 ed., for striking the name of an offender from the roll of attorneys and for recommendation of dismissal, were omitted as unnecessary and as covered by section 541 of this title.

Changes were made in phraseology.

28 USCS § 568

Explanatory notes:

A prior § 568 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 620; June 6, 1972, P.L. 92-310, Title II, Part 1, § 206(b), 86 Stat. 203) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section related to availability of appropriations for transfer of prisoners to narcotic farms.

Amendments:

1988. Act Nov. 18, 1988, redesignated this section, formerly 28 *USCS* § 575, as 28 *USCS* § 568.

9 of 9 DOCUMENTS

UNITED STATES CODE SERVICE
Copyright © 2005 Matthew Bender & Company, Inc.,
one of the LEXIS Publishing (TM) companies
All rights reserved

*** CURRENT THROUGH P.L. 109-1, APPROVED 1/7/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
PART II. DEPARTMENT OF JUSTICE
CHAPTER 37. UNITED STATES MARSHALS SERVICE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

28 USCS § 569 (2005)

§ 569. Reemployment rights

(a) A United States marshal for a judicial district who was appointed from a position in the competitive service (as defined in section 2102 of title 5) in the United States Marshals Service and who, for reasons other than misconduct, neglect of duty, or malfeasance, is removed from such office, is entitled to be reemployed in any vacant position in the competitive service in the United States Marshals Service at the same grade or pay level, or lower, as the individual's former position if—

- (1) the individual is qualified for the vacant position; and
- (2) the individual has made application for the position not later than ninety days after being removed from office as a United States marshal.

Such individual shall be so reemployed within thirty days after making such application or after being removed from office, whichever is later. An individual denied reemployment under this section in a position because the individual is not qualified for that position may appeal that denial to the Merit Systems Protection Board under section 7701 of title 5.

(b) Any United States marshal serving on the effective date of this section shall continue to serve for the remainder of the term for which such marshal was appointed, unless sooner removed by the President.

HISTORY:

(Added Oct. 12, 1984, P.L. 98-473, Title II, Ch XII, Part F, Subpart B, § 1211(a), 98 Stat. 2163; Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(2)(B), 102 Stat. 4514.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"The effective date of this section", referred to in subsec. (b) of this section, is Oct. 1, 1984. See the Other provisions note to this section.

Explanatory notes:

A prior § 569 (Act Sept. 6, 1966, P.L. 89-554, § 4(c), 80 Stat. 620; Nov. 6, 1978, P.L. 95-598, Title II, § 221, 92 Stat. 2662; Oct. 10, 1980, P.L. 96-417, Title V, § 501(12), 94 Stat. 1742; Oct. 14, 1986, P.L. 99-466, § 3(a), 100 Stat. 1191) was repealed by Act Nov. 18, 1988, P.L. 100-690, Title VII, Subtitle O, § 7608(a)(1), 102 Stat. 4512. Such section related to powers and duties generally and supervision by the Attorney General. For similar provisions, see *28 USCS § 566*.

Amendments:

1988. Act Nov. 18, 1988 redesignated this section, formerly *28 USCS § 576*, as *28 USCS § 569*.

28 USCS § 569

Other provisions:

Effective date of amendments made by Act Oct. 12, 1984. Act Oct. 12, 1984, P.L. 98-473, Title II, Ch XII, Part F, Subpart B, § 1212, 98 Stat. 2163, provides: "The amendments made by this subpart [adding this section and note and the item preceding *28 USCS § 561*] shall take effect on October 1, 1984."