

104TH CONGRESS
1ST SESSION

H. R. 2641

To amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 1995

Mr. McCOLLUM introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Mar-
5 shals Service Improvement Act of 1995”.

6 **SEC. 2. APPOINTMENTS OF MARSHALS.**

7 (a) IN GENERAL.—Chapter 37 of title 28, United
8 States Code, is amended—

9 (1) in section 561(c)—

1 (A) by striking “The President shall ap-
2 point, by and with the advice and consent of the
3 Senate,” and inserting “The Director shall ap-
4 point”; and

5 (B) by inserting “United States marshals
6 shall be appointed subject to the provisions of
7 title 5 governing appointments in the competi-
8 tive civil service, and shall be paid in accord-
9 ance with the provisions of chapter 51 and sub-
10 chapter III of chapter 53 of such title relating
11 to classification and pay rates.” after the first
12 sentence;

13 (2) by striking subsection (d) of section 561;

14 (3) by redesignating subsections (e), (f), (g),
15 (h), and (i) of section 561 as subsections (d), (e),
16 (f), (g), and (h), respectively; and

17 (4) by striking section 562.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 37 of title 28, United States
20 Code, is amended by striking the item relating to section
21 562.

1 **SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL AP-**
2 **POINTMENT OF CERTAIN UNITED STATES**
3 **MARSHALS.**

4 (a) **INCUMBENT MARSHALS.**—Notwithstanding the
5 amendments made by this Act, each marshal appointed
6 under chapter 37 of title 28, United States Code, before
7 the date of the enactment of this Act shall, unless that
8 marshal resigns or is removed by the President, continue
9 to perform the duties of that office until the expiration
10 of that marshal's term and the appointment of a succes-
11 sor.

12 (b) **VACANCIES AFTER ENACTMENT.**—Notwithstand-
13 ing the amendments made by this Act, with respect to the
14 first vacancy which occurs in the office of United States
15 marshal in any district, during the period beginning on
16 the date of the enactment of this Act and ending on De-
17 cember 31, 1999, the President shall appoint, by and with
18 the advice and consent of the Senate, a marshal to fill
19 that vacancy for a term of 4 years. Any marshal appointed
20 by the President under this subsection shall, unless that
21 marshal resigns or is removed from office by the Presi-
22 dent, continue to perform the duties of that office after
23 the end of the four-year term to which such marshal was
24 appointed or until a successor is appointed.

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