

110TH CONGRESS
1ST SESSION

S. 214

AN ACT

To amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

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 “Preserving United
5 States Attorney Independence Act of 2007”.

1 **SEC. 2. VACANCIES.**

2 Section 546 of title 28, United States Code, is
3 amended by striking subsection (c) and inserting the fol-
4 lowing:

5 “(c) A person appointed as United States attorney
6 under this section may serve until the earlier of—

7 “(1) the qualification of a United States attor-
8 ney for such district appointed by the President
9 under section 541 of this title; or

10 “(2) the expiration of 120 days after appoint-
11 ment by the Attorney General under this section.

12 “(d) If an appointment expires under subsection
13 (c)(2), the district court for such district may appoint a
14 United States attorney to serve until the vacancy is filled.
15 The order of appointment by the court shall be filed with
16 the clerk of the court.”.

17 **SEC. 3. APPLICABILITY.**

18 (a) **IN GENERAL.**—The amendments made by this
19 Act shall take effect on the date of enactment of this Act.

20 (b) **APPLICATION.**—

21 (1) **IN GENERAL.**—Any person serving as a
22 United States attorney on the day before the date of
23 enactment of this Act who was appointed under sec-
24 tion 546 of title 28, United States Code, may serve
25 until the earlier of—

1 (A) the qualification of a United States at-
2 torney for such district appointed by the Presi-
3 dent under section 541 of that title; or

4 (B) 120 days after the date of enactment
5 of this Act.

6 (2) EXPIRED APPOINTMENTS.—If an appoint-
7 ment expires under paragraph (1), the district court
8 for that district may appoint a United States attor-
9 ney for that district under section 546(d) of title 28,
10 United States Code, as added by this Act.

Passed the Senate March 20, 2007.

Attest:

Secretary.

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