

110TH CONGRESS  
1ST SESSION

# S. 214

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## 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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