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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To ensure the Department of Labor will manage certain postsecondary education programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HARRIS of North Carolina introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure the Department of Labor will manage certain postsecondary education programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Less Bureaucracy,
5 Better Higher Education Act”.

1 **SEC. 2. TRANSFER OF DEPARTMENT OF EDUCATION FUNC-**
2 **TIONS RELATED TO CERTAIN POSTSEC-**
3 **ONDARY EDUCATION PROGRAMS.**

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

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

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

20 (3) The Strengthening Historically Black Col-
21 leges and Universities Program authorized under
22 part B of title III of the Higher Education Act of
23 1965 (20 U.S.C. 1060 et seq.), and for which
24 amounts are made available under section 371 of
25 such Act (20 U.S.C. 1067q).

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

5 (5) The Minority Science and Engineering Im-
6 provement Program authorized under part E of title
7 III of the Higher Education Act of 1965 (20 U.S.C.
8 1067 et seq.).

9 (6) The Hispanic-serving institutions-Science,
10 Technology, Engineering, or Mathematics and Ar-
11 ticulation Program authorized under section
12 371(b)(2)(B) of the Higher Education Act of 1965
13 (20 U.S.C. 1067q(b)(2)(B)).

14 (7) The Federal TRIO Programs authorized
15 under chapter 1 of subpart 2 of part A of title IV
16 of the Higher Education Act of 1965 (20 U.S.C.
17 1070a–11 et seq.).

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

23 (9) The Special Programs for Students whose
24 Families are Engaged in Migrant and Seasonal
25 Farmwork authorized under subpart 5 of part A of

1 title IV of the Higher Education Act of 1965 (20
2 U.S.C. 1070d-2).

3 (10) The functions authorized under title V of
4 the Higher Education Act of 1965 (20 U.S.C. 1101
5 et seq.).

6 (11) The Graduate Assistance in Areas of Na-
7 tional Need program authorized under subpart 2 of
8 part A of title VII of the Higher Education Act of
9 1965 (20 U.S.C. 1135 et seq.).

10 (12) The Masters Degree Programs at Histori-
11 cally Black Colleges and Universities and Predomi-
12 nantly Black Institutions authorized under subpart
13 4 of part A of title VII of the Higher Education Act
14 of 1965 (20 U.S.C. 1136a et seq.).

15 (13) The Fund for the Improvement of Postsec-
16 ondary Education program authorized under part B
17 of title VII of the Higher Education Act of 1965 (20
18 U.S.C. 1138 et seq.).

19 (14) Demonstration Projects to Ensure Stu-
20 dents with Disabilities Receive a Quality Higher
21 Education program authorized under subpart 1 of
22 part D of title VII of the Higher Education Act of
23 1965 (20 U.S.C. 1140a et seq.).

24 (15) The Model Comprehensive Transition and
25 Postsecondary Programs for Students with Intellec-

1 tual Disabilities authorized under subpart 2 of part
2 D of title VII of the Higher Education Act of 1965
3 (20 U.S.C. 1140f et seq.).

4 (16) National Technical Assistance Center; Co-
5 ordinating Center authorized under subpart 4 of
6 part D of title VII of the Higher Education Act of
7 1965 (20 U.S.C. 1140p et seq.).

8 (17) The Centers of Excellence for Veteran
9 Student Success program authorized under part T
10 of title VIII of the Higher Education Act of 1965
11 (20 U.S.C. 1161t).

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

15 (19) All functions under laws relating to the re-
16 lationship between the Department of Education and
17 Howard University.

18 (20) Projects overseen by the Office of Postsec-
19 ondary Education that the Secretary of Education
20 determines are congressionally funded community
21 projects.

22 (b) REPEALS.—The Higher Education Act of 1965
23 (20 U.S.C. 1001 et seq.) is amended by repealing each
24 of the following:

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

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

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

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

12 **SEC. 3. EXERCISE OF AUTHORITIES.**

13 Except as otherwise provided by law, the Secretary
14 of Labor may, for purposes of performing a function
15 transferred under this Act, exercise all authorities under
16 any other provision of law that were available with respect
17 to the performance of that function to the Secretary of
18 Education immediately before the effective date of the
19 transfer of the function under this Act.

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

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

1 other funds employed, used, held, arising from, available
2 to, or to be made available in connection with the func-
3 tions transferred under this Act, subject to section 1531
4 of title 31, United States Code, shall be transferred to the
5 Secretary of Labor. Unexpended funds transferred pursu-
6 ant to this section shall be used only for the purposes for
7 which the funds were originally authorized and appro-
8 priated.

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

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

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

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

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

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

19 **SEC. 6. DELEGATION AND ASSIGNMENT.**

20 Except as otherwise expressly prohibited by law or
21 otherwise provided in this Act, the Secretary of Labor may
22 delegate any of the functions so transferred to such offi-
23 cers and employees of the Department of Labor as the
24 Secretary may designate, and may authorize successive re-
25 delegations of such functions as may be necessary or ap-

1 appropriate. No delegation of functions under this section
2 or under any other provision of this Act shall relieve the
3 Secretary of Labor of responsibility for the administration
4 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 Labor;

12 (2) the Department of Education shall be
13 deemed to refer to the Department of Labor;

14 (3) the Office of Elementary and Secondary
15 Education of the Department of Education shall be
16 deemed to refer to the Education Employment and
17 Training Administration of the Department of
18 Labor; and

19 (4) the Assistant Secretary for Elementary and
20 Secondary Education shall be deemed to refer to the
21 Assistant Secretary of Labor for Employment and
22 Training.

1 **SEC. 8. SAVINGS PROVISIONS.**

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

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

10 (2) that are in effect on the effective date of
11 such transfer (or become effective after such date
12 pursuant to their terms as in effect on such effective
13 date),

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

19 (b) **PROCEEDINGS.**—This Act shall not affect any
20 proceedings or any application for any benefits, service,
21 license, permit, certificate, or financial assistance pending
22 on the date of the enactment of this Act before the De-
23 partment of Education (with respect to functions trans-
24 ferred by this Act). Such proceedings and applications
25 shall continue, orders shall be issued in such proceedings,
26 appeals shall be taken therefrom, and payments shall be

1 made pursuant to such orders, as if this Act had not been
2 enacted, and orders issued in any such proceeding shall
3 continue in effect until modified, terminated, superseded,
4 or revoked by a duly authorized official, by a court of com-
5 petent jurisdiction, or by operation of law. Nothing in this
6 subsection shall be considered to prohibit the discontinu-
7 ance or modification of any such proceeding under the
8 same terms and conditions and to the same extent that
9 such proceeding could have been discontinued or modified
10 if this Act had not been enacted.

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

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

14 (2) in all such suits, proceeding shall be had,
15 appeals taken, and judgments rendered in the same
16 manner and with the same effect as if this Act had
17 not been enacted.

18 (d) NONABATEMENT OF ACTIONS.—No suit, action,
19 or other proceeding commenced by or against the Depart-
20 ment of Education (with respect to the functions trans-
21 ferred by this Act), or by or against any individual in the
22 official capacity of such individual as an officer or em-
23 ployee of the Department of Education (with regard to
24 functions transferred by this Act), shall abate by reason
25 of the enactment of this Act.

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

10 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
11 VIEW.—Except as otherwise provided by this Act, any
12 statutory requirements relating to notice, hearings, action
13 upon the record, or administrative or judicial review that
14 apply to any function transferred by this Act shall apply
15 to the exercise of such function by the Secretary of Labor,
16 and other officers of the Department of Labor, to which
17 such function is transferred by this Act.

18 **SEC. 9. TRANSITION.**

19 Beginning on the date of enactment of this Act, the
20 Secretary of Labor is authorized to use, for such period
21 of time as may reasonably be needed to facilitate the or-
22 derly implementation of this Act—

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

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

3 (3) funds appropriated to such functions.

4 **SEC. 10. DEFINITION OF FUNCTION.**

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

8 **SEC. 11. EFFECTIVE DATE.**

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

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