

(iii) carry firearms as may be required for the performance of duties;

(iv) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(v) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(B) EXCEPTION.—The authority and policing powers of FBI police under this paragraph shall not include the service of civil process.

(5) PAY AND BENEFITS.—

(A) IN GENERAL.—The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(B) APPLICATION.—Pay and benefits for the FBI police under subparagraph (A)—

- (i) shall be established by regulation;
- (ii) shall apply with respect to pay periods beginning after January 1, 2003; and
- (iii) shall not result in any decrease in the rates of pay or benefits of any individual.

(c) AUTHORITY OF METROPOLITAN POLICE FORCE.—This section does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

(Added Pub. L. 107–273, div. C, title I, §11024(a), Nov. 2, 2002, 116 Stat. 1830.)

PRIOR PROVISIONS

Another section 540C, added Pub. L. 107–306, title VIII, §824(a), Nov. 27, 2002, 116 Stat. 2428, related to annual report on activities of Federal Bureau of Investigation personnel outside the United States. Pub. L. 108–177, title III, §361(i), (n), Dec. 13, 2003, 117 Stat. 2625, 2626, which, under the heading “Annual Report on Activities of FBI Personnel Outside the United States”, directed the repeal of section 540C of title 28, effective Dec. 31, 2003, was executed by repealing the section 540C added by Pub. L. 107–306, to reflect the probable intent of Congress.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 35—UNITED STATES ATTORNEYS

Sec.	
541.	United States attorneys.
542.	Assistant United States attorneys.
543.	Special attorneys.
544.	Oath of office.
545.	Residence.
546.	Vacancies.
547.	Duties.
548.	Salaries.
549.	Expenses.
550.	Clerical assistants, messengers, and private process servers.

Sec.

AMENDMENTS

1990—Pub. L. 101–647, title XXXVI, §3626(b), Nov. 29, 1990, 104 Stat. 4965, substituted “Clerical assistants, messengers, and private process servers” for “Clerical assistants and messengers” in item 550.

1966—Pub. L. 89–554, §4(c), Sept. 6, 1966, 80 Stat. 617, added chapter 35 and items 541 to 550.

§ 541. United States attorneys

(a) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

(b) Each United States attorney shall be appointed for a term of four years. On the expiration of his term, a United States attorney shall continue to perform the duties of his office until his successor is appointed and qualifies.

(c) Each United States attorney is subject to removal by the President.

(Added Pub. L. 89–554, §4(c), Sept. 6, 1966, 80 Stat. 617.)

HISTORICAL AND REVISION NOTES
1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	28 U.S.C. 501.	[None].
(b)	28 U.S.C. 504(a).	[None].
(c)	28 U.S.C. 504(b) (less 2d sentence).	[None].

In subsection (c), the word “is” is substituted for “shall be”.

1948 ACT

Prior section 501.—Based on title 28, U.S.C., 1940 ed., §481, sections 643 and 863 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions, and section 11–1001, District of Columbia Code, 1940 ed. (R.S., §767; June 26, 1876, ch. 147, §§1, 4, 19 Stat. 61, 62; Feb. 24, 1879, ch. 97, §8, 20 Stat. 320; Mar. 3, 1881, ch. 144, §7, 21 Stat. 507; Apr. 25, 1882, ch. 87, §§1, 3, 22 Stat. 47; July 20, 1882, ch. 312, §3, 22 Stat. 172; Aug. 5, 1886, ch. 928, §7, 24 Stat. 309; Feb. 22, 1889, ch. 180, §21, 25 Stat. 682; July 3, 1890, ch. 656, §16, 26 Stat. 217; July 10, 1890, ch. 664, §16, 26 Stat. 225; Mar. 3, 1893, ch. 220, 27 Stat. 745; July 16, 1894, ch. 138, §§14, 16, 28 Stat. 110, 111; June 24, 1898, ch. 495, §1, 30 Stat. 487; Apr. 12, 1900, ch. 191, §34, 31 Stat. 85; Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; May 12, 1900, ch. 391, §9, 31 Stat. 176; Jan. 22, 1901, ch. 105, §§4, 7, 31 Stat. 736, 737; Feb. 12, 1901, ch. 355, §§5, 7, 31 Stat. 782; Mar. 2, 1901, ch. 801, §§3, 5, 31 Stat. 881; Mar. 3, 1901, ch. 854, §183, 31 Stat. 1220; Mar. 11, 1902, ch. 183, §§5, 6, 32 Stat. 66; June 30, 1902, ch. 1329, 32 Stat. 527; Mar. 2, 1905, ch. 1305, §§4, 6, 33 Stat. 824; Mar. 3, 1905, ch. 1427, §§13, 15, 19, 33 Stat. 995, 996; June 16, 1906, ch. 3335, §13, 34 Stat. 275; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838; Jan. 7, 1913, ch. 6, 37 Stat. 648; Mar. 3, 1915, ch. 100, §§3, 4, 38 Stat. 961; Mar. 2, 1917, ch. 145, §41, 39 Stat. 965; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1412; July 9, 1921, ch. 42, §313, 42 Stat. 119; May 28, 1926, ch. 414, §2(b), 44 Stat. 672; Apr. 21, 1928, ch. 393, 45 Stat. 437; Mar. 26, 1928, ch. 51, §2, 52 Stat. 118).

Section consolidates section 481 of title 28, U.S.C., 1940 ed., and section 11–1001 of the District of Columbia Code, 1940 ed., with parts of sections 643 and 863 of title 48, U.S.C., 1940 ed., relating to appointment of United States attorneys.

The term “United States attorney” was adopted in this section for “attorney for the United States.” Since the decision of the Supreme Court of the United States in *In re Neagle*, 1890 (10 S. Ct. 658, 135 U.S. 1, 34, L. Ed. 55) where the terms “attorneys of the United States” and “district attorneys” were used interchangeably, Congress has also designated such officers as either “United States attorneys” or as “district attorneys.”