

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9607
OFFERED BY MR. WALBERG OF MICHIGAN**

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 Workforce Development Act”.

**4 SEC. 2. TRANSFER OF FUNCTIONS OF THE OFFICE OF CA-
5 REER, TECHNICAL, AND ADULT EDUCATION
6 OF THE DEPARTMENT OF EDUCATION.**

7 There are transferred to the Secretary of Labor (act-
8 ing through the Assistant Secretary of Labor for the Em-
9 ployment and Training Administration) of the Depart-
10 ment of Labor all the functions which the Secretary of
11 Education exercised before the effective date of this Act
12 (including all related functions of any officer or employee
13 of the Department of Education) with respect to each of
14 the following:

15 (1) The Carl D. Perkins Career and Technical
16 Education Act of 2006 (20 U.S.C. 2301 et seq.),
17 other than sections 116 and 117 of such Act.

1 (2) Title II of the Workforce Innovation and
2 Opportunity Act (29 U.S.C. 3271 et seq.).

3 (3) The programs and other initiatives that
4 help adult learners become literate, obtain the
5 knowledge and skills necessary for employment and
6 self-sufficiency, obtain secondary school diplomas,
7 and transition to postsecondary education and train-
8 ing pursuant to related legislation.

9 (4) Promotion of collaboration, coordination,
10 and communication among States, local educational
11 agencies, community colleges, and organizations in
12 order to ensure that career and technical education
13 programs and activities prepare youth and adults for
14 postsecondary education and high-skill, high-wage,
15 or high-demand occupations in current or emerging
16 professions.

17 (5) Cultivation of continuous improvement for
18 career and technical education and adult education
19 and family literacy programs in service of engaging,
20 developing, and inspiring a high-performing work-
21 force informed by high-quality data and account-
22 ability systems and quality assurance measures.

23 (6) Any function not covered under paragraphs
24 (1) through (5) that is described in the Department
25 of Education Organization Act (20 U.S.C. 3401 et

1 seq.) as a function that is exercised by the Assistant
2 Secretary for Career, Technical, and Adult Edu-
3 cation.

4 **SEC. 3. EXERCISE OF AUTHORITIES.**

5 Except as otherwise provided by law, the Secretary
6 of Labor may, for purposes of performing a function
7 transferred under this Act, exercise all authorities under
8 any other provision of law that were available with respect
9 to the performance of that function to the Secretary of
10 Education immediately before the effective date of the
11 transfer of the function under this Act.

12 **SEC. 4. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
13 **TIONS AND PERSONNEL.**

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

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 the termination of the affairs of all enti-
26 ties terminated by this Act and for such further measures

1 and dispositions as may be necessary to effectuate the pur-
2 poses of this Act.

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

10 **SEC. 6. DELEGATION AND ASSIGNMENT.**

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

21 **SEC. 7. REFERENCES.**

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

1 (1) the Secretary of Education shall be deemed
2 to refer to the Secretary of Labor; and

3 (2) the Department of Education shall be
4 deemed to refer to the Department of Labor.

5 **SEC. 8. SAVINGS PROVISIONS.**

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

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

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

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

23 (b) **PROCEEDINGS.**—This Act shall not affect any
24 proceedings or any application for any benefits, service,
25 license, permit, certificate, or financial assistance pending

1 on the date of the enactment of this Act before the De-
2 partment of Education (with respect to functions trans-
3 ferred by this Act). Such proceedings and applications
4 shall continue, orders shall be issued in such proceedings,
5 appeals shall be taken therefrom, and payments shall be
6 made pursuant to such orders, as if this Act had not been
7 enacted, and orders issued in any such proceeding shall
8 continue in effect until modified, terminated, superseded,
9 or revoked by a duly authorized official, by a court of com-
10 petent jurisdiction, or by operation of law. Nothing in this
11 subsection shall be considered to prohibit the discontinu-
12 ance or modification of any such proceeding under the
13 same terms and conditions and to the same extent that
14 such proceeding could have been discontinued or modified
15 if this Act had not been enacted.

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

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

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

23 (d) NONABATEMENT OF ACTIONS.—No suit, action,
24 or other proceeding commenced by or against the Depart-
25 ment of Education (with respect to the functions trans-

ferred by this Act), or by or against any individual in the official capacity of such individual as an officer or employee of the Department of Education (with regard to functions transferred by this Act), shall abate by reason of the enactment of this Act.

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

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary of Labor, or other officers of the Department of Labor to which such function is transferred by this Act.

SEC. 9. TRANSITION.

Beginning on the date of enactment of this Act, the Secretary of Labor is authorized to use, for such period

1 of time as may reasonably be needed to facilitate the or-
2 derly implementation of this Act—

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

6 (2) assets of the Department of Education with
7 regard to such functions; and

8 (3) funds appropriated to such functions.

9 **SEC. 10. DEFINITION OF FUNCTION.**

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

13 **SEC. 11. EFFECTIVE DATE.**

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

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

