

in HEW, that unless there was an understanding between you as the Attorney General and the Secretary of Health, Education, and Welfare, that there might be a certain amount of agency reluctance to accommodate another agency, and so forth.

And Mr. Finlator testified that this would be tied down not only by an agreement, but would be tied down by the fact that the experts that are left in HEW would draw their pay, by the transfer of money, through this Bureau.

Therefore, you would not only be the paymaster, but you would have a firm contract or agreement between the agencies that the expertise which is now available to the criminal enforcement groups in their own agency, would still be available and would still be as closely responsive as it is now.

Would you comment on that?

Mr. CLARK. Yes.

First, I think it is important not to lose sight of the big picture, and the big picture is these two agencies are enforcement agencies. If you look at the allocation of their total resources and manpower, they are enforcement agencies.

Second, I don't really see, as a practical matter, any risk of loss of laboratory support. I see an enhancement of laboratory support and a new opportunity for more effective laboratory work.

Out of caution, we will have an agreement. A copy of an agreement with the Federal Drug Administration has been provided to your counsel this morning. That will give adequate assurance to anyone who fears there might be some bureaucratic infighting that this wouldn't happen.

Actually, the possibilities seem extremely remote, even from the little experience I have had with FDA and BDAC. They are awfully close. The personalities will remain the same and I would expect them to remain awfully close. And I think we will find, aside from the agreement which would compel it, the highest level of cooperation and coordination in this area.

Mr. HOLIFIELD. Thank you, Mr. Attorney General.

Chairman BLATNIK. Mr. Rosenthal?

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. Attorney General, what procedure do you propose to follow in making determinations of what are dangerous drugs?

Are you going to have any working relationship with HEW?

Mr. CLARK. We will follow the same procedure that is followed now with the exception that—except as delegations may be indicated by subsequent experience—the ultimate decision would be made by the Attorney General rather than the Secretary of HEW.

In other words, the basic staff work, the basic scientific judgement would come then as it does now from the Bureau itself, from the Drug Administration itself, and the advisory council. And the decision would follow this.

Mr. ROSENTHAL. Do you think that is essentially an enforcement type decision, or essentially a medical decision?

Mr. CLARK. I think it is essential to enforcement; and a vital part of enforcement which needs to go with enforcement.