

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9603
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

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 International Education Oversight Act”.

**4 SEC. 2. TRANSFER AND REPEAL OF DEPARTMENT OF EDU-
5 CATION FUNCTIONS RELATED TO INTER-
6 NATIONAL AND FOREIGN LANGUAGE EDU-
7 CATION.**

8 (a) TRANSFER.—There are transferred to the Sec-
9 retary of State all the functions which the Secretary of
10 Education exercised before the effective date of this Act
11 (including all related functions of any officer or employee
12 of the Department of Education) with respect to each of
13 the following:

14 (1) International Education Programs under
15 title VI of the Higher Education Act of 1965 (20
16 U.S.C. 1121 et seq.), as amended by this Act.

17 (2) The Fulbright-Hays program authorized
18 under section 102(b)(6) of the Mutual Educational

1 and Cultural Exchange Act of 1961 (22 U.S.C.
2 2452(b)(6)).

3 (b) REPEAL OF INSTITUTE FOR INTERNATIONAL
4 PUBLIC POLICY.—Part C of title VI of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1131 et seq.) is repealed.

6 **SEC. 3. EXERCISE OF AUTHORITIES.**

7 Except as otherwise provided by law, the Secretary
8 of State may, for purposes of performing the function, ex-
9 ercise all authorities under any other provision of law that
10 were available with respect to the performance of that
11 function to the Secretary of Education immediately before
12 the effective date of the transfer of the function under this
13 Act.

14 **SEC. 4. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
15 **TIONS AND PERSONNEL.**

16 Except as otherwise provided in this Act, the per-
17 sonnel employed in connection with, and the assets, liabil-
18 ities, contracts, property, records, and unexpended bal-
19 ances of appropriations, authorizations, allocations, and
20 other funds employed, used, held, arising from, available
21 to, or to be made available in connection with the func-
22 tions transferred under this Act, subject to section 1531
23 of title 31, United States Code, shall be transferred to the
24 Secretary of State. Unexpended funds transferred pursu-
25 ant to this section shall be used only for the purposes for

1 which the funds were originally authorized and appro-
2 priated.

3 **SEC. 5. AUTHORITY OF DIRECTOR OF THE OFFICE OF MAN-**
4 **AGEMENT AND BUDGET WITH RESPECT TO**
5 **FUNCTIONS TRANSFERRED.**

6 (a) PERSONNEL DETERMINATIONS.—The Director of
7 the Office of Management and Budget shall ensure that
8 this Act does not result in a net increase in full-time equiv-
9 alent employees at the Federal agencies impacted by this
10 Act, based on the number of such employees at such agen-
11 cies on the date of enactment of this Act.

12 (b) FUNCTION DETERMINATIONS.—If necessary, the
13 Director of the Office of Management and Budget shall
14 make any determination of the functions that are trans-
15 ferred under this Act.

16 (c) INCIDENTAL TRANSFERS.—The Director of the
17 Office of Management and Budget, at such time or times
18 as the Director shall provide, may make such determina-
19 tions as may be necessary with regard to the functions
20 transferred by this Act, and to make such additional inci-
21 dental dispositions of personnel, assets, liabilities, grants,
22 contracts, property, records, and unexpended balances of
23 appropriations, authorizations, allocations, and other
24 funds held, used, arising from, available to, or to be made
25 available in connection with such functions, as may be nec-

1 essary to carry out the provisions of this Act. The Director
2 shall provide for further measures and dispositions as may
3 be necessary to effectuate the purposes of this Act.

4 (d) CERTIFICATION OF COMPLIANCE.—On the effec-
5 tive date of this Act, the Director of the Office of Manage-
6 ment and Budget shall certify compliance with this Act,
7 including the requirement under subsection (a), to the
8 Committee on Education and Workforce of the House of
9 Representatives and the Committee on Health, Education,
10 Labor, and Pensions of the Senate.

11 **SEC. 6. DELEGATION AND ASSIGNMENT.**

12 Except as otherwise expressly prohibited by law or
13 otherwise provided in this Act, the Secretary of State may
14 delegate any of the functions so transferred to such offi-
15 cers and employees of the Department of State as the Sec-
16 retary may designate, and may authorize successive re-
17 delegations of such functions as may be necessary or ap-
18 propriate. No delegation of functions under this section
19 or under any other provision of this Act shall relieve the
20 Secretary of State of responsibility for the administration
21 of the function.

22 **SEC. 7. REFERENCES.**

23 With regard to functions transferred under section 2,
24 a reference in any other Federal law, Executive order,

1 rule, regulation, or delegation of authority, or any docu-
2 ment of or relating to—

3 (1) the Secretary of Education shall be deemed
4 to refer to the Secretary of State; and

5 (2) the Department of Education shall be
6 deemed to refer to the Department of State.

7 **SEC. 8. SAVINGS PROVISIONS.**

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

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

16 (2) that are in effect on the effective date of
17 such transfer (or become effective after such date
18 pursuant to their terms as in effect on such effective
19 date),

20 shall continue in effect according to their terms until
21 modified, terminated, superseded, set aside, or revoked in
22 accordance with law by the President, the Secretary of
23 State, any other authorized official, a court of competent
24 jurisdiction, or operation of law.

1 (b) PROCEEDINGS.—This Act shall not affect any
2 proceedings or any application for any benefits, service,
3 license, permit, certificate, or financial assistance pending
4 on the effective date of this Act before the Department
5 of Education (with respect to functions transferred by this
6 Act). Such proceedings and applications shall continue, or-
7 ders shall be issued in such proceedings, appeals shall be
8 taken therefrom, and payments shall be made pursuant
9 to such orders, as if this Act had not been enacted, and
10 orders issued in any such proceeding shall continue in ef-
11 fect until modified, terminated, superseded, or revoked by
12 a duly authorized official, by a court of competent jurisdic-
13 tion, or by operation of law. Nothing in this subsection
14 shall be considered to prohibit the discontinuance or modi-
15 fication of any such proceeding under the same terms and
16 conditions and to the same extent that such proceeding
17 could have been discontinued or modified if this Act had
18 not been enacted.

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

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

22 (2) in all such suits, proceeding shall be had,
23 appeals taken, and judgments rendered in the same
24 manner and with the same effect as if this Act had
25 not been enacted.

1 (d) NONABATEMENT OF ACTIONS.—No suit, action,
2 or other proceeding commenced by or against the Depart-
3 ment of Education (with respect to the functions trans-
4 ferred by this Act), or by or against any individual in the
5 official capacity of such individual as an officer or em-
6 ployee of the Department of Education (with regard to
7 functions transferred by this Act), shall abate by reason
8 of the enactment of this Act.

9 (e) CONTINUANCE OF SUITS.—If, before the date on
10 which a transfer of a function under this Act takes effect,
11 the Secretary of Education or any officer or employee of
12 the Department of Education in the official capacity as
13 such an officer or employee is party to a suit relating to
14 the function, then such suit shall be continued and the
15 Secretary of State, or other appropriate official of the De-
16 partment of State, shall be substituted or added as a
17 party.

18 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
19 VIEW.—Except as otherwise provided by this Act, any
20 statutory requirements relating to notice, hearings, action
21 upon the record, or administrative or judicial review that
22 apply to any function transferred by this Act shall apply
23 to the exercise of such function by the Secretary of State,
24 or other officers of the Department of State to which such
25 function is transferred by this Act.

1 **SEC. 9. TRANSITION.**

2 Beginning on the date of enactment of this Act, the
3 Secretary of State is authorized to use, for such period
4 of time as may reasonably be needed to facilitate the or-
5 derly implementation of this Act—

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

9 (2) assets of the Department of Education with
10 regard to such functions; and

11 (3) funds appropriated to such functions.

12 **SEC. 10. DEFINITION OF FUNCTION.**

13 For purposes of this Act, the term “function” in-
14 cludes any duty, obligation, power, authority, responsi-
15 bility, right, privilege, activity, or program; and

16 **SEC. 11. EFFECTIVE DATE.**

17 (a) IN GENERAL.—Except as provided in section 9,
18 this Act and the amendments made by this Act shall take
19 effect 6 months after the date of enactment of this Act.

20 (b) EARLY IMPLEMENTATION.—Notwithstanding
21 subsection (a), transfers of functions under section 2 or
22 any other provision of this Act (other than section 9) may
23 be carried out beginning on the date of enactment of this
24 Act but not later than the effective date of this Act.

