

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9608
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 Family Engagement Act”.

4 SEC. 2. TRANSFER OF DEPARTMENT OF EDUCATION FUNC-
5 TIONS RELATING TO FAMILY ENGAGEMENT.

6 There are transferred to the Secretary of Health and
7 Human Services all the functions which the Secretary of
8 Education exercised before the effective date of this Act
9 (including all related functions of any officer or employee
10 of the Department of Education) with respect to each of
11 the following:

12 (1) Family Engagement in Education Programs
13 authorized under part E of title IV of the Elemen-
14 tary and Secondary Education Act of 1965 (20
15 U.S.C. 7241 et seq.).

16 (2) The Community Support for School Success
17 program authorized under subpart 2 of part F of

1 title IV of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7271 et seq.).

3 (3) National Activities for School Safety pro-
4 gram authorized under subpart 3 of part F of title
5 IV of the Elementary and Secondary Education Act
6 of 1965 (20 U.S.C. 7281).

7 (4) The Ready to Learn Programming Grant
8 program authorized under section 4643 of the Ele-
9 mentary and Secondary Education Act of 1965 (20
10 U.S.C. 7293).

11 **SEC. 3. EXERCISE OF AUTHORITIES.**

12 Except as otherwise provided by law, the Secretary
13 of Health and Human Services may, for purposes of per-
14 forming a function transferred under this Act, exercise all
15 authorities under any other provision of law that were
16 available with respect to the performance of that function
17 to the Secretary of Education immediately before the ef-
18 fective date of the transfer of the function under this Act.

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

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

1 to, or to be made available in connection with the func-
2 tions transferred under this Act, subject to section 1531
3 of title 31, United States Code, shall be transferred to the
4 Secretary of Health and Human Services. Unexpended
5 funds transferred pursuant to this section shall be used
6 only for the purposes for which the funds were originally
7 authorized and appropriated.

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

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

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

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

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

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

18 **SEC. 6. DELEGATION AND ASSIGNMENT.**

19 Except as otherwise expressly prohibited by law or
20 otherwise provided in this Act, the Secretary of Health
21 and Human Services may delegate any of the functions
22 so transferred to such officers and employees of the De-
23 partment of Health and Human Services as the Secretary
24 may designate, and may authorize successive redelegations
25 of such functions as may be necessary or appropriate. No

1 delegation of functions under this section or under any
2 other provision of this Act shall relieve the Secretary of
3 Health and Human Services of responsibility for the ad-
4 ministration 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 Health and Human
12 Services; and

13 (2) the Department of Education shall be
14 deemed to refer to the Department of Health and
15 Human Services.

16 **SEC. 8. SAVINGS PROVISIONS.**

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

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

1 (2) that are in effect on the effective date of
2 such transfer (or become effective after such date
3 pursuant to their terms as in effect on such effective
4 date),

5 shall continue in effect according to their terms until
6 modified, terminated, superseded, set aside, or revoked in
7 accordance with law by the President, the Secretary of
8 Health and Human Services, any other authorized official,
9 a court of competent jurisdiction, or operation of law.

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

1 such proceeding could have been discontinued or modified
2 if this Act had not been enacted.

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

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

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

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

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

1 priate official of the Department of Health and Human
2 Services, shall be substituted or added as a party.

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

12 **SEC. 9. TRANSITION.**

13 Beginning on the date of enactment of this Act, the
14 Secretary of Health and Human Services is authorized to
15 use, for such period of time as may reasonably be needed
16 to facilitate the orderly implementation of this Act—

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

20 (2) assets of the Department of Education with
21 regard to such functions; and

22 (3) funds appropriated to such functions.

1 **SEC. 10. DEFINITION OF FUNCTION.**

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

5 **SEC. 11. EFFECTIVE DATE.**

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

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

