

Calendar No. 92

110TH CONGRESS
1ST SESSION**H. R. 580**

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2007

Received; read twice and placed on the calendar

AN ACT

To amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General, 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. INTERIM APPOINTMENT OF UNITED STATES**
4 **ATTORNEYS.**

5 Section 546 of title 28, United States Code, is
6 amended by striking subsection (c) and inserting the fol-
7 lowing new subsections:

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

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

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

6 “(d) If an appointment expires under subsection
7 (c)(2), the district court for such district may appoint a
8 United States attorney to serve until the vacancy is filled.
9 The order of appointment by the court shall be filed with
10 the clerk of the court.

11 “(e) This section is the exclusive means for appoint-
12 ing a person to temporarily perform the functions of a
13 United States attorney for a district in which the office
14 of United States attorney is vacant.”.

15 **SEC. 2. APPLICABILITY.**

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

19 (b) **APPLICATION.**—

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

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

4 (B) 120 days after the date of the enact-
5 ment of this Act.

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

Passed the House of Representatives March 26,
2007.

Attest: LORRAINE C. MILLER,
Clerk.

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