

**Editorial Notes**

## AMENDMENTS

1988—Pub. L. 100-690, title VII, §7608(a)(3), Nov. 18, 1988, 102 Stat. 4514, substituted in chapter heading “Marshals Service” for “Marshals” and amended chapter analysis generally, substituting items 561 to 569 for former items 561 to 576.

1984—Pub. L. 98-473, title II, §1211(c), Oct. 12, 1984, 98 Stat. 2163, added item 576.

1982—Pub. L. 97-258, §2(g)(3)(A), Sept. 13, 1982, 96 Stat. 1060, added item 572a.

1972—Pub. L. 92-310, title II, §206(a)(2), June 6, 1972, 86 Stat. 203, struck out item 564 “Bond”.

1966—Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619, added chapter 37 and items 561 to 575.

**§ 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 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 referred to as the “Director”) shall, in addition to the powers and duties set forth in this chapter, 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) Each marshal appointed under this section should have—

(1) a minimum of 4 years of command-level law enforcement management duties, including personnel, budget, and accountable property issues, in a police department, sheriff's office or Federal law enforcement agency;

(2) experience in coordinating with other law enforcement agencies, particularly at the State and local level;

(3) college-level academic experience; and

(4) experience in or with county, State, and Federal court systems or experience with protection of court personnel, jurors, and witnesses.

(Added Pub. L. 100-690, title VII, §7608(a)(1), Nov. 18, 1988, 102 Stat. 4512; amended Pub. L. 107-273, div. A, title III, §301(b), Nov. 2, 2002, 116 Stat. 1781; Pub. L. 109-177, title V, §505, Mar. 9, 2006, 120 Stat. 247.)

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## PRIOR PROVISIONS

A prior section 561, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619; amended Pub. L. 95-530, §2, Oct. 27, 1978, 92 Stat. 2028, related to appointment, term, and residence of United States marshals, prior to repeal by Pub. L. 100-690, §7608(a)(1).

## AMENDMENTS

2006—Subsec. (i). Pub. L. 109-177 added subsec. (i).

2002—Subsec. (i). Pub. L. 107-273 struck out subsec. (i) which read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service.”

**§ 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).

(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), but the Senate refuses to give its advice and consent to the appointment, the expiration of the thirtieth day following such refusal.

(Added Pub. L. 100-690, title VII, §7608(a)(1), Nov. 18, 1988, 102 Stat. 4513.)