

## Calendar No. 92

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

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IN THE SENATE OF THE UNITED STATES

MARCH 27, 2007

Received; read twice and placed on the calendar

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**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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