

**§ 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.)

## 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.)

## 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.)

## 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.)

## 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; and

(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).

(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.)

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

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).

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, provided that:

"(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, \$5,000,000 for fiscal year 2003, and \$10,000,000 for each of fiscal years 2008 through 2012.

"(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."

§ 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 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.

PRIOR PROVISIONS

A prior section 567, added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 620, related to expenses of marshals, prior to repeal by Pub. L. 100-690, § 7608(a)(1). See section 565 of this title.

AMENDMENTS

1988—Pub. L. 100-690 renumbered section 572 of this title as this section.