

Calendar No. 24

110TH CONGRESS
1ST SESSION**S. 214**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2007

Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. PRYOR, Mrs. LINCOLN, Mr. SCHUMER, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. FEINGOLD, Mr. SPECTER, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

FEBRUARY 12, 2007

Reported by Mr. LEAHY, with an amendment

[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 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 to read as follows:

4 **“§ 546. Vacancies**

5 “The United States district court for a district in
6 which the office of the United States attorney is vacant
7 may appoint a United States attorney to serve until that
8 vacancy is filled. The order of appointment by the court
9 shall be filed with the clerk of the court.”.

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

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

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

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

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

24 **SEC. 3. APPLICABILITY.**

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

1 (b) *APPLICATION.*—

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

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

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

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

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