

88TH CONGRESS  
1ST SESSION

# H. R. 9160

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1963

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Government Operations

## A BILL

To establish the Department of Education.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That there is hereby established an executive department,  
4 which shall be known as the Department of Education  
5 (hereafter in this Act referred to as the Department).  
6 There shall be at the head of the Department a Secretary  
7 of Education (hereafter in this Act referred to as the Secre-  
8 tary), who shall be appointed by the President by and  
9 with the advice and consent of the Senate, whose tenure  
10 of office shall be like that of the heads of other executive  
11 departments, and who shall receive compensation at the

1 rate now or hereafter prescribed by law for the heads of  
2 executive departments. The Department shall be admin-  
3 istered under the supervision and direction of the Secretary.

4 SEC. 2. (a) There shall be in the Department an  
5 Under Secretary of Education and two Assistant Secretaries,  
6 each of whom shall be appointed by the President, by and  
7 with the advice and consent of the Senate and who shall  
8 receive compensation at the rate now or hereafter provided  
9 by law for Under Secretaries and Assistant Secretaries, re-  
10 spectively, of executive departments. The Under Secretary  
11 and the Assistant Secretaries shall perform such functions  
12 as the Secretary may prescribe.

13 (b) There shall be in the Department a General Counsel,  
14 who shall be appointed by the President, by and with the  
15 advice and consent of the Senate, and shall receive com-  
16 pensation at the rate now or hereafter provided by law for  
17 Assistant Secretaries of executive departments. The General  
18 Counsel shall be the chief legal officer of the Department  
19 and shall perform such functions as the Secretary may  
20 prescribe.

21 SEC. 3. The Under Secretary shall act as Secretary dur-  
22 ing the absence or disability of the Secretary or in the event  
23 of a vacancy in the Office of the Secretary. During the  
24 absence or disability of both the Secretary and the Under  
25 Secretary, or in the event of a vacancy in both offices, an

1 Assistant Secretary determined according to such order as  
2 the Secretary shall prescribe shall act as Secretary.

3 SEC. 4. (a) The United States Office of Education,  
4 together with all of its functions, personnel, property, records,  
5 and unexpended balances of appropriations, allocations, and  
6 other funds (available or to be made available), is hereby  
7 transferred to the Department.

8 (b) All laws dealing with the relationship between  
9 Gallaudet College, Howard University, Freedmen's Hos-  
10 pital, and American Printing House for the Blind, respec-  
11 tively, and the Secretary of Health, Education, and Welfare  
12 or the Department of Health, Education, and Welfare are  
13 hereby amended to substitute "Secretary of Education" for  
14 "Secretary of Health, Education, and Welfare," and to  
15 substitute "Department of Education" for "Department of  
16 Health, Education, and Welfare."

17 (c) Section 394 (3) of the Act to amend the Com-  
18 munications Act of 1934 to establish a program of Federal  
19 matching grants for the construction of television broadcast-  
20 ing facilities to be used for educational purposes (Public Law  
21 87-447) is hereby amended to substitute "Secretary of Ed-  
22 ucation" for "Secretary of Health, Education, and Welfare".

23 (d) Title II, part B, sections 231 and 232, and title  
24 III, sections 301, 302, 303, 306, and 309 of the Manpower  
25 Development and Training Act of 1962, Public Law 87-

1 415, are hereby amended by transferring from the Secretary  
 2 of Health, Education, and Welfare to the Secretary of  
 3 Education all duties and responsibilities contained therein.  
 4 SEC. 5. The Secretary is authorized to adopt an official  
 5 seal to be used as directed by the Secretary on appropriate  
 6 occasions in connection with the functions of the Depart-  
 7 ment, and such seal shall be judicially noticed. Copies of any  
 8 books, records, papers, or other documents in the Depart-  
 9 ment shall be admitted in evidence equally with the originals  
 10 thereof when authenticated under such seal.

Joe Roberts  
brought these  
from Sr.  
Spelman's collection

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By Mr. FOGARTY

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