

Calendar No. 332

105TH CONGRESS
2D Session

H. R. 927

AN ACT

To amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

MARCH 26, 1998

Reported with an amendment and an amendment to the title

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105TH CONGRESS
2D SESSION**H. R. 927**

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1997

Received; read twice and referred to the Committee on the Judiciary

MARCH 26, 1998

Reported by Mr. HATCH, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]**AN ACT**

To amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Mar-
5 shals Service Improvement Act of 1997”.

6 **SEC. 2. APPOINTMENTS OF MARSHALS.**

7 (a) **IN GENERAL.**—Chapter 37 of title 28, United
8 States Code, is amended—

1 (1) in section 561(c)—

2 (A) by striking “The President shall ap-
3 point, by and with the advice and consent of the
4 Senate,” and inserting “The Attorney General
5 shall appoint”; and

6 (B) by inserting “United States marshals
7 shall be appointed subject to the provisions of
8 title 5 governing appointments in the competi-
9 tive civil service; and shall be paid in accord-
10 ance with the provisions of chapter 51 and sub-
11 chapter III of chapter 53 of such title relating
12 to classification and pay rates.” after the first
13 sentence;

14 (2) by striking subsection (d) of section 561;

15 (3) by redesignating subsections (e), (f), (g),
16 (h), and (i) of section 561 as subsections (d), (e),
17 (f), (g), and (h), respectively; and

18 (4) by striking section 562.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 37 of title 28, United States
21 Code, is amended by striking the item relating to section
22 562.

1 **SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL AP-**
2 **POINTMENT OF CERTAIN UNITED STATES**
3 **MARSHALS.**

4 (a) **INCUMBENT MARSHALS.**—Notwithstanding the
5 amendments made by this Act, each marshal appointed
6 under chapter 37 of title 28, United States Code, before
7 the date of the enactment of this Act shall, unless that
8 marshal resigns or is removed by the President, continue
9 to perform the duties of that office until the expiration
10 of that marshal's term and the appointment of a succes-
11 sor.

12 (b) **VACANCIES AFTER ENACTMENT.**—Notwithstand-
13 ing the amendments made by this Act, with respect to the
14 first vacancy which occurs in the office of United States
15 marshal in any district, during the period beginning on
16 the date of the enactment of this Act and ending on De-
17 cember 31, 1999, the President shall appoint, by and with
18 the advice and consent of the Senate, a marshal to fill
19 that vacancy for a term of 4 years. Any marshal appointed
20 by the President under this subsection shall, unless that
21 marshal resigns or is removed from office by the Presi-
22 dent, continue to perform the duties of that office after
23 the end of the four-year term to which such marshal was
24 appointed or until a successor is appointed.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “United States Marshals*
 3 *Service Improvement Act of 1998”.*

4 **SEC. 2. QUALIFICATIONS FOR UNITED STATES MARSHALS.**

5 *Section 561(c) of title 28, United States Code, is*
 6 *amended—*

7 *(1) by inserting “(1)” after “(c)”;*

8 *(2) by striking “Each United States” and insert-*
 9 *ing the following:*

10 *“(3) Each United States”; and*

11 *(3) by inserting after paragraph (1), as so des-*
 12 *ignated by paragraph (1) of this section, the follow-*
 13 *ing:*

14 *“(2) Each individual appointed as a United States*
 15 *marshal shall—*

16 *“(A) be a citizen of the United States, or an in-*
 17 *dividual otherwise described in section 606 of Public*
 18 *Law 105–61 (111 Stat. 1309);*

19 *“(B) have successfully completed—*

20 *“(i) a security background investigation*
 21 *conducted by the Department of Justice;*

22 *“(ii) a medical evaluation;*

23 *“(iii) 1 or more drug tests, as determined*
 24 *by the Director; and*

25 *“(iv) a firearms proficiency test established*
 26 *for criminal investigators of the Service;*

1 “(C) hold a bachelor’s degree; and

2 “(D) have not less than 10 years of professional
3 law enforcement experience, which shall—

4 “(i) include not less than 5 years of law en-
5 forcement management experience—

6 “(I) in the Service or any other Fed-
7 eral law enforcement or corrections agency;
8 or

9 “(II) at a command level position in a
10 State or local law enforcement or correc-
11 tions agency, if the individual has com-
12 pleted a comprehensive course of study at
13 the Federal Bureau of Investigation Acad-
14 emy, the Federal Law Enforcement Train-
15 ing Center, or a State or local law enforce-
16 ment training center that is certified by the
17 Director;

18 “(ii) demonstrate experience with the re-
19 sponsibilities of a United States marshal, such
20 as supervising arrest procedures, prisoner cus-
21 tody and detention, criminal investigations, pro-
22 tection of the judicial process, seizure of prop-
23 erty, and accountability for funds and disburse-
24 ments; and

1 “(iii) demonstrate knowledge of law enforce-
 2 ment practices and personnel in the state or ter-
 3 ritory in which the individual would serve as
 4 United States marshal.”.

5 **SEC. 3. STUDY BY THE GENERAL ACCOUNTING OFFICE.**

6 *Not later than December 31, 1999, the Comptroller*
 7 *General of the United States shall—*

8 (1) *conduct a study relating to the most effective*
 9 *process for selecting individuals to serve United*
 10 *States marshals, which shall include a review of a va-*
 11 *riety of processes and potential processes for selecting*
 12 *those individuals, including—*

13 (A) *the appointment process for United*
 14 *States marshals in effect on the date on which*
 15 *the review is conducted;*

16 (B) *a potential selection process conducted*
 17 *by a selection board established by the Depart-*
 18 *ment of Justice; and*

19 (C) *the potential conversion of the selection*
 20 *of United States marshals to the civil service sys-*
 21 *tem; and*

22 (2) *submit to the Committee on the Judiciary*
 23 *and the Committee on Appropriations of the Senate,*
 24 *and the Committee on the Judiciary and the Commit-*
 25 *tee on Appropriations of the House of Representa-*

1 *tives, a report describing the results of the study*
2 *under paragraph (1).*

3 **SEC. 4. SENSE OF THE COMMITTEE.**

4 *It is the sense of the Committee on the Judiciary of*
5 *the Senate that, after reviewing the report submitted under*
6 *section 3, the Committee shall consider the most effective*
7 *process for selecting individuals to serve as United States*
8 *marshals, giving strong consideration to the results de-*
9 *scribed in that report.*

10 **SEC. 5. APPLICABILITY.**

11 *The amendments made by this Act shall apply to any*
12 *United States marshal first appointed on or after the date*
13 *of enactment of this Act.*

Amend the title to read as follows: “An Act to amend section 561 of title 28, United States Code, to establish certain qualifications for United States marshals, and for other purposes.”.