

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 9602**  
**OFFERED BY MR. BAUMGARTNER OF**  
**WASHINGTON**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Less Bureaucracy,  
3 Better Foreign Gift Transparency Act”.

**4 SEC. 2. TRANSFER OF DEPARTMENT OF EDUCATION FUNC-**  
**5 TIONS RELATED TO DISCLOSURE OF FOR-**  
**6 EIGN GIFTS.**

7       There are transferred to the Secretary of State all  
8 functions which the Secretary of Education exercised be-  
9 fore the effective date of this Act (including all related  
10 functions of any officer or employee of the Department  
11 of Education) under section 117 of the Higher Education  
12 Act of 1965 (20 U.S.C. 1011f).

**13 SEC. 3. EXERCISE OF AUTHORITIES.**

14       Except as otherwise provided by law, the Secretary  
15 of State may, for purposes of performing a function under  
16 section 117 of the Higher Education Act of 1965 (20  
17 U.S.C. 1011f), exercise all authorities under any other

1 provision of law that were available with respect to the  
2 performance of that function to the Secretary of Edu-  
3 cation immediately before the effective date of the transfer  
4 of the function under this Act.

5 **SEC. 4. TRANSFER AND ALLOCATIONS OF APPROPRIA-**  
6 **TIONS AND PERSONNEL.**

7 Except as otherwise provided in this Act, the per-  
8 sonnel employed in connection with, and the assets, liabil-  
9 ities, contracts, property, records, and unexpended bal-  
10 ances of appropriations, authorizations, allocations, and  
11 other funds employed, used, held, arising from, available  
12 to, or to be made available in connection with the func-  
13 tions transferred under this Act, subject to section 1531  
14 of title 31, United States Code, shall be transferred to the  
15 Department of State. Unexpended funds transferred pur-  
16 suant to this section shall be used only for the purposes  
17 for which the funds were originally authorized and appro-  
18 priated.

19 **SEC. 5. AUTHORITY OF DIRECTOR OF THE OFFICE OF MAN-**  
20 **AGEMENT AND BUDGET WITH RESPECT TO**  
21 **FUNCTIONS TRANSFERRED.**

22 (a) PERSONNEL DETERMINATIONS.—The Director of  
23 the Office of Management and Budget shall ensure that  
24 this Act does not result in a net increase in full-time equiv-  
25 alent employees at the Federal agencies impacted by this

1 Act, based on the number of such employees at such agen-  
2 cies on the date of enactment of this Act.

3 (b) FUNCTION DETERMINATIONS.—If necessary, the  
4 Director of the Office of Management and Budget shall  
5 make any determination of the functions that are trans-  
6 ferred under this Act.

7 (c) INCIDENTAL TRANSFERS.—The Director of the  
8 Office of Management and Budget, at such time or times  
9 as the Director shall provide, may make such determina-  
10 tions as may be necessary with regard to the functions  
11 transferred by this Act, and to make such additional inci-  
12 dental dispositions of personnel, assets, liabilities, grants,  
13 contracts, property, records, and unexpended balances of  
14 appropriations, authorizations, allocations, and other  
15 funds held, used, arising from, available to, or to be made  
16 available in connection with such functions, as may be nec-  
17 essary to carry out the provisions of this Act. The Director  
18 shall provide for further measures and dispositions as may  
19 be necessary to effectuate the purposes of this Act.

20 (d) CERTIFICATION OF COMPLIANCE.—On the effec-  
21 tive date of this Act, the Director of the Office of Manage-  
22 ment and Budget shall certify compliance with this Act,  
23 including the requirement under subsection (a), to the  
24 Committee on Education and Workforce of the House of

1 Representatives and the Committee on Health, Education,  
2 Labor, and Pensions of the Senate.

3 **SEC. 6. DELEGATION AND ASSIGNMENT.**

4 Except as otherwise expressly prohibited by law or  
5 otherwise provided in this Act, the Secretary of State may  
6 delegate any of the functions transferred to the Secretary  
7 under this Act to such officers and employees of the Sec-  
8 retary as the Secretary may designate, and may authorize  
9 successive redelegations of such functions as may be nec-  
10 essary or appropriate. No delegation of functions by the  
11 Secretary of State under this section or under any other  
12 provision of this Act shall relieve the Secretary of responsi-  
13 bility for the administration of the function.

14 **SEC. 7. REFERENCES.**

15 With regard to functions transferred under section 2,  
16 a reference in any other Federal law, Executive order,  
17 rule, regulation, or delegation of authority, or any docu-  
18 ment of or relating to—

19 (1) the Secretary of Education shall be deemed  
20 to refer to the Secretary of State; and

21 (2) the Department of Education shall be  
22 deemed to refer to the Department of State.

1 **SEC. 8. SAVINGS PROVISIONS.**

2 (a) **LEGAL DOCUMENTS.**—All orders, determinations,  
3 rules, regulations, permits, grants, loans, contracts, agree-  
4 ments, certificates, licenses, and privileges—

5 (1) that have been issued, made, granted, or al-  
6 lowed to become effective by the President, any Fed-  
7 eral agency or official thereof, or by a court of com-  
8 petent jurisdiction, in the performance of any func-  
9 tion that is transferred by this Act, and

10 (2) that are in effect on the effective date of  
11 such transfer (or become effective after such date  
12 pursuant to their terms as in effect on such effective  
13 date),

14 shall continue in effect according to their terms until  
15 modified, terminated, superseded, set aside, or revoked in  
16 accordance with law by the President, the Secretary of  
17 State, any other authorized official, a court of competent  
18 jurisdiction, or operation of law.

19 (b) **PROCEEDINGS.**—This Act shall not affect any  
20 proceedings or any application for any benefits, service,  
21 license, permit, certificate, or financial assistance pending  
22 on the effective date of this Act before the Department  
23 of Education (with respect to functions transferred by this  
24 Act). Such proceedings and applications shall continue, or-  
25 ders shall be issued in such proceedings, appeals shall be  
26 taken therefrom, and payments shall be made pursuant

1 to such orders, as if this Act had not been enacted, and  
2 orders issued in any such proceeding shall continue in ef-  
3 fect until modified, terminated, superseded, or revoked by  
4 a duly authorized official, by a court of competent jurisdic-  
5 tion, or by operation of law. Nothing in this subsection  
6 shall be considered to prohibit the discontinuance or modi-  
7 fication of any such proceeding under the same terms and  
8 conditions and to the same extent that such proceeding  
9 could have been discontinued or modified if this Act had  
10 not been enacted.

11 (c) SUITS.—Except as provided in subsection (e)—

12 (1) this Act shall not affect suits commenced  
13 before the effective date of this Act; and

14 (2) in all such suits, proceeding shall be had,  
15 appeals taken, and judgments rendered in the same  
16 manner and with the same effect as if this Act had  
17 not been enacted.

18 (d) NONABATEMENT OF ACTIONS.—No suit, action,  
19 or other proceeding commenced by or against the Depart-  
20 ment of Education (with respect to the functions trans-  
21 ferred by this Act), or by or against any individual in the  
22 official capacity of such individual as an officer or em-  
23 ployee of the Department of Education (with regard to  
24 functions transferred by this Act), shall abate by reason  
25 of the enactment of this Act.

1 (e) CONTINUANCE OF SUITS.—If, before the date on  
2 which a transfer of a function under this Act takes effect,  
3 the Secretary of Education or any officer or employee of  
4 the Department of Education in the official capacity as  
5 such an officer or employee is party to a suit relating to  
6 the function, then such suit shall be continued and the  
7 Secretary of State, or other appropriate official of the De-  
8 partment of State, shall be substituted or added as a  
9 party.

10 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-  
11 VIEW.—Except as otherwise provided by this Act, any  
12 statutory requirements relating to notice, hearings, action  
13 upon the record, or administrative or judicial review that  
14 apply to any function transferred by this Act shall apply  
15 to the exercise of such function by the Secretary of State,  
16 or other officers of the Department of State to which such  
17 function is transferred by this Act.

18 **SEC. 9. TRANSITION.**

19 Beginning on the date of enactment of this Act, the  
20 Secretary of State is authorized to use, for such period  
21 of time as may reasonably be needed to facilitate the or-  
22 derly implementation of this Act—

23 (1) the services of officers, employees, and other  
24 personnel of the Department of Education with re-  
25 gard to functions transferred under this Act;

- 1           (2) assets of the Department of Education with  
2       regard to such functions; and  
3           (3) funds appropriated to such functions.

4 **SEC. 10. DEFINITION OF FUNCTION.**

5       For purposes of this Act, the term “function” in-  
6 cludes any duty, obligation, power, authority, responsi-  
7 bility, right, privilege, activity, or program.

8 **SEC. 11. EFFECTIVE DATE.**

9       (a) IN GENERAL.—Except as provided in section 9,  
10 this Act shall take effect 6 months after the date of enact-  
11 ment of this Act.

12       (b) EARLY IMPLEMENTATION.—Notwithstanding  
13 subsection (a), transfers of functions under section 2 or  
14 any other provision of this Act (other than section 9) may  
15 be carried out beginning on the date of enactment of this  
16 Act but not later than the effective date of this Act.

