

Section 73 of title 5, U.S.C., 1940 ed., allowed only actual traveling expenses to Government employees, except “district attorneys,” marshals and clerks of courts and their deputies. It has been superseded by the Subsistence Expense Act of 1926. See sections 821 et seq. of said title 5.

References in section 592 of title 28, U.S.C., 1940 ed., to absence “from their respective official residences” and to going to and returning from attendance before courts, etc., were omitted as surplusage and covered by the phrase “on official business.” Language relating to Standardized Government Travel Regulations was also omitted as the reference in this section is to the provision in the Subsistence Expense Act, supra, authorizing those regulations. Verification under oath provision was omitted as covered by section 553 [see Prior Provisions note for that section] of this title which simplifies procedure by requiring payment upon certification by the payee. The penal provisions of title 18 are ample protection against fraud and an oath alone is no deterrent.

The requirement in section 592 of title 28, U.S.C., 1940 ed., that the marshals should include such payments in their accounts for auditing and allowance, was omitted as unnecessary. See section 541 et seq. [now section 561 et seq.] of this title and section 71 et seq. of title 31, U.S.C., 1940 ed.

Section 318 of title 5, U.S.C., 1940 ed., required the Attorney General to supervise the accounts of “district” attorneys, marshals, clerks, and other court officers. The language of this section covers that requirement. The provision as to marshals is incorporated in section 547 [see Prior Provisions note under that section] of this title.

Quarterly expense accounts were required of United States attorneys and marshals by section 586 of title 28, U.S.C., 1940 ed. Such provision is omitted as unnecessary in view of this section and section 547 [see Prior Provisions note under that section] of this title. Further provisions of said section 586 that office expenses of United States attorneys, assistants, and marshals should be allowed under regulations of the Attorney General and verified under oath, are simplified by this section and section 550 [see Prior Provisions note under that section] of this title. Another provision that accounts therefor should be submitted to, examined by the district court and, when approved by the court then audited and allowed by law, was omitted. The power of the Attorney General is sufficient. The reference to audit and allowance was unnecessary as covered by section 71 et seq. of title 31, U.S.C., 1940 ed., Money and Finance. Said section 586 applied also to marshals and deputies and those provisions are incorporated in section 550 [see Prior Provisions note under that section] of this title.

The exception in sections 586 and 591 of title 28, U.S.C., 1940 ed., that the former should not apply in Alaska was omitted as unnecessary. Section 114 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions, requires travel expense accounts to be rendered and paid as in other districts.

Changes were made in phraseology.

PRIOR PROVISIONS

A prior section 549, act June 25, 1948, ch. 646, 62 Stat. 912, related to the marshal’s power as a sheriff, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 570 of this title by section 4(c) of Pub. L. 89-554.

§ 550. Clerical assistants, messengers, and private process servers

The United States attorneys may employ clerical assistants, messengers, and private process servers on approval of the Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619; amended Pub. L. 101-647, title XXXVI, §3626(a), Nov. 29, 1990, 104 Stat. 4965.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	28 U.S.C. 510.	[None].

The words “and at salaries fixed by” are omitted as superseded by the Classification Act of 1949, as amended, which is codified in chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

1948 ACT

Prior section 510.—Based on title 28, U.S.C., 1940 ed., §§ 484, 593 (May 28, 1896, ch. 252, §15, 29 Stat. 183; June 30, 1906, ch. 3914, §1, 34 Stat. 753; July 19, 1919, ch. 24, §1, 41 Stat. 209).

Section consolidates and simplifies sections 484 and 593 of title 28, U.S.C., 1940 ed. For provisions with respect to classified civil service, see sections 631-684 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.

Section 593 of title 28, U.S.C., 1940 ed., related to clerks and messengers in the office of United States attorney, southern district of New York. Section 484 of title 28, U.S.C., 1940 ed., related to clerical assistants for all United States attorneys. It was not affected by section 678 of title 5 U.S.C. 1940 ed., Executive Departments and Government Officers and Employees, according to a Department of Justice interpretation.

Provision of said section 593 for office expenses of United States attorneys is covered by section 509 [now 549] of this title.

Said section 593 also required that payment of salaries of such clerks and messengers be made by the disbursing clerk of the Department of Justice. Under section 550 [see Prior Provisions note below] of this title the marshals will make such payments including the office expenses of United States attorneys.

The restriction that section 484 of title 28, U.S.C., 1940 ed., did not apply to Alaska is omitted as unnecessary since section 109 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions, authorizes employment of clerical assistants to United States attorneys in Alaska by the Attorney General.

The provision in such section 484 of title 28, U.S.C., 1940 ed., that the need for clerical assistants be certified by the district judge, was omitted as unnecessary. The need may be determined by the Attorney General.

Changes were made in phraseology.

PRIOR PROVISIONS

A prior section 550, acts June 25, 1948, ch. 646, 62 Stat. 912; Sept. 9, 1959, Pub. L. 86-243, §2, 73 Stat. 474, related to disbursement of salaries and expenses, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 571 of this title by section 4(c) of Pub. L. 89-554.

A prior section 551, act June 25, 1948, ch. 646, 62 Stat. 912, related to the collection of fees by United States marshals, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 572 of this title by section 4(c) of Pub. L. 89-554.

A prior section 552, act June 25, 1948, ch. 646, 62 Stat. 912, related to the fixing of salaries of United States marshals, their deputies and assistants, by the Attorney General, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 571 of this title by section 4(c) of Pub. L. 89-554.

A prior section 553, acts June 25, 1948, ch. 646, 62 Stat. 912; May 24, 1949, ch. 139, §72, 63 Stat. 100; Aug. 4, 1955, ch. 550, 69 Stat. 492; Aug. 14, 1961, Pub. L. 87-139, §5, 75 Stat. 340, related to expenses of marshal, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 567 of this title by section 4(c) of Pub. L. 89-554.

A prior section 554, act June 25, 1948, ch. 646, 62 Stat. 913, related to the delivery of prisoners to the successor marshal, prior to repeal by Pub. L. 89-554, §8(a), Sept.

6, 1966, 80 Stat. 663, and reenactment in section 573 of this title by section 4(c) of Pub. L. 89-554.

A prior section 555, act June 25, 1948, ch. 646, 62 Stat. 913, related to the delivery of all unserved process to the successor marshal or his deputies, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 574 of this title by section 4(c) of Pub. L. 89-554.

A prior section 556, act June 25, 1948, ch. 646, 62 Stat. 913, related to the prohibition of the practice of law by a marshal or deputy marshal, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 575 of this title by section 4(c) of Pub. L. 89-554.

AMENDMENTS

1990—Pub. L. 101-647 substituted “, messengers, and private process servers” for “and messengers” in section catchline and text.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective 180 days after Nov. 29, 1990, see section 3631 of Pub. L. 101-647, set out as an Effective Date note under section 3001 of this title.

CHAPTER 37—UNITED STATES MARSHALS SERVICE

Sec.	
561.	United States Marshals Service.
562.	Vacancies.
563.	Oath of office.
564.	Powers as sheriff.
565.	Expenses of the Service.
566.	Powers and duties.
567.	Collection of fees; accounting.
568.	Practice of law prohibited.
569.	Reemployment rights.
[570, 571.	Repealed.]
[572.	Renumbered.]
[572a to 574.	Repealed.]
[575, 576.	Renumbered.]

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.)

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).