Title 5, Appendix—Reorganization Plan No. 2 of 1973


Reorganization Plan No. 2 of 1973

Effective, July 1, 1973, as amended Pub. L. 93-253, § 1, Mar. 16, 1974, 88 Stat. 50

Pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

Law Enforcement in Illicit Drug Activities

Section 1. Transfers to the Attorney General.

There are hereby transferred from the Secretary of the Treasury, the Department of the Treasury, and any other officer or any agency of the Department of the Treasury, to the Attorney General all intelligence, investigative, and enforcement functions, vested in law in the Secretary, the Department, officers, or agencies which relate to the suppression of illicit traffic in narcotics, dangerous drugs, or marihuana, except that the Secretary shall retain, and continue to perform, those functions, to the extent that they relate to searches and seizures of illicit narcotics, dangerous drugs, or marihuana or to the apprehension or detention of persons in connection therewith, at regular inspection locations at ports of entry or anywhere along the land or water borders of the United States: Provided, that any illicit narcotics, dangerous drugs, marihuana, or related evidence seized, and any person apprehended or detained by the Secretary or any officer of the Department of the Treasury, pursuant to the authority vested in them by virtue of this section, shall be turned over forthwith to the jurisdiction of the Attorney General: Provided further, that nothing in this section shall be construed as limiting in any way any authority vested by law in the Secretary of the Treasury, the Department of the Treasury, or any other officer or any agency of that Department on the effective date of this Plan with respect to contraband other than illicit narcotics, dangerous drugs, and marihuana: and Provided further, that nothing in this section shall be construed as limiting in any way any authority the Attorney General, the Department of Justice, or any other officer or any agency of that Department may otherwise have to make investigations or engage in law enforcement activities, including activities relating to the suppression of illicit traffic in narcotics, dangerous drugs, and marihuana, at ports of entry or along the land and water borders of the United States.

Section 2. Transfers to the Secretary of the Treasury.

The Bureau of Narcotics and Dangerous Drugs, the Office of the Director thereof, hereby abolished, and section 3(a) of Reorganization Plan No. 1 of 1968 is hereby repealed. The Attorney General shall make such provision as he may deem necessary with respect to terminating those affairs of the Bureau of Narcotics and Dangerous Drugs not otherwise provided for in the Reorganization Plan.

Section 4. Drug Enforcement Administration.

There is established in the Department of Justice an agency which shall be known as the Drug Enforcement Administration, hereinafter referred to as “the Administration.”

Section 5. Officers of the Administration.

(a) There shall be at the head of the Administration the Administrator of Drug Enforcement, hereinafter referred to as “the Administrator.” The Administrator shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). He shall perform such functions as the Attorney General shall from time to time direct.

(b) There shall be in the Administration a Deputy Administrator of the Drug Enforcement Administration, hereinafter referred to as “the Deputy Administrator,” who shall be appointed by the President by and with the advice and consent of the Senate, and shall perform such functions as the Attorney General may from time to time direct, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(c) The Deputy Administrator or such other official of the Department of Justice as the Attorney General shall from time to time designate shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

Section 6. Performance of Transferred Functions.

The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Reorganization Plan by any officer, employee, or agency of the Department of Justice.

Section 7. Coordination.

The Attorney General, acting through the Administrator and such other officials of the Department of Justice as he may designate, shall provide for the coordination of all drug law enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among the Administration, the Federal Bureau of Investigation, and other units of the Department involved in the performance of these and related functions.

Section 8. Incidental Transfers.

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available in connection with the functions transferred to the Attorney General by this Reorganization Plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Justice at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such Federal agencies as he shall designate.

Section 9. Interim Officers.

(a) The President may authorize any person who, immediately prior to the effective date of this Reorganization Plan, held a position in the Executive Branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this Reorganization Plan or by recess appointment as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provi-
sions of this section to receive the compensation attached to the office in respect to which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 10. EFFECTIVE DATE

The provisions of this Reorganization Plan shall take effect as provided by section 906(a) of title 5 of the United States Code or on July 1, 1973, whichever is later.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

Drug abuse is one of the most vicious and corrosive forces attacking the foundations of American society today. It is a major cause of crime and a merciless destroyer of human lives. We must fight it with all of the resources at our command.

This Administration has declared all-out, global war on the drug menace. As I reported to the Congress earlier this month in my State of the Union message, there is evidence of significant progress on a number of fronts in that war. Both the rate of new addiction to heroin and the number of narcotic-related deaths showed an encouraging downturn last year. More drug addicts and abusers are in treatment and rehabilitation programs than ever before.

Progress in pinching off the supply of illicit drugs was evident in last year's stepped-up volume of drug seizures worldwide—which more than doubled in 1972 over the 1971 level. Arrests of traffickers have risen by more than one-third since 1971. Prompt Congressional action on my proposal for mandatory minimum sentences for pushers of hard drugs will help ensure that convictions stemming from such arrests lead to actual imprisonment of the guilty.

Notwithstanding these gains, much more must be done. The resilience of the international drug trade remains grimly impressive—current estimates suggest that we still intercept only a small fraction of all the heroin and cocaine entering this country. Local police still find that more than one of every three suspects arrested for street crimes is a narcotic abuser or addict. And the total number of Americans addicted to narcotics, suffering terribly themselves and inflicting their suffering on countless others, still stands in the hundreds of thousands.

A UNIFIED COMMAND FOR DRUG ENFORCEMENT

Seeking ways to intensify our counter-offensive against this menace, I am asking the Congress today to join with this Administration in strengthening and streamlining the Federal drug law enforcement effort. Funding for this effort has increased sevenfold during the past five years, from $36 million in fiscal year 1969 to $257 million in fiscal year 1974—more money is not the problem, over 2100 new agents having already been added to the Federal drug enforcement agencies under this Administration, an increase of more than 250 percent over the 1969 level.

The enforcement work could benefit significantly, however, from consolidation of our anti-drug forces under a single unified command. Right now the Federal Government is fighting the war on drug abuse under a distinct handicap, for its efforts are those of a loosely confederated alliance facing a resourceful, elusive, worldwide enemy. Admiral Mahan, the master naval strategist, described this handicap precisely when he wrote that “Granting the same aggregate of force, it is never as great in two hands as in one, because it is not perfectly concentrated.”

The drug law enforcement activities of the United States now are not merely in two hands but in half a dozen. Within the Department of Justice, with no overall direction below the level of the Attorney General, these fragmented forces include the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and certain activities of the Law Enforcement Assistance Administration. The Treasury Department is also heavily engaged in enforcement work through the Bureau of Customs.

This aggregation of Federal activities has grown up rapidly over the past few years in response to the urgent need for stronger anti-drug measures. It has enabled us to make a very encouraging beginning in the accelerated drug enforcement drive of this Administration.

But it also has serious operational and organizational shortcomings. Certainly the cold-blooded underworld networks that funnel narcotics from suppliers all over the world into the veins of American drug victims are no respecters of the bureaucratic dividing lines that now complicate our anti-drug efforts. On the contrary, these modern-day slave traders can derive only advantage from the limitations of the existing organizational patchwork. Experience has now given us a good basis for correcting those limitations, and it is time to do so.

I therefore propose creation of a single, comprehensive Federal agency within the Department of Justice to lead the war against illicit drug traffic. Reorganization Plan No. 2 of 1973, which I am transmitting to the Congress with this message, would establish such an agency, to be called the Drug Enforcement Administration. It would be headed by an Administrator reporting directly to the Attorney General.

The Drug Enforcement Administration would carry out the following anti-drug functions, and would absorb the associated manpower and budgets:

—All functions of the Bureau of Narcotics and Dangerous Drugs (which would be abolished as a separate entity by the reorganization plan);
—Those functions of the Bureau of Customs pertaining to drug investigations and intelligence (to be transferred from the Treasury Department to the Attorney General by the reorganization plan);
—All functions of the Office for Drug Abuse Law Enforcement; and
—All functions of the Office of National Narcotics Intelligence.

Merger of the latter two organizations into the new agency would be effected by an executive order dissolving them and transferring their functions, to take effect upon approval of Reorganization Plan No. 2 by the Congress. Drug law enforcement research currently funded by the Law Enforcement Assistance Administration and other agencies would also be transferred to the new agency by executive action.

The major responsibilities of the Drug Enforcement Administration would thus include:

—development of overall Federal drug law enforcement strategy, programs, planning, and evaluation;
—full investigation and preparation for prosecution of suspects for violations under all Federal drug trafficking laws;
—full investigation and preparation for prosecution of suspects connected with illicit drugs seized at U.S. ports-of-entry and international borders;
—conduct of all relations with drug law enforcement officials of foreign governments, under the policy guidance of the Cabinet Committee on International Narcotics Control;
—full coordination and cooperation with State and local law enforcement officials on joint drug enforcement efforts; and
—regulation of the legal manufacture of drugs and other controlled substances under Federal regulations.

The Attorney General, working closely with the Administrator of this new agency, would have authority to make needed program adjustments. He would take steps within the Department of Justice to ensure that high priority emphasis is placed on the prosecution and sentencing of drug traffickers following their apprehensi-
sion by the enforcement organization. He would also have the authority and responsibility for securing the fullest possible cooperation—particularly with respect to collection of drug intelligence—from all Federal departments and agencies which can contribute to the anti-drug work, including the Internal Revenue Service and the Federal Bureau of Investigation.

My proposals would make possible a more effective anti-drug role for the FBI, especially in dealing with the relationship between drug trafficking and organized crime. I intend to see that the resources of the FBI are fully committed to assist in supporting the new Drug Enforcement Administration.

The consolidation effectuated under Reorganization Plan No. 2 would reinforce the basically beefed up and complete inspection of all persons and goods coming into the United States; domestic availability of these substances results solely from their illegal importation. The careful practice Department’s Immigration and Naturalization Service, which inspects persons and their papers. The Immigration and Naturalization Service, which inspects persons and their papers. The

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vided for in the plan make necessary the appointment and
compensation of new officers as specified in Section 5 of the plan. The rates of compensation fixed for
these officers would be comparable to those fixed for of-
icers in the executive branch who have similar responsi-
bilities.

While it is not practicable to specify all of the ex-
penditure reductions and other economies which may
result from the actions proposed, some savings may be
anticipated in administrative costs now associated with
the functions being transferred and consolidated.

The proposed reorganization is a necessary step in
upgrading the effectiveness of our Nation’s drug law
enforcement effort. Both of the proposed changes would
build on the strengths of established agencies, yielding
maximum gains in the battle against drug abuse with
minimum loss of time and momentum in the transit-

I am confident that this reorganization plan would
significantly increase the overall efficiency and effec-
tiveness of the Federal Government. I urge the Con-
gress to allow it to become effective.

RICHARD NIXON.


REORGANIZATION PLAN NO. 1 OF 1977

42 F.R. 56101, 91 Stat. 1633, as amended Pub. L.
97-195, §1(c)(5), June 16, 1982, 96 Stat. 115

Prepared by the President and transmitted to the Sen-
ate and the House of Representatives in Congress as-
sembled, July 15, 1977, pursuant to the provisions of
Chapter 9 of Title 5 of the United States Code.

EXECUTIVE OFFICE OF THE PRESIDENT

SECTION 1. REORGANIZATION OF DOMESTIC COUNCIL

Staff

The Domestic Council staff is hereby designated the
Domestic Policy Staff and shall consist of such staff
personnel as are determined by the President to be nec-
essary to assure that the needs of the President for
prompt and comprehensive advice are met with respect
to matters of economic and domestic policy. The staff
shall continue to be headed by an Executive Director
who shall be an Assistant to the President, designated
by the President, as provided in Section 203 of Reorga-
nization Plan No. 2 of 1970. The Executive Director
shall perform such functions as the President may from
time to time direct.

SEC. 2. ESTABLISHMENT OF AN OFFICE OF ADMINISTRATION

There is hereby established in the Executive Office of
the President the Office of Administration which shall
be headed by the President. There shall be a Director
of the Office of Administration. The Director shall be
appointed by the President and shall serve as chief ad-
ministrative officer of the Office of Administration.
The President is authorized to fix the compensation
and duties of the Director.

The Office of Administration shall provide compo-
nents of the Executive Office of the President with such
administrative services as the President shall from
time to time direct.

SEC. 3. ABOLITION OF COMPONENTS

The following components of the Executive Office of
the President are hereby abolished:
A. The Domestic Council;
B. The Office of Drug Abuse Policy;
C. The Office of Telecommunications Policy; and
D. The Economic Opportunity Council.

SEC. 4. APPOINTMENT OF THE ASSISTANT SECRETARY OF
COMMERCE FOR COMMUNICATIONS AND INFORMATION

There shall be in the Department of Commerce an As-
sistant Secretary for Communications and Information

SEC. 5. TRANSFERS OF FUNCTIONS

The following functions shall be transferred:
A. All functions vested in the Director of the Office of
Science and Technology Policy and in the Office of
Science and Technology Policy pursuant to sections
205(a)(2), 206 and 209 of the National Science and
Technology Policy, Organization, and Priorities Act of
6615 and 6618], are hereby transferred to the Director of
the National Science Foundation. The Intergovern-
mental Science, Engineering, and Technology Advisory
Panel, the President’s Committee on Science and Tech-
ology, and the Federal Coordinating Council for
Science, Engineering and Technology, established in
accordance with the provisions of Titles II, III, IV of
the National Science and Technology Policy, Organiza-
6631 et seq., and 6651 et seq.], are hereby abolished, and
their functions transferred to the President.
B. Those functions of the Office of Telecommunications
Policy and of its Director relating to
(1) the preparation of Presidential telecommunications
policy options including, but not limited to
those related to the procurement and management of
Federal telecommunications systems, national secu-
ry, and emergency matters; and
(2) disposition of appeals from assignments of radio
frequencies to stations of the United States Govern-
ment; are hereby transferred to the President who may dele-
gate such functions within the Executive Office of the
President as the President may from time to time deem
desirable. All other functions of the Office of
Telecommunications Policy and of its Director are
hereby transferred to the Secretary of Commerce who
shall provide for the performance of such functions.
C. The functions of the Office of Drug Abuse Policy
and its Director are hereby transferred to the Presi-
dent, who may delegate such functions within the Ex-
ecutive Office of the President as the President may
from time to time deem desirable.
D. The functions of the Domestic Council are hereby
transferred to the President, who may delegate such
functions within the Executive Office of the President
as the President may from time to time deem desir-
able.
E. Those functions of the Council on Environmental
Quality and the Office of Environmental Quality relat-
ing to the evaluation provided for by Section 11 of the
Federal Nonnuclear Energy Research and Development
are hereby transferred to the Administrator of the
Environmental Protection Agency.
F. Those functions of the Office of Management and
Budget and its Director relating to the Committee
Management Secretariat (Public Law 92-463, 86 Stat.
770, as amended by Public Law 94-409, 90 Stat. 1247) [see
section 7 of the Federal Advisory Committee Act, Pub.
L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in this Appen-
dix] are hereby transferred to the Administrator of
General Services.
G. The functions of the Economic Opportunity COUNCIL
are hereby transferred to the President, who may dele-
gate such functions within the Executive Office of the
President as the President may from time to time deem
desirable.

SEC. 6. INCIDENTAL TRANSFERS

So much of the personnel, property, records, and un-
expended balances of appropriations, allocations and
other funds employed, used, held, available, or to be
made available in connection with the functions trans-
ferred under this Plan, as the Director of the Office of
Management and Budget shall determine, shall be
transferred to the appropriate department, agency, or

1 As amended Sept. 15, 1977.