

REORGANIZATION PLAN NO. II

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

Transmitted May 9, 1939.
Effective July 1, 1939; *ante*, p. 813.
Ante, p. 561.

PART 1.—DEPARTMENTS

SECTION 1. *State Department.*—Transfers and consolidations relating to the Department of State are hereby effected as follows:

State Department, transfers, etc., relating to.

(a) *Foreign Commerce Service and Foreign Agricultural Service.*—The Foreign Commerce Service of the United States and its functions in the Bureau of Foreign and Domestic Commerce of the Department of Commerce and the Foreign Agricultural Service of the United States and its functions as established by the Act of June 5, 1930 (46 Stat. 497), in the Department of Agriculture are hereby transferred to the Department of State and shall be consolidated with and administered as a part of the Foreign Service of the United States under the direction and supervision of the Secretary of State.

Foreign Commerce Service and Foreign Agricultural Service.

46 Stat. 497.
7 U. S. C. ch. 23.

(b) *Functions of the Secretary of Commerce and the Secretary of Agriculture Transferred to the Secretary of State; Exceptions.*—The functions of the Secretary of Commerce with respect to the Foreign Commerce Service and the functions of the Secretary of Agriculture with respect to the Foreign Agricultural Service (other than functions with respect to such services pertaining to activities in the United States and to the compilation, publication, and dissemination of information) are hereby transferred to, and shall be exercised by, the Secretary of State, except and provided that under regulations prescribed by the President—

Functions transferred to Secretary of State; exceptions.

(1) The Secretary of State shall cause to be made such investigations relating to commercial and industrial conditions and activities in foreign countries and such other specific investigations relating to foreign commerce as the Secretary of Commerce shall determine to be in the public interest, and shall report to the Secretary of Commerce the results of, and the information secured through, such investigations. He shall also cause to be made such investigations relating to world competition and demand for agricultural products, to production, marketing, and disposition of such products in foreign countries, and to farm management and other phases of agricultural industry in foreign countries, and shall conduct abroad such activities (including the demonstration of standards for cotton, wheat, and other American agricultural products), as the Secretary of Agriculture shall determine to be in the public interest, and shall report to the Secretary of Agriculture the results of, and the information secured through, such investigations and activities.

Investigation of commercial and industrial conditions, etc.

(2) The Secretary of Commerce may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, section 5 of the Act of March 3, 1927, (44 Stat. 1396).

Temporary details.

44 Stat. 1396.
15 U. S. C. §197d.

(3) The Secretary of Agriculture may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, section 2 of the Act of June 5, 1930, (46 Stat. 498).

46 Stat. 498.
7 U. S. C. § 542.

Liaison officers.

(4) The Secretary of Commerce and the Secretary of Agriculture may each designate an officer in his Department, acceptable to the Secretary of State, to serve in the Department of State as liaison officer in connection with the administration of the foreign service of the United States.

Representation on
Board of Foreign Service
Personnel for Foreign
Service.

(5) One officer in the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State and one officer in the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State shall be added to the membership of the Board of Foreign Service Personnel for the Foreign Service.

Status of Foreign
Service officers.

(c) *Status of Foreign Service Officers.*—Foreign Commerce Service officers and Foreign Agricultural Service officers who by reason of transfer to the Foreign Service of the United States and by appointment according to law acquire status of Foreign Service officers therein shall not be included in the total number of officers in such Service for the purpose of determining the percentage limitation established by section 10 of the Act of February 23, 1931 (46 Stat. 1207), as amended.

Ante, p. 583.

China Trade Act
Registrar.

(d) *China Trade Act Registrar.*—Such officer of the Foreign Service as the Secretary of State shall make available for that purpose may be authorized by the Secretary of Commerce to perform the duties of China Trade Act Registrar provided for in the Act of September 19, 1922 (42 Stat. 849), under the direction of the Secretary of Commerce.

42 Stat. 849.
15 U. S. C. ch. 4.
Foreign Service
Buildings Commission.

(e) *Foreign Service Buildings Commission.*—The Foreign Service Buildings Commission and its functions are hereby transferred to the Department of State. The Commission shall exercise advisory functions, but all other functions (including administrative functions) shall be exercised under the direction and supervision of the Secretary of State by such division, bureau, or office in the Department of State as the Secretary shall determine.

Treasury Department.

SEC. 2. *Treasury Department.*—Transfers, consolidations, and abolitions relating to the Department of the Treasury are hereby effected as follows:

Bureau of Lighthouses.

(a) *Bureau of Lighthouses.*—The Bureau of Lighthouses in the Department of Commerce and its functions are hereby transferred to and shall be consolidated with and administered as a part of the Coast Guard in the Department of the Treasury.

Director General of
Railroads: Office abolished
and functions transferred.

(b) *Director General of Railroads: Office Abolished and Functions Transferred.*—The office of Director General of Railroads is hereby abolished. The functions and duties of the Director General of Railroads are hereby transferred to the Secretary of the Treasury to be exercised and performed by him personally or through such officer or officers of the Department of the Treasury as he may authorize. The Secretary of the Treasury is hereby designated as the agent provided for in section 206 of the Transportation Act, 1920 (41 Stat. 461).

41 Stat. 461.
49 U. S. C. § 74.

War Finance Corporation
abolished.

(c) *War Finance Corporation Abolished.*—All of the functions, property, and obligations of the War Finance Corporation not heretofore transferred by statute to the Secretary of the Treasury are hereby transferred to the Department of the Treasury. The War Finance Corporation is hereby abolished and the Secretary of the Treasury shall complete the winding up of its affairs and shall dispose of its assets in accordance with the Act of March 1, 1929 (45 Stat. 1442), not later than December 31, 1939.

45 Stat. 1442.
15 U. S. C. § 374.

SEC. 3. *Department of Justice.*—Transfers, consolidations, and abolitions relating to the Department of Justice are hereby effected as follows:

(a) *Federal Prison Industries, Inc.*—The Federal Prison Industries, Inc. (together with its Board of Directors) and its functions are hereby transferred to the Department of Justice and shall be administered under the general direction and supervision of the Attorney General.

(b) *National Training School for Boys.*—The National Training School for Boys and its functions (including the functions of its Board of Trustees) are hereby transferred to the Department of Justice and shall be administered by the Director of the Bureau of Prisons, under the direction and supervision of the Attorney General.

(c) *Board of Trustees of the National Training School for Boys Abolished.*—The Board of Trustees of the National Training School for Boys (including the consulting trustees) is hereby abolished.

SEC. 4. *Department of the Interior.*—Transfers, consolidations, and abolitions relating to the Department of the Interior are hereby effected as follows:

(a) *Functions of the National Bituminous Coal Commission Transferred.*—The functions of the National Bituminous Coal Commission (including the functions of the members of the Commission) are hereby transferred to the Secretary of the Interior to be administered under his direction and supervision by such division, bureau, or office in the Department of the Interior as the Secretary shall determine.

(b) *National Bituminous Coal Commission Abolished.*—The National Bituminous Coal Commission and the offices of the members thereof are hereby abolished and the outstanding affairs of the Commission shall be wound up by the Secretary of the Interior.

(c) *Office of Consumers' Counsel Abolished and Functions Transferred.*—The office of Consumers' Counsel of the National Bituminous Coal Commission is hereby abolished and its functions are transferred to, and shall be administered in, the Office of the Solicitor of the Department of the Interior under the direction and supervision of the Secretary of the Interior.

(d) *Bureau of Insular Affairs.*—The Bureau of Insular Affairs of the War Department and its functions are hereby transferred to the Department of the Interior and shall be consolidated with the Division of Territories and Island Possessions in the Department of the Interior and administered in such Division under the direction and supervision of the Secretary of the Interior. The office of the Chief of the Bureau and offices subordinate thereto provided for in section 14 of the Act of June 4, 1920 (41 Stat. 769), are hereby abolished and all of the functions of such offices are transferred to, and shall be exercised by, the Director of the Division of Territories and Island Possessions.

(e) *Bureau of Fisheries.*—The Bureau of Fisheries in the Department of Commerce and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary of the Interior. The functions of the Secretary of Commerce relating to the protection of fur seals and other fur-bearing animals, to the supervision of the Pribilof Islands and the care of the natives thereof, and to the Whaling Treaty Act, are hereby transferred to, and shall be exercised by, the Secretary of the Interior.

(f) *Bureau of Biological Survey.*—The Bureau of Biological Survey in the Department of Agriculture and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary

Department of Justice, transfers, etc., relating to.

Federal Prison Industries, Inc.

National Training School for Boys.

Board of Trustees of, abolished.

Department of the Interior, transfers, etc., relating to.

National Bituminous Coal Commission, functions transferred.

Commission abolished.

Office of Consumers' Counsel abolished and functions transferred.

Bureau of Insular Affairs.

Office of Chief of Bureau, etc., abolished.
41 Stat. 769.
48 U. S. C. §§ 2, 3.

Bureau of Fisheries.

Protection of fur seals, etc.

Bureau of Biological Survey.

Conservation of
wildlife, game, and
migratory birds.

48 Stat. 780; 49 Stat.
1105.
18 U. S. C. §§ 253,
254; Supp. IV, §§ 253,
254.

Officers of Biologi-
cal Survey may ad-
minister oaths.
43 Stat. 803.
5 U. S. C. §§ 521, 522.

Migratory Bird
Conservation Com-
mission.

Mount Rushmore
National Memorial
Commission.

52 Stat. 694.

Department of Agri-
culture: Rural Elec-
trification Adminis-
tration transferred.

Department of Com-
merce: Transfer of In-
land Waterways Cor-
poration.

Federal Security
Agency, transfers, etc.,
relating to.

Radio Service and
U. S. Film Service
transferred.

of the Interior. The functions of the Secretary of Agriculture relating to the conservation of wild life, game, and migratory birds are hereby transferred to, and shall be exercised by, the Secretary of the Interior. The provisions of the Act of May 18, 1934 (c. 299, 48 Stat. 780), as amended by the Act of February 8, 1936 (c. 40, 49 Stat. 1105), insofar as they relate to officers or employees of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation or restoration of game and other wild life and animals shall apply to officers and employees of the Department of the Interior designated by the Secretary of the Interior to exercise and discharge such duties.

(g) *Officers of Biological Survey May Administer Oaths.*—The provisions of the Act of January 31, 1925 (c. 124, 43 Stat. 803), shall be applicable to such officers, agents, or employees of the Department of the Interior performing functions of the Bureau of Biological Survey as are designated by the Secretary of the Interior for the purposes named in the Act.

(h) *Migratory Bird Conservation Commission.*—The Secretary of the Interior shall be chairman of the Migratory Bird Conservation Commission, and the Secretary of Agriculture shall be a member thereof.

(i) *Mount Rushmore National Memorial Commission.*—The Mount Rushmore National Memorial Commission and its functions are hereby transferred to the National Park Service in the Department of the Interior. The functions vested in the Commission by section 3 and 4 (a) of the Act of June 15, 1938, (c. 402, 52 Stat. 694) shall continue to be exercised by the Commission. All other functions of the Mount Rushmore National Memorial Commission shall be administered by the National Park Service under the direction and supervision of the Secretary of the Interior.

SEC. 5. *Department of Agriculture: Rural Electrification Administration Transferred.*—The Rural Electrification Administration and its functions and activities are hereby transferred to the Department of Agriculture and shall be administered in that Department by the Administrator of the Rural Electrification Administration under the general direction and supervision of the Secretary of Agriculture.

SEC. 6. *Department of Commerce: Transfer of Inland Waterways Corporation.*—The Inland Waterways Corporation and all of its functions and obligations are hereby transferred to the Department of Commerce and shall be administered in that Department under the supervision and direction of the Secretary of Commerce. The capital stock of the Corporation shall continue to be held for the United States by the Secretary of the Treasury, but all other functions, rights, privileges, and powers and all duties and liabilities of the Secretary of War relating to the Inland Waterways Corporation are hereby transferred to, and shall be exercised, performed, and discharged by, the Secretary of Commerce. The Secretary of Commerce shall be substituted for the Secretary of War as, and shall be deemed to be, the incorporator of the Inland Waterways Corporation.

PART 2.—INDEPENDENT AGENCIES

SECTION 201. *Federal Security Agency.*—Transfers and consolidations relating to the Federal Security Agency are hereby effected as follows:

(a) *Radio Service and United States Film Service Transferred.*—The functions of the Radio Division and the United States Film Service of the National Emergency Council are hereby transferred to the

Federal Security Agency and shall be administered in the Office of Education under the direction and supervision of the Federal Security Administrator.

(b) *American Printing House for the Blind.*—The functions of the Secretary of the Treasury with respect to the administration of the appropriations for the American Printing House for the Blind (except the function relating to the perpetual trust fund) are hereby transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report and vouchers required to be furnished to the Secretary of the Treasury by the trustees of the American Printing House for the Blind shall be furnished to the Federal Security Administrator.

American Printing House for the Blind.

SEC. 202. *National Archives.*—Transfers, consolidations, and abolitions relating to the National Archives are hereby effected as follows:

National Archives, transfers, etc., relating to.

(a) *Functions of Codification Board Transferred.*—The functions of the Codification Board, established by the Act of June 19, 1937 (50 Stat. 304), are hereby transferred to the National Archives and shall be consolidated in that agency with the functions of the Division of the Federal Register and shall be administered by such Division under the direction and supervision of the Archivist.

Codification Board, functions transferred. 50 Stat. 304. 44 U. S. C., Supp. IV, § 311.

(b) *Codification Board Abolished.*—The Codification Board is hereby abolished and its outstanding affairs shall be wound up by the Archivist through the Division of the Federal Register in the National Archives.

Board abolished.

PART 3.—EXECUTIVE OFFICE OF THE PRESIDENT

SECTION 301. Transfers and abolitions relating to the Executive Office of the President are hereby effected as follows:

Transfers, abolitions, etc.

(a) *Functions of National Emergency Council Transferred.*—All functions of the National Emergency Council other than those relating to Radio Service and Film Service (transferred by section 201(a) of this plan to the Federal Security Agency) are hereby transferred to the Executive Office of the President and shall be administered under the direction and supervision of the President.

National Emergency Council, functions transferred.

(b) *National Emergency Council Abolished.*—The National Emergency Council is hereby abolished and its outstanding affairs shall be wound up under the direction and supervision of the President.

Council abolished.

PART 4.—GENERAL PROVISIONS

SEC. 401. *Transfer of Functions of Heads of Departments.*—Except as otherwise provided in this Plan, the functions of the head of any Department relating to the administration of any agency or function transferred from his Department by this Plan, are hereby transferred to, and shall be exercised by, the head of the department or agency to which such transferred agency or function is transferred by this Plan.

Transfer of functions of heads of Departments.

SEC. 402. *Transfer of Records, Property, and Personnel.*—All records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred by this Plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration) are hereby transferred to the respective departments or agencies concerned, for use in the administration of the agencies and functions transferred by this Plan: *Provided*, That any personnel transferred to any department or agency by this section found by the head of such department or agency to be in excess of the personnel necessary for

Transfer of records, property, and personnel.

Proviso. Excess personnel.

the administration of the functions transferred to his department or agency shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

Ante, p. 563.
Transfer of funds.

SEC. 403. *Transfer of Funds.*—So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function transferred by this Plan, or for the use of the head of any department or agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the department or agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

Proviso.
Provisions applicable.

Ante, pp. 562, 563.

Transfer of functions relating to personnel.
Ante, p. 561.

SEC. 404. *Transfer of Functions Relating to Personnel.*—Except as prohibited by section 3(b) of the Reorganization Act of 1939, all functions relating to the appointment, fixing of compensation, transfer, promotion, demotion, suspension, or dismissal of persons to or from offices and positions in any department vested by law in any officer of such department other than the head thereof are hereby transferred to the head of such department and shall be administered under his direction and supervision by such division, bureau, office, or persons as he shall determine.