

§ 315 (1952 ed.). The former provision (which became 28 U.S.C. § 543) used the language “[t]he Attorney General may appoint,” while the latter provision (which became 28 U.S.C. § 515(b)) kept language from 1870 and 1875, referring to “specially retained” attorneys. As that history illustrates, Congress continues to authorize the Attorney General to appoint special attorneys, either to assist himself or to assist one of the U.S. Attorneys. That Congress used different terminology when describing the appointment power—using “appoint” in one section and “specially retain[]” in the other—does not reflect any intention to limit the scope of the Attorney General’s authority. As the Supreme Court has explained, the history of the 1948 revision to Title 28 makes “uniformly clear that no changes of law or policy are to be presumed from changes of language in the revision unless an intent to make such changes is clearly expressed,” and thus “[t]he change of arrangement, which placed portions of what was originally a single section in two separated sections cannot be regarded as altering the scope and purpose of the enactment.” *Fourco Glass Co. v. Transmirra Prods. Corp.*, 353 U.S. 222, 227 & n.8 (1957) (internal quotation marks omitted).

b. Second, the court erred in reasoning that Section 515(b) cannot authorize appointments because of its use of the past tense. In the district court’s view, Section 515(b) governs special attorneys who have already been appointed (under other authority) because it refers to “any attorney specially *retained*.”