

Editorial Notes

PRIOR PROVISIONS

A prior section 562, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619, related to appointment of deputy marshals and clerical assistants, prior to repeal by Pub. L. 100-690, § 7608(a)(1). See section 561(f) of this title.

§ 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.

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

Editorial Notes

PRIOR PROVISIONS

A prior section 563, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619, specifically stated the oath of office to be taken, prior to repeal by Pub. L. 100-690, § 7608(a)(1). See section 561(h) of this title.

§ 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.

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

Editorial Notes

PRIOR PROVISIONS

A prior section 564, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619, related to bonds of United States marshals, prior to repeal by Pub. L. 92-310, title II, § 206(a)(1), June 6, 1972, 86 Stat. 203.

§ 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.

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

Editorial Notes

PRIOR PROVISIONS

A prior section 565, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 620, related to filling vacancies, prior to repeal by Pub. L. 100-690, § 7608(a)(1). See section 562 of this title.

§ 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, the Court of International Trade, and the United States Tax Court, as provided by law.

(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;

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

(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders (as defined in such section 3486); and

(D) assist State, local, and other Federal law enforcement agencies, upon the request of such an agency, in locating and recovering missing children.

(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, 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.

(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term “judicial security” includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.

(Added Pub. L. 100-690, title VII, § 7608(a)(1), Nov. 18, 1988, 102 Stat. 4514; amended Pub. L. 110-177, title I, §§101(a), 102(a), Jan. 7, 2008, 121 Stat. 2534, 2535; Pub. L. 112-206, §4(b), Dec. 7, 2012, 126 Stat. 1492; Pub. L. 114-22, title VI, §605, May 29, 2015, 129 Stat. 260.)

Editorial Notes

PRIOR PROVISIONS

A prior section 566, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 620; amended Pub. L. 92-310, title II, §206(b), June 6, 1972, 86 Stat. 203, provided that upon death of a marshal his deputy or deputies perform his duties until a successor is appointed and qualifies, prior to repeal by Pub. L. 100-690, §7608(a)(1).

AMENDMENTS

2015—Subsec. (e)(1)(D). Pub. L. 114-22 added subpar. (D).

2012—Subsec. (e)(1)(C). Pub. L. 112-206 added subpar. (C).

2008—Subsec. (a). Pub. L. 110-177, §102(a), substituted “, the Court of International Trade, and the United States Tax Court, as provided by law” for “and the Court of International Trade”.

Subsec. (i). Pub. L. 110-177, §101(a), added subsec. (i).

Statutory Notes and Related Subsidiaries

FUGITIVE APPREHENSION TASK FORCES

Pub. L. 106-544, §6, Dec. 19, 2000, 114 Stat. 2718, as amended by Pub. L. 110-177, title V, §507, Jan. 7, 2008, 121 Stat. 2543, relating to the establishment of Fugitive Apprehension Task Forces, was editorially reclassified as section 41503 of Title 34, Crime Control and Law Enforcement.

Executive Documents

EX. ORD. NO. 13977. PROTECTING LAW ENFORCEMENT OFFICERS, JUDGES, PROSECUTORS, AND THEIR FAMILIES

Ex. Ord. No. 13977, Jan. 18, 2021, 86 F.R. 6803, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Purpose. Under the Constitution and Federal law, our Government vests in judges, prosecutors, and law enforcement officers the power to make decisions of enormous consequence. Because of the importance of their work, these public servants face unique risks to their safety and the safety of their families. Some who face or have received an adverse judicial decision have sought to intimidate or punish judges and

prosecutors with threats of harm. Moreover, judges, prosecutors, and law enforcement officers are symbols within our communities of law and order and may be targeted for that reason alone. And at times, family members of public servants have become victims. Last year, a former litigant before a Federal judge in New Jersey tragically murdered the judge’s 20-year-old son and critically wounded her husband. Judges, prosecutors, and law enforcement officers’ resiliency in the face of the danger they regularly face is an inspiration for all of us in public service.

Judges, prosecutors, and law enforcement officers should not have to choose between public service and subjecting themselves and their families to danger. My Administration has no higher priorities than preserving the rule of law in our country and protecting the men and women who serve under its flag. Accordingly, I am ordering enhanced protections for judges, prosecutors, and law enforcement officers. Federal law already allows Federal and State law enforcement officers to protect themselves by carrying a concealed firearm, but the Federal Government can do more to cut the red tape that Federal law enforcement officers must navigate to exercise their right. The current threat to Federal prosecutors also demands an expansion of their ability to carry a concealed firearm, as allowed under the Department of Justice’s existing authorities. Finally, the Congress should act expeditiously to adopt legislation extending the right to carry a concealed firearm to Federal judges and pass other measures that will expand our capacity to combat threats of violence against judges, prosecutors, and law enforcement officers.

SEC. 2. Removing Obstacles to Federal Law Enforcement Officers Qualifying For Concealed Carry Under the Law Enforcement Officers Safety Act of 2004. (a) It shall be the policy of the United States to remove any undue obstacle preventing current or retired Federal law enforcement officers from carrying a concealed firearm as allowed under the Law Enforcement Officers Safety Act of 2004, as amended (18 U.S.C. 926B, 926C) (LEOSA).

(b) The heads of all executive departments and agencies (agencies) that employ or have employed qualified law enforcement officers or qualified retired law enforcement officers, as those terms are defined in the LEOSA, shall act expeditiously to implement the policy set by subsection (a) of this section.

(c) The heads of all agencies that employ or have employed qualified law enforcement officers or qualified retired law enforcement officers, as those terms are defined in the LEOSA, shall submit a report to the President, through the Assistant to the President for Domestic Policy, within 30 days of the date of this order [Jan. 18, 2021], reporting on the implementation of this order and analyzing qualified persons’ ability to carry a concealed firearm under the LEOSA.

(d) The report required by subsection (c) of this section shall:

(i) identify any obstacles that the agency’s qualified law enforcement officers or qualified retired law enforcement officers presently face in carrying a concealed firearm under the LEOSA;

(ii) identify any categories of the agency’s qualified law enforcement officers or qualified retired law enforcement officers who are presently unable to carry a concealed firearm under the LEOSA;

(iii) identify the steps the agency has taken to implement the policy set by subsection (a) of this section; and

(iv) identify the steps the agency plans to take in the future to implement the policy set by subsection (a) and explain why it was not possible to take these steps before the report was submitted.

SEC. 3. Authorizing Concealed Carry By Federal Prosecutors. (a) Within 30 days of the date of this order, the Attorney General shall propose a regulation revising section 0.112 of title 28, Code of Federal Regulations, to provide that the special deputation as a Deputy United States Marshal shall be granted upon request to any Federal prosecutor when the Federal prosecutor or his

or her family members face risk of harm as a result of the Federal prosecutor's government service and as appropriate.

(b) The regulation proposed pursuant to this section shall:

(i) include with the special deputation the power to possess and carry firearms but not include law enforcement powers such as the power to make arrests for violations of Federal law and the court-related duties of United States Marshals; and

(ii) require appropriate training in firearm safety and use as a condition to any special deputation.

(c) Within 30 days of the date of this order, the Attorney General shall revise other Department policies to permit special deputation consistent with subsections (a) and (b) of this section to the extent consistent with applicable law.

SEC. 4. *Expanding the Federal Government's Protection of Judges, Prosecutors, and Law Enforcement Officers.* (a) The Attorney General shall direct the Director of the Marshals Service to prioritize the protection of Federal judges and Federal prosecutors.

(b) The Attorney General shall prioritize the investigation and prosecution of Federal crimes involving actual or threatened violence against judges, prosecutors, or law enforcement officers or their family members, if the family member was targeted because of that person's relation to a judge, prosecutor, or law enforcement officer.

(c) The Attorney General and Secretary of Homeland Security shall coordinate a review within the executive branch to assess the feasibility, as appropriate and consistent with applicable law, of facilitating the removal of, or minimizing the availability of, personally identifiable information appearing in public sources of judges, prosecutors, and law enforcement officers employed by the Federal Government, and shall use the results of this review to inform such persons of related security vulnerabilities.

(d) Within 30 days of the date of this order, the Attorney General shall assess the need to revise subsection 0.111(e) of title 28, Code of Federal Regulations, to protect Federal prosecutors. If any revision is needed, the Attorney General shall take immediate steps to issue a proposed rule that would amend section 0.111(e) accordingly.

(e) The heads of all agencies shall examine the extent to which they collect personally identifiable information from judges, prosecutors, or law enforcement officers, and as appropriate and consistent with applicable law, allow such persons to provide a Post Office box address in lieu of home address information.

SEC. 5. *Proposing Legislation to Enhance the Protection of Judges, Prosecutors, and Law Enforcement Officers.* (a) Within 30 days of the date of this order, the Attorney General shall develop and propose Federal legislation providing additional protection for judges, prosecutors, and law enforcement officers.

(b) The proposed legislation described in subsection (a) of this section shall:

(i) authorize current and former Federal judges and current and former Federal prosecutors to possess or carry firearms when they or their family members face risk of harm as a result of their Federal government service, irrespective of Federal, State, and local laws which may restrict the possession or carrying of firearms;

(ii) promote the removal and minimization of personally identifiable information from public websites and records of current and former judges, prosecutors, and law enforcement officers, as appropriate and as allowed under the Constitution;

(iii) expand the ability of judges, prosecutors, and law enforcement officers to use Post Office box addresses in lieu of home address information;

(iv) authorize additional appropriations and authority for the Department of Homeland Security, Marshals Service, and Federal Bureau of Investigation, including appropriations to hire and train additional personnel and authority for agencies to respond to both civil unrest and threats to Federal courthouses;

(v) increase penalties for threatened and actual violence against Federal judges, prosecutors, and law enforcement officers and their families, including providing that violence against a Federal judge, prosecutor, or law enforcement officer if the family member was targeted because of that person's relation to a Federal judge, prosecutor, or law enforcement officer;

(vi) prevent State and local governments from obstructing the ability of qualified law enforcement officers and qualified retired law enforcement officers, as those terms are defined by the LEOSA, from carrying a concealed firearm pursuant to the LEOSA, including by refusing to issue identification documents; and

(vii) propose other amendments to strengthen the LEOSA, if appropriate.

SEC. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 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 may not be reexamined to charge him for an erroneous payment of the fees or costs.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 621, § 572; renumbered § 567, Pub. L. 100-690, title VII, § 7608(a)(2)(B), Nov. 18, 1988, 102 Stat. 4514.)

HISTORICAL AND REVISION NOTES

1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 551.	[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.

Section 578a of title 28, U.S.C., 1940 ed., is rewritten in simplified terms without change of substance. The