

89TH CONGRESS
1ST SESSION

H. R. 1000

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1965

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 (here-
5 after in this Act referred to as the Department). There
6 shall be at the head of the Department a Secretary of Educa-
7 tion (hereafter in this Act referred to as the Secretary), who
8 shall be appointed by the President by and with the advice
9 and consent of the Senate, whose tenure of office shall be
10 like that of the heads of other executive departments, and
11 who shall receive compensation at the rate now or here-

1 after prescribed by law for the heads of executive depart-
2 ments. The Department shall be administered under the
3 supervision and direction of the Secretary.

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

13 (b) There shall also be in the Department an Assistant
14 Secretary for Administration who shall be appointed by the
15 President from the career civil service and who shall receive
16 compensation at the rate now or hereafter provided by law
17 for such positions in other executive departments.

18 (c) There shall be in the Department a General Coun-
19 sel, who shall be appointed by the President, by and with
20 the advice and consent of the Senate, and who shall receive
21 compensation at the rate now or hereafter provided by law
22 for Assistant Secretaries of executive departments. The Gen-
23 eral Counsel shall be the chief legal officer of the Department
24 and shall perform such functions as the Secretary may pre-
25 scribe.

1 SEC. 3. The Under Secretary shall act as Secretary dur-
2 ing the absence or disability of the Secretary or in the event
3 of a vacancy in the Office of the Secretary. During the ab-
4 sence or disability of both the Secretary and the Under Secre-
5 tary, or in the event of a vacancy in both offices, an Assistant
6 Secretary determined according to such order as the Secre-
7 tary shall prescribe shall act as Secretary.

8 SEC. 4. (a) The United States Office of Education, to-
9 gether with all of its functions, personnel, property, records,
10 and unexpended balances of appropriations, allocations, and
11 other services and funds of the Department of Health, Edu-
12 cation, and Welfare related to the Office (available or to be
13 made available), is hereby transferred to the Department.

14 (b) The position of Commissioner of Education is
15 abolished. The functions of that position are transferred to
16 the Secretary. All laws referring to the "Commissioner of
17 Education" are hereby amended to substitute "Secretary of
18 Education" for "Commissioner of Education."

19 (c) All laws dealing with the relationship between
20 Gallaudet College, Howard University, Freedmen's Hospital,
21 and American Printing House for the Blind, respectively, and
22 the Secretary of Health, Education, and Welfare or the
23 Department of Health, Education, and Welfare are hereby
24 amended to substitute "Secretary of Education" for "Secre-
25 tary of Health, Education, and Welfare," and to substitute

1 "Department of Education" for "Department of Health,
2 Education, and Welfare."

3 (d) Section 394 (3) of the Act to amend the Communi-
4 cations Act of 1934 to establish a program of Federal match-
5 ing grants for the construction of television broadcasting facil-
6 ities to be used for educational purposes (Public Law 87-
7 447) is hereby amended to substitute "Secretary of Educa-
8 tion" for "Secretary of Health, Education, and Welfare."

9 (e) Title II, part B, sections 231 and 232, and title III,
10 sections 301, 302, 303, 306, and 309 of the Manpower
11 Development and Training Act of 1962, Public Law 87-415,
12 as amended, are hereby amended to substitute "Secretary of
13 Education" for "Secretary of Health, Education, and
14 Welfare."

15 SEC. 5. The Secretary is authorized to establish within
16 the Department, offices, bureaus, and other organizational
17 units appropriate to carry out the functions of the Depart-
18 ment.

19 SEC. 6. There is hereby established within the Depart-
20 ment a National Advisory Committee on Education to consist
21 of twelve members to be appointed by the Secretary without
22 regard to the Civil Service laws for terms to last not less than
23 two nor more than six years. The Committee shall report
24 annually to the Secretary, who shall transmit the report to
25 the President and the Congress, incorporating recommenda-

1 tions on, and evaluations of, Federal education programs.
2 Six of the members of the Committee shall represent the
3 public at large and six members shall be chosen from
4 academic fields including education, the arts, the sciences,
5 and the humanities. The Secretary is authorized to provide
6 the Committee with staff assistance needed to conduct studies
7 and prepare reports. Public Law 83-532 (National Ad-
8 visory Committee on Education) is hereby repealed.

9 SEC. 7. The Secretary is authorized in carrying out his
10 functions under this Act to:

11 (a) Employ experts and consultants and compensate in-
12 dividuals so employed including members of the National
13 Advisory Committee on Education at a rate not in excess of
14 \$100 per diem in addition to necessary travel expenses;

15 (b) Appoint without regard to the Civil Service laws
16 one or more advisory committees composed of such private
17 citizens and officials of Federal, State, and local governments
18 as he deems desirable to advise him; members of such com-
19 mittees; other than those employed by the Federal Govern-
20 ment, while attending meetings of such committees or
21 otherwise serving at the request of the Secretary shall be
22 entitled to receive compensation not in excess of \$100 per
23 diem and necessary travel expenses;

24 (c) Accept in the name of the Department, and employ
25 or dispose of in furtherance of the purposes of this Depart-

1 ment, any money or property, real, personal, or mixed,
2 tangible or intangible, received by gift, devise, bequest or
3 otherwise;

4 (d) Arrange, with the approval of the Civil Service
5 Commission, for the exchange of professional and administra-
6 tive personnel of the Department with State agencies and
7 public and private institutions of higher education when he
8 determines that such exchanges will further the purposes of
9 the Department.

10 (e) Adopt an official seal, which shall be judicially
11 noticed.

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