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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 28, United States Code, to transfer the United States Marshals Service to the judicial branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SWALWELL (for himself, Mr. RASKIN, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on

A BILL

To amend title 28, United States Code, to transfer the United States Marshals Service to the judicial branch, and for other purposes.

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 “Maintaining Authority
5 and Restoring Security to Halt the Abuse of Law” or the
6 “MARSHALS Act”.

1 **SEC. 2. UNITED STATES MARSHALS SERVICE.**

2 (a) TRANSFER.—Title 28, United States Code, is
3 amended—

4 (1) by redesignating chapter 37 as chapter 59;
5 and

6 (2) by transferring chapter 59, as so redesign-
7 nated, from part II to part III so as to appear after
8 chapter 58.

9 (b) COURT OFFICERS AND EMPLOYEES.—Chapter
10 59, as redesignated by subsection (a), of title 28, United
11 States Code, is amended—

12 (1) in section 561—

13 (A) by striking subsections (a) through (d)
14 and inserting the following:

15 “(a) There is hereby established a United States
16 Marshals Service as a bureau within the judicial branch
17 of the United States. There shall be at the head of the
18 United States Marshals Service (hereafter in this chapter
19 referred to as the ‘Service’) a Director (hereafter in this
20 chapter referred to as the ‘Director’) who shall be ap-
21 pointed by the Chief Justice, in consultation with the
22 Board established under subsection (i) (hereafter in this
23 chapter referred to as the ‘Board’). The Director may be
24 removed by the Board.

25 “(b) The Chief Justice of the United States shall ap-
26 point, in consultation with the Board, a United States

1 marshal for each judicial district of the United States and
2 for the Superior Court of the District of Columbia, except
3 that any marshal appointed for the Northern Mariana Is-
4 lands may at the same time serve as marshal in another
5 judicial district. Each United States marshal shall be an
6 official of the Service and shall serve under the direction
7 of the Director.

8 “(c) Each marshal shall be appointed for a term of
9 four years. A marshal shall, unless that marshal has re-
10 signed or been removed by the Chief Justice of the United
11 States, in consultation with the Board, continue to per-
12 form the duties of that office after the end of that 4-year
13 term until a successor is appointed and qualifies.”;

14 (B) by redesignating subsections (e)
15 through (i) as subsections (d) through (h), re-
16 spectively; and

17 (C) by adding at the end the following:

18 “(i)(1) The activities of the Director shall be super-
19 vised by a Board to be composed of—

20 “(A) the Chief Justice of the United States;

21 “(B) the Judicial Conference of the United
22 States; and

23 “(C) the Director, who shall be an ex officio,
24 nonvoting member.

1 “(2) The Board shall establish general goals and ob-
2 jectives covering the major functions and operations of the
3 Service to improve the efficiency and effectiveness of the
4 operations of the Service.”;

5 (2) in section 562, by striking subsections (a)
6 and (b) and inserting the following:

7 “‘In the case of a vacancy in the office of a United
8 States marshal, the Chief Justice of the United States,
9 shall appoint a United States marshal to serve the remain-
10 der of the 4-year term.’”;

11 (3) by striking section 564;

12 (4) by redesignating sections 565 and 566 as
13 sections 564 and 565, respectively;

14 (5) in section 564, as so redesignated, by strik-
15 ing “Attorney General” and inserting “Chief Justice
16 of the United States, in consultation with the
17 Board”;

18 (6) in section 565, as so redesignated—

19 (A) by striking subsection (e) and inserting
20 the following:

21 “(e) The United States Marshals Service is author-
22 ized to provide for the personal protection of Federal ju-
23 rists, court officers, witnesses, and other threatened per-
24 sons in the interests of justice where criminal intimidation

1 impedes on the functioning of the judicial process or any
2 other official proceeding.”;

3 (B) in subsection (h), by striking “directed
4 by the Attorney General” and inserting “re-
5 quested by the Attorney General, and approved
6 by the Director”; and

7 (C) in subsection (i), by striking the third
8 sentence;

9 (7) by inserting after section 565, as so redesign-
10 nated, the following:

11 **“§ 566. Assistance in other law enforcement matters**

12 “At the request of the Attorney General, and with
13 the approval of the Director, the Service may assist the
14 Department of Justice with the following tasks:

15 “(1) Investigating such fugitive matters, both
16 within and outside the United States, as directed by
17 the Attorney General.

18 “(2) Issuing administrative subpoenas in ac-
19 cordance with section 3486 of title 18, solely for the
20 purpose of investigating unregistered sex offenders
21 (as defined in section 3486).

22 “(3) Assisting State, local, and other Federal
23 law enforcement agencies, upon the request of such
24 an agency, in locating and recovering missing chil-
25 dren.”; and

1 (8) in section 569(b), by striking “President”
2 and inserting “Chief Justice, in consultation with
3 the Board”.

4 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) The table of chapters for part III of title
6 28, United States Code, is amended by adding at
7 the end the following:

“59. United States Marshals Service 561”.

8 (2) The table of contents for chapter 59, as re-
9 designated by subsection (a) of this section, is
10 amended by read as follows:

- “Sec.
- “561. United States Marshals Service.
- “562. Vacancies.
- “563. Oath of office.
- “564. Expenses of the Service.
- “565. Powers and duties.
- “566. Assistance in other law enforcement matters.
- “567. Collection of fees; accounting.
- “568. Practice of law prohibited.
- “569. Reemployment rights.”.

11 (3) Section 3002(16) of title 28, United States
12 Code, is amended by striking “, a deputy” and all
13 that follows through the period at the end and in-
14 serting “or a deputy marshal.”

15 (4) Section 210G(k)(3)(C) of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 124n(k)(3)(C)(ii)) is
17 amended—

18 (A) in clause (ii), by striking subclause (I)
19 and inserting the following:

1 “(I) personal protection oper-
2 ations by the Federal Bureau of In-
3 vestigation as specified in section 533
4 of title 28, United States Code;”;

5 (B) in clause (iii)(III), by striking “and”
6 at the end;

7 (C) in clause (iv), by striking the period at
8 the end and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(v) missions authorized to be per-
11 formed by the judicial branch, including
12 personal protection operations by the
13 United States Marshals Service of Federal
14 jurists, court officers, witnesses, and other
15 threatened persons in the interests of jus-
16 tice, as specified in section 565(e) of title
17 28, United States Code.”.

18 (5) Section 142(a) of the Sex Offender Reg-
19 istration and Notification Act (34 U.S.C. 20941(a))
20 is amended—

21 (A) in the first sentence, by striking “in-
22 cluding the United States Marshals Service”
23 and inserting “including at the request of the
24 Attorney General, and with the approval of the
25 United States Marshals Service Director, the

1 United States Marshals Service may assist the
2 Department of Justice”; and
3 (B) by striking the second sentence.