

Union Calendar No. 29

110TH CONGRESS
1ST SESSION

H. R. 580

[Report No. 110-58]

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2007

Mr. BERMAN (for himself, Mr. CONYERS, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 20, 2007

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

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,*

1 **SECTION 1. INTERIM APPOINTMENT OF UNITED STATES**
2 **ATTORNEYS.**

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

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

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

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

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

18 “(e) *This section is the exclusive means for appointing*
19 *a person to temporarily perform the functions of a United*
20 *States attorney for a district in which the office of United*
21 *States attorney is vacant.*”.

22 **SEC. 2. APPLICABILITY.**

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

25 (b) *APPLICATION.*—

1 (1) *IN GENERAL.*—Any person serving as a
2 United States attorney on the day before the date of
3 the enactment of this Act who was appointed under
4 section 546 of title 28, United States Code, for a dis-
5 trict may serve until the earlier of—

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

9 (B) 120 days after the date of the enactment
10 of this Act.

11 (2) *EXPIRED APPOINTMENTS.*—If an appoint-
12 ment expires under paragraph (1)(B), the district
13 court for the district concerned may appoint a United
14 States attorney for that district under section 546(d)
15 of title 28, United States Code, as added by this Act.

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