

Mr. CLARK. Well, if they are controlled drugs, the examining agents will have jurisdiction. They have to. If the drugs are not controlled, the function remains with FDA. The FDA portion is the vaster volume of what we are talking about, you know. The controlled drugs are not the part of the iceberg above the water. The dangerous drug part is much smaller volumewise.

Mr. ERLNBORN. Under the present law, the head of the Narcotics Bureau is named by the President and confirmed by the Senate, is he not?

Mr. CLARK. That is correct.

Mr. ERLNBORN. And under the proposal, the combined agency in Justice will have the head appointed by the Attorney General, without confirmation by the Senate. Is that correct?

Mr. CLARK. That is correct. The reasons are several. I should point out first that the head of the new agency will be at a higher level of the Government service than the head of either of the two agencies that are being merged. Second, within our establishment generally the heads of the services, such as Mr. Hoover, head of the FBI, are appointed by the Attorney General. There are about 1,200 appointments, as I understand it, in the executive departments of Government that require Senate confirmation. I think most people in the Government operations area think that is far too many. It is really unrealistic in many ways, and therefore this plan comports with the general findings and theories of the Hoover Commission for centralization of responsibility in the agency head and flexibility in your allocations and reallocations. The new position will be more prestigious. It will be more important. The new bureau will be a more vital law enforcement agency and the head of it will be paid more money, but he will not be nominated by the President and confirmed by the Senate.

Mr. ERLNBORN. Do you know if the general membership of the Senate agrees with you that the new head will be more prestigious than one appointed by the President and confirmed by the Senate?

Mr. CLARK. We haven't polled them on that question.

Mr. ERLNBORN. I notice in part of the reorganization plan, section 5, it gives the Attorney General the power from time to time to make transfers of the functions that are being given to him under this plan. That would be transfers within the Department of Justice. Do you know of any present plans to transfer to any other part of the Department of Justice powers that would be transferred to you by this plan?

Mr. CLARK. No; there are no plans of that nature at all that I can think of. We will be quite busily engaged in building this new bureau to the excellence that we know it will achieve. Any change is traumatic, and this change will create disturbances. But the benefits will far exceed the disturbances that are created. And we look to build a major new bureau. It won't be 300 agents, as each of these is roughly, it will be close to 900.

Mr. ERLNBORN. Just as an example, if this plan goes into effect, would you give the authority to an FBI agent to make an arrest for possession of narcotics or drugs subject to BDAC's jurisdiction?

Mr. CLARK. We have no intention of doing that and we have no experience that indicates its desirability or need. The FBI has never sought it, has never indicated in its work that it would be significant