

This is the standard language of reorganization acts. And it is necessary to deal with the case-by-case problem of who to move and when to move them.

Mr. EDWARDS. I expect you and I will never resolve our disagreement, because I read 6(a), for example: “* * * hereby transfer to the Department of Justice all of the positions, personnel, property, and so forth.” Let me ask you what section 6(c) means.

Mr. HUGHES. It is essentially a housekeeping or a tidying-up provision. In the words of the section, it is to authorize the Director of the Bureau to effectuate other transfers that are necessary to carry out the purposes of the plan, to work with the agencies concerned, and accomplish the housekeeping transfers that would be involved.

Mr. EDWARDS. Well, it is a pretty general and broad grant of authority, isn't it?

Mr. HUGHES. That is correct. But it is, of course, within the framework of the earlier language of the plan, which prescribes the particular functions and activities and positions for that matter that are to be involved.

Mr. EDWARDS. It literally opens the door to—

Mr. HUGHES. I don't see it as an open door, because it is conditioned by all that preceded it in the plan. The plan specifies precisely the functions to be transferred and the Director could not arbitrarily move all of the Food and Drug, for instance, from HEW to Justice under the terms of the reorganization plan.

Mr. EDWARDS. Well, just a couple more questions and I will finish. Mr. Finlator may want to, in part, answer this question. The law provides that if a person kills any officer or employee of the Bureau of Narcotics, he is punished under certain prescribed sections—section 1111 and section 1112 of title 18.

But there is no similar provision, as I understand it, covering the BDAC personnel. How will that law be interpreted as you gentlemen see it after this merger?

Mr. HUGHES. The reorganization plan itself does not affect the state of the law. As I understand it, if the BDAC employees were not covered previously, they are, Mr. Finlator informs me.

Mr. EDWARDS. Am I incorrect in my statement?

Mr. FINLATOR. They are covered, yes.

Mr. HUGHES. In any event, the state of the law stays the same as before.

Mr. EDWARDS. Are they covered under the sections I quoted, or are there other sections I missed?

Mr. FINLATOR. Section 1114 of title 18.

Mr. EDWARDS. All right. I believe that is all, Mr. Chairman.

Mr. HOLIFIELD (presiding). Thank you, Mr. Edwards. On the point of Mr. Edwards' questions on section 6(b), I agree that that is the customary language of reorganization plans as I remember them. While it seems to be quite broad in the initial language of section (b), yet it is limited by the last part of the sentence, which says “available or to be made available in connection with functions transferred.”

Mr. HUGHES. That is precisely the point.

Mr. HOLIFIELD. By the provisions of this reorganization plan. And that sharply narrows it to the specific functions.