

to appointment of United States attorneys, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 541 of this title by section 4(c) of Pub. L. 89-554.

OFFICE OF JUSTICE FOR VICTIMS OF OVERSEAS TERRORISM

Pub. L. 108-447, div. B, title I, §126, Dec. 8, 2004, 118 Stat. 2872, provided that: "The Department of Justice shall establish an Office of Justice for Victims of Overseas Terrorism."

SPECIFIC AUTHORIZATION OF APPROPRIATIONS REQUIRED FOR DEPARTMENT OF JUSTICE

Pub. L. 94-503, title II, §204, Oct. 15, 1976, 90 Stat. 2427, provided that: "No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978."

§ 502. Seal

The Attorney General shall have a seal for the Department of Justice. The design of the seal is subject to the approval of the President.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 611.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 292, R.S. §353.

The section is rewritten to conform to other statutes authorizing departmental seals. The words "The seal heretofore provided for the office of the Attorney General shall be" are omitted as obsolete.

PRIOR PROVISIONS

A prior section 502, act June 25, 1948, ch. 646, 62 Stat. 909, related to appointment of assistant United States attorneys, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 542 of this title by section 4(c) of Pub. L. 89-554.

§ 503. Attorney General

The President shall appoint, by and with the advice and consent of the Senate, an Attorney General of the United States. The Attorney General is the head of the Department of Justice.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 291 (last 10 words), R.S. §346 (last 10 words).

The words "The President shall appoint, by and with the advice and consent of the Senate" have been added to conform the section with the Constitution. See article II, section 2, clause 2.

PRIOR PROVISIONS

A prior section 503, act June 25, 1948, ch. 646, 62 Stat. 909, related to appointment of attorneys to assist

United States attorneys, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 543 of this title by section 4(c) of Pub. L. 89-554.

ACTIONS CHALLENGING APPOINTMENT OF ATTORNEY GENERAL ON GROUNDS OF VIOLATION OF CONSTITUTIONAL PROVISIONS GOVERNING COMPENSATION AND OTHER EMOLUMENTS

Pub. L. 93-178, §2, Dec. 10, 1973, 87 Stat. 697, provided that:

"(a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

"(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

"(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited."

§ 504. Deputy Attorney General

The President may appoint, by and with the advice and consent of the Senate, a Deputy Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612; amended Pub. L. 107-77, title VI, §612(c), Nov. 28, 2001, 115 Stat. 800; Pub. L. 107-273, div. B, title IV, §4004(f), Nov. 2, 2002, 116 Stat. 1812.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 294, Mar. 3, 1903, ch. 1006, §1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an assistant to the Attorney General), 32 Stat. 1062. Row 2: [Uncodified], 1950 Reorg. Plan No. 2, §3, eff. May 24, 1950, 64 Stat. 1261.

The words "may appoint" are substituted for "is authorized to appoint". So much of the Act of Mar. 3, 1903, as relates to pay is omitted as superseded by §303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

PRIOR PROVISIONS

A prior section 504, acts June 25, 1948, ch. 646, 62 Stat. 909; Mar. 18, 1959, Pub. L. 86-3, §11(b), 73 Stat. 9, related to tenure and oath of office of United States attorneys, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in sections 541 and 544 of this title by section 4(c) of Pub. L. 89-554.

AMENDMENTS

2002—Pub. L. 107-273 repealed Pub. L. 107-77, §612(c). See 2001 Amendment note below.

2001—Pub. L. 107-77, §612(c), which directed amendment of section catchline by substituting "Attorneys" for "Attorney" and amendment of text by inserting "and a Deputy Attorney General for Combating Domestic Terrorism" after "General", was repealed by Pub. L. 107-273.

POSITION RELATING TO COMBATING DOMESTIC TERRORISM

Pub. L. 107-77, title VI, §612, Nov. 28, 2001, 115 Stat. 800, which had authorized appointment of a Deputy Attorney General for Combating Domestic Terrorism, if by June 30, 2002, the President had not submitted a proposal to restructure the Department of Justice to include a coordinator of Department of Justice activities relating to combating domestic terrorism, or if Congress had failed to enact legislation establishing such a new position, was repealed by Pub. L. 107-273, div. B, title IV, §4004(f), Nov. 2, 2002, 116 Stat. 1812.

§ 504a. Associate Attorney General

The President may appoint, by and with the advice and consent of the Senate, an Associate Attorney General.

(Added Pub. L. 95-139, §1(a), Oct. 19, 1977, 91 Stat. 1171.)

§ 505. Solicitor General

The President shall appoint in the Department of Justice, by and with the advice and consent of the Senate, a Solicitor General, learned in the law, to assist the Attorney General in the performance of his duties.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 293, R.S. §347 (less last sentence).

So much of R.S. §347 as relates to the pay of the Solicitor General is omitted as superseded by §303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

PRIOR PROVISIONS

A prior section 505, act June 25, 1948, ch. 646, 62 Stat. 909, related to residence of United States attorneys, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 545 of this title by section 4(c) of Pub. L. 89-554.

§ 506. Assistant Attorneys General

The President shall appoint, by and with the advice and consent of the Senate, 11 Assistant Attorneys General, who shall assist the Attorney General in the performance of his duties.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612; amended Pub. L. 95-598, title II, §218, Nov. 6, 1978, 92 Stat. 2662; Pub. L. 109-177, title V, §506(a)(2), Mar. 9, 2006, 120 Stat. 247.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 295, R.S. §348, July 11, 1890, ch. 667, §1 (words between 3d and 4th semi-colons under "Department of Justice"), 26 Stat. 265. Mar. 3, 1903, ch. 1006, §1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attorney General), 32 Stat. 1062. July 16, 1914, ch. 141, §1 (words between 3d and 4th semi-colons under "Department of Justice"), 38 Stat. 497.

HISTORICAL AND REVISION NOTES—CONTINUED

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: [Uncodified], Mar. 4, 1915, ch. 141, §1 (words between 3d and 4th semi-colons under "Department of Justice"), 38 Stat. 1038. June 16, 1933, ch. 101, §16(b), 48 Stat. 308. Mar. 2, 1943, ch. 7, 57 Stat. 4. 1950 Reorg. Plan No. 2, §4, eff. May 24, 1950, 64 Stat. 1261. Row 2: [Uncodified], 1953 Reorg. Plan No. 4, §2, eff. June 20, 1953, 67 Stat. 636. Row 3: 5 U.S.C. 295-1, Sept. 9, 1957, Pub. L. 85-315, §111, 71 Stat. 637.

The words "There shall be in the Department of Justice" are omitted as unnecessary as the title of the positions establishes their location in the Department of Justice.

The position of sixth Assistant Attorney General, referred to in the Acts of July 16, 1914, and Mar. 4, 1915, was made a permanent position by the Act of Mar. 4, 1915, ch. 141, §6, 38 Stat. 1049.

The number of Assistant Attorneys General referred to in the Act of Mar. 2, 1943, is changed from "six" to "nine" to reflect the three additional Assistant Attorneys General authorized by 1950 Reorg. Plan No. 2, 1953 Reorg. Plan No. 4, and the Act of Sept. 9, 1957.

The words "learned in the law" are omitted as unnecessary. Such a requirement is not made of the Attorney General, United States attorneys, or United States judges. (See reviser's note under 28 U.S.C. 501, 1964 ed.)

The reference in former section 295 of title 5 to the Assistant Attorneys General assisting the Solicitor General are omitted on authority of the transfer of functions made by 1950 Reorg. Plan No. 2 and 1953 Reorg. Plan No. 4.

Provisions of 1950 Reorg. Plan No. 2, §4, and 1953 Reorg. Plan No. 4, §2, abolishing positions and transferring incumbents are omitted as executed.

Provisions relating to pay of Assistant Attorneys General are omitted as superseded by §303(d) of the Act of August 14, 1964, Pub. L. 88-426, 78 Stat. 418, which is codified in section 5315 of title 5, United States Code.

PRIOR PROVISIONS

A prior section 506, act June 25, 1948, ch. 646, 62 Stat. 909, related to vacancies in the office of United States attorney, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 546 of this title by section 4(c) of Pub. L. 89-554.

AMENDMENTS

- 2006—Pub. L. 109-177 substituted "11" for "ten".
1978—Pub. L. 95-598 substituted "ten" for "nine".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Nov. 6, 1978, see section 402(d) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

§ 507. Assistant Attorney General for Administration

(a) The Attorney General shall appoint, with the approval of the President, an Assistant Attorney General for Administration, who shall perform such duties as the Attorney General may prescribe.

(b) The position of Assistant Attorney General for Administration is in the competitive service.

(c) Notwithstanding the provisions of section 901 of title 31, United States Code, the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612; amended Pub. L. 106-113, div. B, §1000(a)(1)