

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9606
OFFERED BY MR. ONDER OF MISSOURI

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 Child Care for Student Parents Act”.

4 SEC. 2. TRANSFER OF DEPARTMENT OF EDUCATION FUNC-
5 TIONS RELATED TO CHILD CARE ACCESS FOR
6 LOW-INCOME PARENTS IN POSTSECONDARY
7 EDUCATION.

8 There are transferred to the Secretary of Health and
9 Human Services (acting through the head of an Office of
10 the Department of Health and Human Services that is
11 in effect on the day before the date of enactment of this
12 Act) all functions which the Secretary of Education exer-
13 cised before the effective date of this Act (including all
14 related functions of any officer or employee of the Depart-
15 ment of Education) under section 419N of the Higher
16 Education Act of 1965 (20 U.S.C. 1070e).

1 **SEC. 3. EXERCISE OF AUTHORITIES.**

2 Except as otherwise provided by law, the Secretary
3 of Health and Human Services may, for purposes of per-
4 forming a function under section 419N of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1070e), exercise all authori-
6 ties under any other provision of law that were available
7 with respect to the performance of that function to the
8 Secretary of Education immediately before the effective
9 date of the transfer of the function under this Act.

10 **SEC. 4. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
11 **TIONS AND PERSONNEL.**

12 Except as otherwise provided in this Act, the per-
13 sonnel employed in connection with, and the assets, liabil-
14 ities, contracts, property, records, and unexpended bal-
15 ances of appropriations, authorizations, allocations, and
16 other funds employed, used, held, arising from, available
17 to, or to be made available in connection with the func-
18 tions transferred under this Act, subject to section 1531
19 of title 31, United States Code, shall be transferred to the
20 Department of Health and Human Services. Unexpended
21 funds transferred pursuant to this section shall be used
22 only for the purposes for which the funds were originally
23 authorized and appropriated.

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

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

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

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

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

8 **SEC. 6. DELEGATION AND ASSIGNMENT.**

9 Except as otherwise expressly prohibited by law or
10 otherwise provided in this Act, the Secretary of Health
11 and Human Services may delegate any of the functions
12 transferred to the Secretary under this Act to such officers
13 and employees of the Secretary as the Secretary may des-
14 ignate, and may authorize successive redelegations of such
15 functions as may be necessary or appropriate. No delega-
16 tion of functions by the Secretary of Health and Human
17 Services under this section or under any other provision
18 of this Act shall relieve the Secretary of responsibility for
19 the administration of the function.

20 **SEC. 7. REFERENCES.**

21 With regard to functions transferred under section 2,
22 a reference in any other Federal law, Executive order,
23 rule, regulation, or delegation of authority, or any docu-
24 ment of or relating to—

1 (1) the Secretary of Education shall be deemed
2 to refer to the Secretary of Health and Human
3 Services; and

4 (2) the Department of Education shall be
5 deemed to refer to the Department of Health and
6 Human Services.

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 Health and Human Services, any other authorized official,
24 a court of competent 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 Health and Human Services, or other appro-
16 priate official of the Department of Health and Human
17 Services, shall be substituted or added as a 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 Health
24 and Human Services, or other officers of the Department

1 of Health and Human Services to which such function is
2 transferred by this Act.

3 **SEC. 9. TRANSITION.**

4 Beginning on the date of enactment of this Act, the
5 Secretary of Health and Human Services is authorized to
6 use, for such period of time as may reasonably be needed
7 to facilitate the orderly implementation of this Act—

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

11 (2) assets of the Department of Education with
12 regard to such functions; and

13 (3) funds appropriated to such functions.

14 **SEC. 10. DEFINITION OF FUNCTION.**

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

18 **SEC. 11. EFFECTIVE DATE.**

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

22 (b) EARLY IMPLEMENTATION.—Notwithstanding
23 subsection (a), transfers of functions under section 2 or
24 any other provision of this Act (other than section 9) may

- 1 be carried out beginning on the date of enactment of this
- 2 Act but not later than the effective date of this Act.

