

# Union Calendar No. 264

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2641

[Report No. 104-541]

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

APRIL 29, 1996

Additional sponsor: Mr. SCHUMER

APRIL 29, 1996

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on November 15, 1995]

---

## 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,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “United States Marshals*  
3 *Service Improvement Act of 1996”.*

4 **SEC. 2. APPOINTMENTS OF MARSHALS.**

5       (a) *IN GENERAL.*—Chapter 37 of title 28, United  
6 *States Code, is amended—*

7           (1) *in section 561(c)—*

8                   (A) *by striking “The President shall ap-*  
9 *point, by and with the advice and consent of the*  
10 *Senate,” and inserting “The Attorney General*  
11 *shall appoint”;* and

12                   (B) *by inserting “United States marshals*  
13 *shall be appointed subject to the provisions of*  
14 *title 5 governing appointments in the competi-*  
15 *tive civil service, and shall be paid in accordance*  
16 *with the provisions of chapter 51 and subchapter*  
17 *III of chapter 53 of such title relating to classi-*  
18 *fication and pay rates.” after the first sentence;*

19                   (2) *by striking subsection (d) of section 561;*

20                   (3) *by redesignating subsections (e), (f), (g), (h),*  
21 *and (i) of section 561 as subsections (d), (e), (f), (g),*  
22 *and (h), respectively; and*

23                   (4) *by striking section 562.*

24       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
25 *the beginning of chapter 37 of title 28, United States Code,*  
26 *is amended by striking the item relating to section 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 the  
7 date of the enactment of this Act shall, unless that marshal  
8 resigns or is removed by the President, continue to perform  
9 the duties of that office until the expiration of that mar-  
10 shal’s term and the appointment of a successor.

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

Amend the title so as to read as follows: “A bill to  
amend title 28, United States Code, to provide for ap-

pointment of United States marshals by the Attorney General.”.



Union Calendar No. 264

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2641**

[Report No. 104-541]

---

---

## **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.

---

---

APRIL 29, 1996

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed