

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

# H. R. 2641

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IN THE SENATE OF THE UNITED STATES

MAY 2, 1996

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

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 Mar-  
3 shals 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(e)—

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 accord-  
16 ance with the provisions of chapter 51 and sub-  
17 chapter III of chapter 53 of such title relating  
18 to classification and pay rates.” after the first  
19 sentence;

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

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

24 (4) by striking section 562.

25 (b) CLERICAL AMENDMENT.—The table of sections  
26 at the beginning of chapter 37 of title 28, United States

1 Code, is amended by striking the item relating to section  
2 562.

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

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

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

- 1 the end of the four-year term to which such marshal was
- 2 appointed until a successor is appointed.

Passed the House of Representatives May 1, 1996.

Attest:

ROBIN H. CARLE,

*Clerk.*