

so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the 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.*  
Use of unexpended  
balances.  
53 Stat. 562, 563.  
5 U. S. C., Supp. V,  
§§ 133o (d) (3), 133h.

### REORGANIZATION PLAN NO. V

Transmitted May  
22, 1940.  
Effective June 14,  
1940; *ante*, p. 230.  
53 Stat. 561.  
5 U. S. C., Supp. V,  
§§ 133-133r.

Transfer of Immi-  
gration and Natural-  
ization Service.  
*Ante*, p. 1233.

Interpretation, etc.,  
of pertinent laws.

Transfer of records,  
property, and per-  
sonnel.

*Proviso.*  
Personnel in excess  
of number required.

53 Stat. 563.  
5 U. S. C., Supp. V,  
§ 133i (a).  
Transfer of funds.

*Proviso.*  
Use of unexpended  
balances.  
53 Stat. 562, 563.  
5 U. S. C., Supp. V,  
§§ 133o (d) (3), 133h.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 22, 1940, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

#### IMMIGRATION AND NATURALIZATION SERVICE

**SECTION 1. *Transfer of Immigration and Naturalization Service.***—The Immigration and Naturalization Service of the Department of Labor (including the Office of the Commissioner of Immigration and Naturalization) and its functions are transferred to the Department of Justice and shall be administered under the direction and supervision of the Attorney General. All functions and powers of the Secretary of Labor relating to the administration of the Immigration and Naturalization Service and its functions or to the administration of the immigration and naturalization laws are transferred to the Attorney General. In the event of disagreement between the head of any department or agency and the Attorney General concerning the interpretation or application of any law pertaining to immigration, naturalization, or nationality, final determination shall be made by the Attorney General.

**SEC. 2. *Transfer of records, property, and personnel.***—All records, property, and personnel (including office equipment) of the Immigration and Naturalization Service, and all records, property, and personnel of the Department of Labor used primarily in the administration of functions transferred by this Plan (including officers whose chief duties relate to such administration), are transferred to the Department of Justice: *Provided*, That any personnel so transferred that may be found by the Attorney General to be in excess of the personnel necessary for the administration of the functions transferred by this Plan, 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.

**SEC. 3. *Transfer of funds.***—So much of the unexpended balances of appropriations, allocations, or other funds available (including funds available for the fiscal year ending June 30, 1941) for the use of the Immigration and Naturalization Service or the Department of Labor in the exercise of functions transferred by this Plan as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Department of Justice for use in connection with the exercise of the functions 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.