

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9611
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 Higher Education Act”.

4 SEC. 2. TRANSFER AND REPEAL OF DEPARTMENT OF EDU-
5 CATION FUNCTIONS RELATED TO CERTAIN
6 POSTSECONDARY EDUCATION PROGRAMS.

7 (a) TRANSFERS.—There are transferred to the Sec-
8 retary of Labor (acting through the Assistant Secretary
9 of Labor for Employment and Training Administration of
10 the Department of Labor) all the functions which the Sec-
11 retary of Education exercised before the effective date of
12 this Act (including all related functions of any officer or
13 employee of the Department of Education) with respect
14 to each of the following:

15 (1) The Augustus F. Hawkins Center of Excel-
16 lence Program authorized under subpart 2 of part B
17 of title II of the Higher Education Act of 1965 (20
18 U.S.C. 1033 et seq.).

1 (2) The Strengthening Institutions programs
2 authorized under part A of title III of the Higher
3 Education Act of 1965 (20 U.S.C. 1057 et seq.),
4 other than sections 316, 317, 319, and 320.

5 (3) The Strengthening Historically Black Col-
6 leges and Universities Program authorized under
7 part B of title III of the Higher Education Act of
8 1965 (20 U.S.C. 1060 et seq.), and for which
9 amounts are made available under section 371 of
10 such Act (20 U.S.C. 1067q).

11 (4) The Historically Black College and Univer-
12 sity Capital Financing program authorized under
13 part D of title III of the Higher Education Act of
14 1965 (20 U.S.C. 1066 et seq.).

15 (5) The Minority Science and Engineering Im-
16 provement Program authorized under part E of title
17 III of the Higher Education Act of 1965 (20 U.S.C.
18 1067 et seq.).

19 (6) The Hispanic-serving institutions-Science,
20 Technology, Engineering, or Mathematics and Ar-
21 ticulation Program authorized under section
22 371(b)(2)(B) of the Higher Education Act of 1965
23 (20 U.S.C. 1067q(b)(2)(B)).

24 (7) The Federal TRIO Programs authorized
25 under chapter 1 of subpart 2 of part A of title IV

1 of the Higher Education Act of 1965 (20 U.S.C.
2 1070a–11 et seq.).

3 (8) The Gaining Early Awareness and Readiness for Undergraduate Programs authorized under
4 chapter 2 of subpart 2 of part A of title IV of the
5 Higher Education Act of 1965 (20 U.S.C. 1070a et
6 seq.).

8 (9) The Special Programs for Students whose
9 Families are Engaged in Migrant and Seasonal
10 Farmwork authorized under subpart 5 of part A of
11 title IV of the Higher Education Act of 1965 (20
12 U.S.C. 1070d–2).

13 (10) The functions authorized under title V of
14 the Higher Education Act of 1965 (20 U.S.C. 1101
15 et seq.).

16 (11) The Graduate Assistance in Areas of Na-
17 tional Need program authorized under subpart 2 of
18 part A of title VII of the Higher Education Act of
19 1965 (20 U.S.C. 1135 et seq.).

20 (12) The Masters Degree Programs at Histori-
21 cally Black Colleges and Universities and Predomi-
22 nantly Black Institutions authorized under subpart
23 4 of part A of title VII of the Higher Education Act
24 of 1965 (20 U.S.C. 1136a et seq.).

1 (13) The Fund for the Improvement of Postsec-
2 ondary Education program authorized under part B
3 of title VII of the Higher Education Act of 1965 (20
4 U.S.C. 1138 et seq.).

5 (14) Demonstration Projects to Ensure Stu-
6 dents with Disabilities Receive a Quality Higher
7 Education program authorized under subpart 1 of
8 part D of title VII of the Higher Education Act of
9 1965 (20 U.S.C. 1140a et seq.).

10 (15) The Model Comprehensive Transition and
11 Postsecondary Programs for Students with Intellec-
12 tual Disabilities authorized under subpart 2 of part
13 D of title VII of the Higher Education Act of 1965
14 (20 U.S.C. 1140f et seq.).

15 (16) National Technical Assistance Center; Co-
16 ordinating Center authorized under subpart 4 of
17 part D of title VII of the Higher Education Act of
18 1965 (20 U.S.C. 1140p et seq.).

19 (17) The Centers of Excellence for Veteran
20 Student Success program authorized under part T
21 of title VIII of the Higher Education Act of 1965
22 (20 U.S.C. 1161t).

23 (18) The Modeling and Simulation Program au-
24 thorized under part V of title VIII of the Higher
25 Education Act of 1965 (20 U.S.C. 1161v).

1 (19) All functions under laws relating to the re-
2 lationship between the Department of Education and
3 Howard University.

4 (20) Projects overseen by the Office of Postsec-
5 ondary Education that the Secretary of Education
6 determines are congressionally funded community
7 projects.

8 (b) REPEALS.—The Higher Education Act of 1965
9 (20 U.S.C. 1001 et seq.) is amended by repealing each
10 of the following:

11 (1) The Leveraging Educational Assistance
12 Partnership Program authorized under subpart 4 of
13 part A of title IV (20 U.S.C. 1070c et seq.).

14 (2) The Robert C. Byrd Honors Scholarship
15 Program authorized under subpart 6 of part A of
16 title IV (20 U.S.C. 1070d–31 et seq.).

17 (3) The College Access Challenge Grant Pro-
18 gram authorized under part E of title VII (20
19 U.S.C. 1141).

20 (4) The Project Grad program authorized
21 under part A of title VIII (20 U.S.C. 1161a).

22 **SEC. 3. EXERCISE OF AUTHORITIES.**

23 Except as otherwise provided by law, the Secretary
24 of Labor may, for purposes of performing a function
25 transferred under this Act, exercise all authorities under

1 any other provision of law that were available with respect
2 to the performance of that function to the Secretary of
3 Education immediately before the effective date of the
4 transfer of the function under this Act.

5 **SEC. 4. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
6 **TIONS AND PERSONNEL.**

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

19 **SEC. 5. AUTHORITY OF DIRECTOR OF THE OFFICE OF MAN-**
20 **AGEMENT AND BUDGET WITH RESPECT TO**
21 **FUNCTIONS TRANSFERRED.**

22 (a) PERSONNEL DETERMINATIONS.—The Director of
23 the Office of Management and Budget shall ensure that
24 this Act does not result in a net increase in full-time equiv-
25 alent employees at the Federal agencies impacted by this

1 Act, based on the number of such employees at such agen-
2 cies on the date of enactment of this Act.

3 (b) FUNCTION DETERMINATIONS.—If necessary, the
4 Director of the Office of Management and Budget shall
5 make any determination of the functions that are trans-
6 ferred under this Act.

7 (c) INCIDENTAL TRANSFERS.—The Director of the
8 Office of Management and Budget, at such time or times
9 as the Director shall provide, may make such determina-
10 tions as may be necessary with regard to the functions
11 transferred by this Act, and to make such additional inci-
12 dental dispositions of personnel, assets, liabilities, grants,
13 contracts, property, records, and unexpended balances of
14 appropriations, authorizations, allocations, and other
15 funds held, used, arising from, available to, or to be made
16 available in connection with such functions, as may be nec-
17 essary to carry out the provisions of this Act. The Director
18 shall provide for the termination of the affairs of all enti-
19 ties terminated by this Act and for such further measures
20 and dispositions as may be necessary to effectuate the pur-
21 poses of this Act.

22 (d) CERTIFICATION OF COMPLIANCE.—On the effec-
23 tive date of this Act, the Director of the Office of Manage-
24 ment and Budget shall certify compliance with this Act,
25 including the requirement under subsection (a), to the

1 Committee on Education and Workforce of the House of
2 Representatives and the Committee on Health, Education,
3 Labor, and Pensions of the Senate.

4 **SEC. 6. DELEGATION AND ASSIGNMENT.**

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

15 **SEC. 7. REFERENCES.**

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

20 (1) the Secretary of Education shall be deemed
21 to refer to the Secretary of Labor;

22 (2) the Department of Education shall be
23 deemed to refer to the Department of Labor;

24 (3) the Office of Elementary and Secondary
25 Education of the Department of Education shall be

1 deemed to refer to the Employment and Training
2 Administration of the Department of Labor; and
3 (4) the Assistant Secretary for Elementary and
4 Secondary Education shall be deemed to refer to the
5 Assistant Secretary of Labor for Employment and
6 Training.

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

1 **SEC. 9. TRANSITION.**

2 Beginning on the date of enactment of this Act, the
3 Secretary of Labor is authorized to use, for such period
4 of time as may reasonably be needed to facilitate the or-
5 derly implementation of this Act—

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

9 (2) assets of the Department of Education with
10 regard to such functions; and

11 (3) funds appropriated to such functions.

12 **SEC. 10. DEFINITION OF FUNCTION.**

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

16 **SEC. 11. EFFECTIVE DATE.**

17 (a) IN GENERAL.—Except as provided in section 9,
18 this Act and the amendments made by this Act shall take
19 effect 6 months after the date of enactment of this Act.

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

