

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9610
OFFERED BY MR. HARRIS OF NORTH 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 K–12 Education Act”.

4 SEC. 2. TRANSFER OF DEPARTMENT OF EDUCATION FUNC-
5 TIONS RELATING TO THE OFFICE OF ELE-
6 MENTARY AND SECONDARY EDUCATION.

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

12 (1) The Improving Academic Achievement of
13 the Disadvantaged formula grant program author-
14 ized under title I of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6301 et seq.).

16 (2) Functions authorized under part A of title
17 I of the Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 6311 et seq.).

1 (3) The Improving Academic Achievement of
2 the Disadvantaged State Assessment Grants pro-
3 gram authorized under part B of title I of the Ele-
4 mentary and Secondary Education Act of 1965 (20
5 U.S.C. 6361 et seq.), including the Competitive
6 Grants for State Assessments program authorized
7 under section 1203(b)(1) of such Act (20 U.S.C.
8 6363(b)(1)).

9 (4) The Education of Migratory Children pro-
10 gram authorized under part C of title I of the Ele-
11 mentary and Secondary Education Act of 1965 (20
12 U.S.C. 6391 et seq.).

13 (5) Prevention and Intervention Programs for
14 Children and Youth Who are Neglected, Delinquent,
15 or At-Risk authorized under part D of title I of the
16 Elementary and Secondary Education Act of 1965
17 (20 U.S.C. 6421 et seq.).

18 (6) The Supporting Effective Instruction State
19 Grants program authorized under part A of title II
20 of the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 6611 et seq.).

22 (7) The Teacher and School Leader Incentive
23 program authorized under subpart 1 of part B of
24 title II of the Elementary and Secondary Education
25 Act of 1965 (20 U.S.C. 6631 et seq.).

1 (8) The Comprehensive Literacy State Develop-
2 ment Grants program authorized under section 2222
3 of the Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 6642).

5 (9) The Innovative Approaches to Literacy
6 grant program authorized under section 2226 of the
7 Elementary and Secondary Education Act of 1965
8 (20 U.S.C. 6646).

9 (10) The American History and Civics Edu-
10 cation program authorized under subpart 3 of part
11 B of title II of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 6661 et seq.).

13 (11) The Supporting Effective Educator Devel-
14 opment program authorized under section 2242 of
15 the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6672).

17 (12) The English Language Acquisition State
18 Grants program authorized under part A of title III
19 of the Elementary and Secondary Education Act of
20 1965 (20 U.S.C. 6811 et seq.), including the Na-
21 tional Professional Development program authorized
22 under section 3131 of such Act (20 U.S.C. 6861),
23 except for section 3112 of such Act (20 U.S.C.
24 6822).

1 (13) The Student Support and Academic En-
2 richment (SSAE) program authorized under part A
3 of title IV of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7101 et seq.).

5 (14) The 21st Century Community Learning
6 Centers program authorized under part B of title IV
7 of the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7171 et seq.).

9 (15) The Expanding Opportunities through
10 Quality Charter Schools program authorized under
11 part C of title IV of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7221 et seq.).

13 (16) The Magnet Schools Assistance program
14 authorized under part D of title IV of the Elemen-
15 tary and Secondary Education Act of 1965 (20
16 U.S.C. 7231 et seq.).

17 (17) The Assistance for Arts Education pro-
18 gram authorized under section 4642 of the Elemen-
19 tary and Secondary Education Act of 1965 (20
20 U.S.C. 7292).

21 (18) The Small, Rural School Achievement pro-
22 gram authorized under subpart 1 of part B of title
23 V of the Elementary and Secondary Education Act
24 of 1965 (20 U.S.C. 7345 et seq.).

1 (19) The Rural and Low-Income School pro-
2 gram authorized under subpart 2 of part B of title
3 V of the Elementary and Secondary Education Act
4 of 1965 (20 U.S.C. 7351 et seq.).

5 (20) The Impact Aid program under title VII
6 of the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 7701 et seq.).

8 (21) The Teacher Quality Partnership Grant
9 program authorized under part A of title II of the
10 Higher Education Act of 1965 (20 U.S.C. 1022 et
11 seq.).

12 (22) Functions authorized under the District of
13 Columbia Scholarships for Opportunity and Results
14 Act (division C of Public Law 112–10).

15 (23) The Education for Homeless Children and
16 Youths program authorized under subtitle B of title
17 VII of the McKinney-Vento Homeless Assistance Act
18 (42 U.S.C. 11431 et seq.).

19 (24) Authority regarding consolidated grants to
20 the Insular Areas authorized under section 501 of
21 the Act entitled “An Act to authorize certain appro-
22 priations for the territories of the United States, to
23 amend certain Acts relating thereto, and for other
24 purposes” (Public Law 95–134; 48 U.S.C. 1469a).

1 (25) Projects overseen by the Office of Elemen-
2 tary and Secondary Education of the Department of
3 Education that the Secretary of Education deter-
4 mines are congressionally funded community
5 projects.

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

7 Except as otherwise provided by law, the Secretary
8 of Labor may, for purposes of performing a function
9 transferred under this Act, exercise all authorities under
10 any other provision of law that were available with respect
11 to the performance of that function to the Secretary of
12 Education immediately before the effective date of the
13 transfer of the function under this 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 Labor. 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 the termination of the affairs of all enti-
3 ties terminated by this Act and for such further measures
4 and dispositions as may be necessary to effectuate the pur-
5 poses of this Act.

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

13 **SEC. 6. DELEGATION AND ASSIGNMENT.**

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

1 **SEC. 7. REFERENCES.**

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

6 (1) the Secretary of Education shall be deemed
7 to refer to the Secretary of Labor;

8 (2) the Department of Education shall be
9 deemed to refer to the Department of Labor;

10 (3) the Office of Elementary and Secondary
11 Education of the Department of Education shall be
12 deemed to refer to the Employment and Training
13 Administration of the Department of Labor; and

14 (4) the Assistant Secretary for Elementary and
15 Secondary Education shall be deemed to refer to the
16 Assistant Secretary of Labor for Employment and
17 Training.

18 **SEC. 8. SAVINGS PROVISIONS.**

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

22 (1) that have been issued, made, granted, or al-
23 lowed to become effective by the President, any Fed-
24 eral agency or official thereof, or by a court of com-
25 petent jurisdiction, in the performance of any func-
26 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 Labor, any other authorized official, a court of competent
9 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 effective date of this Act before the Department
14 of Education (with respect to functions transferred by this
15 Act). Such proceedings and applications shall continue, or-
16 ders shall be issued in such proceedings, appeals shall be
17 taken therefrom, and payments shall be made pursuant
18 to such orders, as if this Act had not been enacted, and
19 orders issued in any such proceeding shall continue in ef-
20 fect until modified, terminated, superseded, or revoked by
21 a duly authorized official, by a court of competent jurisdic-
22 tion, or by operation of law. Nothing in this subsection
23 shall be considered to prohibit the discontinuance or modi-
24 fication of any such proceeding under the same terms and
25 conditions and to the same extent that such proceeding

1 could have been discontinued or modified if this Act had
2 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 Labor, or other appropriate official of the De-

1 partment of Labor, shall be substituted or added as a
2 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 Labor,
9 or other officers of the Department of Labor to which such
10 function is transferred by this Act.

11 **SEC. 9. TRANSITION.**

12 Beginning on the date of enactment of this Act, the
13 Secretary of Labor is authorized to use, for such period
14 of time as may reasonably be needed to facilitate the or-
15 derly implementation of this Act—

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

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

21 (3) funds appropriated to such functions.

22 **SEC. 10. DEFINITION OF FUNCTION.**

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

1 **SEC. 11. EFFECTIVE DATE.**

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

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

