

105TH CONGRESS  
2D SESSION

# H. R. 3420

To amend title 28, United States Code, to clarify the method for filling vacancies in the Department of Justice.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1998

Mr. HYDE (for himself, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. CANADY of Florida, Mr. INGLIS of South Carolina, Mr. GOODLATTE, Mr. BRYANT, Mr. BARR of Georgia, Mr. HUTCHINSON, Mr. ROGAN, and Mr. GRAHAM) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 28, United States Code, to clarify the method for filling vacancies in the Department of Justice.

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 “Department of Justice  
5 Vacancies Clarification Act of 1998”.

1 **SEC. 2. CLARIFICATION OF METHOD FOR FILLING VACAN-**  
2 **CIES IN THE DEPARTMENT OF JUSTICE.**

3 Section 510 of title 28, United States Code, is  
4 amended by adding at the end the following: “Nothing in  
5 this title shall be construed to authorize the appointment  
6 or designation of a person to perform the functions of an  
7 office in the Department of Justice, appointment to which  
8 requires the advice and consent of the Senate, while that  
9 office is vacant. If a person is appointed or designated  
10 under section 3345, 3346, or 3347 of title 5 to perform  
11 the functions of such an office while that office is vacant,  
12 and the power of such person to perform such functions  
13 lapses by the terms of section 3348 of that title, the  
14 United States Court of Appeals for the District of Colum-  
15 bia Circuit shall appoint a person to continue performing  
16 those functions until the vacancy is filled. However, the  
17 Court shall not appoint a person to continue performing  
18 those functions whom the President has nominated for the  
19 office but to whose appointment the Senate has not given  
20 its advice and consent, or who was previously appointed  
21 or designated under section 3345, 3346, or 3347 of title  
22 5 to perform those functions during that same vacancy,  
23 and whose power to perform those functions has lapsed  
24 by the terms of section 3348 of that title.”.

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