§ 205, 61 Stat. 501. ''Department of the Air Force'' is added on authority of the Act of July 26, 1947, ch. 343, § 207(a), (f), 61 Stat. 502. The word ''Secretary'' is substituted for ''head.'' The words ''military department'' are substituted for ''department'' to conform to section 102 of title 5, United States Code, and section 101 of title 10, United States Code. The words ''for disposition'' are substituted for ''to be by him referred to the proper officer in his department, or otherwise disposed of as he may deem proper.''

§ 514. Legal services on pending claims in departments and agencies

When the head of an executive department or agency is of the opinion that the interests of the United States require the service of counsel on the examination of any witness concerning any claim, or on the legal investigation of any claim, pending in the department or agency, he shall notify the Attorney General, giving all facts necessary to enable him to furnish proper professional service in attending the examination or making the investigation, and the Attorney General shall provide for the service.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 48.	R.S. § 187.
.....	5 U.S.C. 313.	R.S. § 364.

Sections 187 and 364 of the Revised Statutes are combined into one section since they both deal with the same subject matter and are derived from the Act of Feb. 14, 1871, ch. 51, § 3, 16 Stat. 412.

The words ''executive department'' are substituted for ''Department'' because ''Department'', as used in R.S. §§ 187 and 364, meant ''executive department''. (See R.S. § 159.) The word ''agency'' is substituted for ''bureau'' as it has a more common current acceptance. The word ''concerning'' is substituted for ''touching''. Reference to application for a subpena is omitted as R.S. § 364 gives the department head the same authority to request aid from the Attorney General whether or not application has been made for a subpena.

Section 187 of the Revised Statutes was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171–1), which provides ''Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense'' is omitted from this title but is not repealed.

Minor changes are made in phraseology to allow for the combining of the two sections.

§ 515. Authority for legal proceedings; commission, oath, and salary for special attorneys

(a) The Attorney General or any other officer of the Department of Justice, or any attorney specially appointed by the Attorney General under law, may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrate judges, which United States attorneys are authorized by law to conduct, whether or not he is a resident of the district in which the proceeding is brought.

(b) Each attorney specially retained under authority of the Department of Justice shall be commissioned as special assistant to the Attorney General or special attorney, and shall take the oath required by law. Foreign counsel employed in special cases are not required to take the oath. The Attorney General shall fix the annual salary of a special assistant or special attorney.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 613; amended Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 107–273, div. A, title II, § 203(b), Nov. 2, 2002, 116 Stat. 1775.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(a)	5 U.S.C. 310.	June 30, 1906, ch. 3935, 34 Stat. 816.
(b)	5 U.S.C. 315.	R.S. § 366. Apr. 17, 1930, ch. 174, 46 Stat. 170. June 25, 1948, ch. 646, § 3, 62 Stat. 985.
.....	[Uncodified].	Aug. 5, 1953, ch. 328, § 202 (1st and 2d provisos, as applicable to special assistants and special attorneys), 67 Stat. 375.
.....	[Uncodified].	July 2, 1954, ch. 456, § 202 (as applicable to special assistants and special attorneys), 68 Stat. 421.

In subsection (a), the words ''or counselor'' are omitted as redundant. The words ''United States attorneys'' are substituted for ''district attorneys'' on authority of the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 909. The words ''any provision of'' are omitted as unnecessary.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–273 struck out ''at not more than $12,000'' before period at end.

CHANGE OF NAME

Words ''magistrate judges'' substituted for ''magistrates'' in subsec. (a) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of this title.

§ 516. Conduct of litigation reserved to Department of Justice

Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 306.	R.S. § 361. Sept. 3, 1954, ch. 1263, § 11, 68 Stat. 1229.

The section is revised to express the effect of the law. As agency heads have long employed, with the approval of Congress, attorneys to advise them in the conduct of their official duties, the first 56 words of R.S. § 361 and of former section 306 of title 5 are omitted as obsolete.

The section concentrates the authority for the conduct of litigation in the Department of Justice. The words ''Except as otherwise authorized by law,'' are added to provide for existing and future exceptions (e.g., section 1037 of title 10). The words ''an agency'' are added for clarity and to align this section with section 519 which is of similar import. The words ''as such