

Public Law 110-34
110th Congress

An Act

June 14, 2007
[S. 214]

Preserving
United States
Attorney
Independence Act
of 2007.
28 USC 1 note.

To amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preserving United States Attorney Independence Act of 2007”.

SEC. 2. VACANCIES.

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

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

“(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

“(2) the expiration of 120 days after appointment by the Attorney General under this section.

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

28 USC 546 note.

SEC. 3. APPLICABILITY.

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

(b) APPLICATION.—

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

(A) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

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

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

Approved June 14, 2007.

LEGISLATIVE HISTORY—S. 214 (H.R. 580):

HOUSE REPORTS: No. 110-58 accompanying H.R. 580 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 153 (2007):

Mar. 19, 20, considered and passed Senate.
May 22, considered and passed House.