

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9604
OFFERED BY MR. OWENS OF UTAH**

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 Tribal Education Act”.

**4 SEC. 2. TRANSFER AND REPEAL OF DEPARTMENT OF EDU-
5 CATION FUNCTIONS RELATING TO TRIBAL
6 EDUCATION AND JOB TRAINING.**

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

13 (1) Demonstration grants program for Amer-
14 ican Indian children and youth authorized under sec-
15 tion 6121 of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C.7441).

17 (2) The Indian Education Professional Develop-
18 ment Grant program authorized under section 6122

1 of the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7442).

3 (3) The Alaska Native Education program au-
4 thorized under part C of title VI of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C.
6 7541 et seq.).

7 (4) The Native Hawaiian Education program
8 authorized under part B of title VI of the Elemen-
9 tary and Secondary Education Act of 1965 (20
10 U.S.C. 7511 et seq.).

11 (5) The American Indian Education National
12 Activities authorized under subpart 3 of part A of
13 title VI of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 7451 et seq.).

15 (6) The State-Tribal Education Partnership
16 program authorized under section 6132 of the Ele-
17 mentary and Secondary Education Act of 1965 (20
18 U.S.C. 7452).

19 (7) The Native American and Alaska Native
20 Language Program authorized under section 6133
21 of the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7453).

23 (8) The Native American Language Resource
24 Center programs authorized under section 6131 of
25 the Elementary and Secondary Education Act of

1 1965 (20 U.S.C. 7451), section 2 of the Native
2 American Language Resource Center Act of 2022
3 (20 U.S.C. 7457), and the Native American Lan-
4 guages Act (25 U.S.C. 2901 et seq.).

5 (9) The Native American Career and Technical
6 Education Program authorized under section 116 of
7 the Carl D. Perkins Career and Technical Education
8 Act of 2006 (20 U.S.C. 2326).

9 (10) The Native Hawaiian Career and Tech-
10 nical Education Program authorized under section
11 116 of the Carl D. Perkins Career and Technical
12 Education Act of 2006 (20 U.S.C. 2326).

13 (11) The Tribally Controlled Postsecondary Ca-
14 reer and Technical Institutions Program authorized
15 under section 117 of the Carl D. Perkins Career and
16 Technical Education Act of 2006 (20 U.S.C. 2327).

17 (12) The Native American and Alaska Native
18 Children in School (NAM) program authorized
19 under section 3112 of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C. 6822).

21 (13) Grants to Alaska Native-serving and Na-
22 tive Hawaiian-serving institutions—

23 (A) authorized under section 317 of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1059d); and

1 (B) for which funds are made available
2 under section 371 of the Higher Education Act
3 of 1965 (20 U.S.C. 1067q).

4 (14) Grants to American Indian Tribally Con-
5 trolled Colleges and Universities—

6 (A) authorized under section 316 of the
7 Higher Education Act of 1965 (20 U.S.C.
8 1059c); and

9 (B) for which funds are made available
10 under section 371 of the Higher Education Act
11 of 1965 (20 U.S.C. 1067q).

12 (15) Grants to Asian American and Native
13 American Pacific Islander-serving institutions—

14 (A) authorized under section 320 of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1059g); and

17 (B) for which funds are made available
18 under section 371 of the Higher Education Act
19 of 1965 (20 U.S.C. 1067q).

20 (16) Grants to Native American-serving, non-
21 Tribal institutions—

22 (A) authorized under section 319 of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1059f); and

1 (B) for which funds are made available
2 under section 371 of the Higher Education Act
3 of 1965 (20 U.S.C. 1067q).

4 (17) The American Indian Vocational Rehabili-
5 tation Services program authorized under section
6 121 of the Rehabilitation Act of 1973 (29 U.S.C.
7 741).

8 (18) The American Indian Education Formula
9 Grants authorized under subpart 1 of part A of title
10 VI of the Elementary and Secondary Education Act
11 of 1965 (20 U.S.C. 7421 et seq.).

12 (19) The American Indian education-related
13 Research and Development Infrastructure Grant
14 program authorized under part B of title VII of the
15 Higher Education Act of 1965 (20 U.S.C. 1138 et
16 seq.).

17 (20) The American Indian education-related
18 Special Education Grants to States program author-
19 ized under sections 611 and 619 of the Individuals
20 with Disabilities Education Act (20 U.S.C. 1411;
21 1419).

22 (21) The American Indian education-related
23 Special Education Grants for Infants and Families
24 program authorized under part C of title VI of the

1 Individuals with Disabilities Education Act (20
2 U.S.C. 1431 et seq.).

3 (22) American Indian Resilience in Education
4 program authorized under section 11006(1) of the
5 American Rescue Plan of 2021.

6 (b) REPEAL.—The following provisions of law are re-
7 pealed:

8 (1) Part J of title VIII of the Higher Education
9 Act of 1965 (20 U.S.C. 1161j).

10 (2) Part Z of title VIII of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1161z).

12 **SEC. 3. EXERCISE OF AUTHORITIES.**

13 Except as otherwise provided by law, the Secretary
14 of the Interior may, for purposes of performing a function
15 transferred under this Act, exercise all authorities under
16 any other provision of law that were available with respect
17 to the performance of that function to the Secretary of
18 Education immediately before the effective date of the
19 transfer of the function under this Act.

20 **SEC. 4. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
21 **TIONS AND PERSONNEL.**

22 Except as otherwise provided in this Act, the per-
23 sonnel employed in connection with, and the assets, liabil-
24 ities, contracts, property, records, and unexpended bal-
25 ances of appropriations, authorizations, allocations, and

1 other funds employed, used, held, arising from, available
2 to, or to be made available in connection with the func-
3 tions transferred under this Act, subject to section 1531
4 of title 31, United States Code, shall be transferred to the
5 Secretary of the Interior. Unexpended funds transferred
6 pursuant to this section shall be used only for the purposes
7 for which the funds were originally authorized and appro-
8 priated.

9 **SEC. 5. AUTHORITY OF DIRECTOR OF THE OFFICE OF MAN-**
10 **AGEMENT AND BUDGET WITH RESPECT TO**
11 **FUNCTIONS TRANSFERRED.**

12 (a) PERSONNEL DETERMINATIONS.—The Director of
13 the Office of Management and Budget shall ensure that
14 this Act does not result in a net increase in full-time equiv-
15 alent employees at the Federal agencies impacted by this
16 Act, based on the number of such employees at such agen-
17 cies on the date of enactment of this Act.

18 (b) FUNCTION DETERMINATIONS.—If necessary, the
19 Director of the Office of Management and Budget shall
20 make any determination of the functions that are trans-
21 ferred under this Act.

22 (c) INCIDENTAL TRANSFERS.—The Director of the
23 Office of Management and Budget, at such time or times
24 as the Director shall provide, may make such determina-
25 tions as may be necessary with regard to the functions

1 transferred by this Act, and to make such additional inci-
2 dental dispositions of personnel, assets, liabilities, grants,
3 contracts, property, records, and unexpended balances of
4 appropriations, authorizations, allocations, and other
5 funds held, used, arising from, available to, or to be made
6 available in connection with such functions, as may be nec-
7 essary to carry out the provisions of this Act. The Director
8 shall provide for the termination of the affairs of all enti-
9 ties terminated by this Act and for such further measures
10 and dispositions as may be necessary to effectuate the pur-
11 poses of this Act.

12 (d) CERTIFICATION OF COMPLIANCE.—On the effec-
13 tive date of this Act, the Director of the Office of Manage-
14 ment and Budget shall certify compliance with this Act,
15 including the requirement under subsection (a), to the
16 Committee on Education and Workforce of the House of
17 Representatives and the Committee on Health, Education,
18 Labor, and Pensions of the Senate.

19 **SEC. 6. DELEGATION AND ASSIGNMENT.**

20 Except as otherwise expressly prohibited by law or
21 otherwise provided in this Act, the Secretary of the Inte-
22 rior may delegate any of the functions so transferred to
23 such officers and employees of the Department of the Inte-
24 rior as the Secretary may designate, and may authorize
25 successive redelegations of such functions as may be nec-

1 essary or appropriate. No delegation of functions under
2 this section or under any other provision of this Act shall
3 relieve the Secretary of the Interior of responsibility for
4 the administration of the function.

5 **SEC. 7. REFERENCES.**

6 With regard to functions transferred under section 2,
7 a reference in any other Federal law, Executive order,
8 rule, regulation, or delegation of authority, or any docu-
9 ment of or relating to—

10 (1) the Secretary of Education shall be deemed
11 to refer to the Secretary of the Interior; and

12 (2) the Department of Education shall be
13 deemed to refer to the Department of the Interior.

14 **SEC. 8. SAVINGS PROVISIONS.**

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

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

23 (2) that are in effect on the effective date of
24 such transfer (or become effective after such date

1 pursuant to their terms as in effect on such effective
2 date),
3 shall continue in effect according to their terms until
4 modified, terminated, superseded, set aside, or revoked in
5 accordance with law by the President, the Secretary of the
6 Interior, any other authorized official, a court of com-
7 petent jurisdiction, or operation of law.

8 (b) PROCEEDINGS.—This Act shall not affect any
9 proceedings or any application for any benefits, service,
10 license, permit, certificate, or financial assistance pending
11 on the date of the enactment of this Act before the De-
12 partment of Education (with respect to functions trans-
13 ferred by this Act). Such proceedings and applications
14 shall continue, orders shall be issued in such proceedings,
15 appeals shall be taken therefrom, and payments shall be
16 made pursuant to such orders, as if this Act had not been
17 enacted, and orders issued in any such proceeding shall
18 continue in effect until modified, terminated, superseded,
19 or revoked by a duly authorized official, by a court of com-
20 petent jurisdiction, or by operation of law. Nothing in this
21 subsection shall be considered to prohibit the discontinu-
22 ance or modification of any such proceeding under the
23 same terms and conditions and to the same extent that
24 such proceeding could have been discontinued or modified
25 if this Act had not been enacted.

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

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

4 (2) in all such suits, proceeding shall be had,
5 appeals taken, and judgments rendered in the same
6 manner and with the same effect as if this Act had
7 not been enacted.

8 (d) NONABATEMENT OF ACTIONS.—No suit, action,
9 or other proceeding commenced by or against the Depart-
10 ment of Education (with respect to the functions trans-
11 ferred by this Act), or by or against any individual in the
12 official capacity of such individual as an officer or em-
13 ployee of the Department of Education (with regard to
14 functions transferred by this Act), shall abate by reason
15 of the enactment of this Act.

16 (e) CONTINUANCE OF SUITS.—If, before the date on
17 which a transfer of a function under this Act takes effect,
18 the Secretary of Education or any officer or employee of
19 the Department of Education in the official capacity as
20 such an officer or employee is party to a suit relating to
21 the function, then such suit shall be continued and the
22 Secretary of the Interior, or other appropriate official of
23 the Department of the Interior, shall be substituted or
24 added as a party.

1 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
2 VIEW.—Except as otherwise provided by this Act, any
3 statutory requirements relating to notice, hearings, action
4 upon the record, or administrative or judicial review that
5 apply to any function transferred by this Act shall apply
6 to the exercise of such function by the Secretary of the
7 Interior, or other officers of the Department of the Inte-
8 rior to which such function is transferred by this Act.

9 **SEC. 9. TRANSITION.**

10 Beginning on the date of enactment of this Act, the
11 Secretary of the Interior is authorized to use, for such pe-
12 riod of time as may reasonably be needed to facilitate the
13 orderly implementation of this Act—

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

17 (2) assets of the Department of Education with
18 regard to such functions; and

19 (3) funds appropriated to such functions.

20 **SEC. 10. CONSULTATION.**

21 (a) IN GENERAL.—Not later than 6 months after the
22 date of enactment of this Act, the Secretary of Education
23 shall consult and coordinate with Indian Tribes on the
24 provisions of this Act in accordance with the policy of the
25 Department of Education relating to Consultation and Co-

1 ordination with American Indian and Alaska Native Tribal
2 Governments developed pursuant to—

3 (1) Executive Order 13175 (65 Fed. Reg.
4 67249; relating to Consultation and Coordination
5 With Indian Tribal Governments); and

6 (2) Executive Order 13592 (76 Fed. Reg.
7 76603; relating to Improving American Indian and
8 Alaska Native Educational Opportunities and
9 Strengthening Tribal Colleges and Universities).

10 (b) RESPONSE.—

11 (1) IN GENERAL.—The Secretary of Education
12 shall provide to Indian Tribes a written response to
13 correspondence received from Indian Tribes pursu-
14 ant to subsection (a) in accordance with the policy
15 described in such subsection.

16 (2) PUBLICATION.—The written response de-
17 scribed in paragraph (1) shall be published on public
18 website of the Department.

19 **SEC. 11. DEFINITION OF FUNCTION.**

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

23 **SEC. 12. EFFECTIVE DATE.**

24 (a) IN GENERAL.—Except as provided in sections 9
25 and 10, this Act and the amendments made by this Act

1 shall take effect 1 year after the date on which the Sec-
2 retary of Education publishes the written response de-
3 scribed in subsection (b) of section 10.

4 (b) EARLY IMPLEMENTATION.—Notwithstanding
5 subsection (a), transfers of functions under section 2 or
6 any other provision of this Act (other than sections 9 and
7 10) may be carried out during the period—

8 (1) beginning on the date on which the Sec-
9 retary of Education publishes the written response
10 described in subsection (b) of section 10; and

11 (2) ending on the effective date of this Act.

