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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To ensure the Secretary of Labor will manage elementary and secondary 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 Secretary of Labor will manage elementary and secondary 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 K–12 Education Act”.

1 **SEC. 2. TRANSFER OF DEPARTMENT OF EDUCATION FUNC-**
2 **TIONS RELATING TO THE OFFICE OF ELE-**
3 **MENTARY AND SECONDARY EDUCATION.**

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

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

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

16 (3) The Improving Academic Achievement of
17 the Disadvantaged State Assessment Grants pro-
18 gram authorized under part B of title I of the Ele-
19 mentary and Secondary Education Act of 1965 (20
20 U.S.C. 6361 et seq.), including the Competitive
21 Grants for State Assessments program authorized
22 under section 1203(b)(1) of such Act (20 U.S.C.
23 6363(b)(1)).

24 (4) The Education of Migratory Children pro-
25 gram authorized under part C of title I of the Ele-

1 elementary and Secondary Education Act of 1965 (20
2 U.S.C. 6391 et seq.).

3 (5) Prevention and Intervention Programs for
4 Children and Youth Who are Neglected, Delinquent,
5 or At-Risk authorized under part D of title I of the
6 Elementary and Secondary Education Act of 1965
7 (20 U.S.C. 6421 et seq.).

8 (6) The Supporting Effective Instruction State
9 Grants program authorized under part A of title II
10 of the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 6611 et seq.).

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

16 (8) The Comprehensive Literacy State Develop-
17 ment Grants program authorized under section 2222
18 of the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 6642).

20 (9) The Innovative Approaches to Literacy
21 grant program authorized under section 2226 of the
22 Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 6646).

24 (10) The American History and Civics Edu-
25 cation program authorized under subpart 3 of part

1 B of title II of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6661 et seq.).

3 (11) The Supporting Effective Educator Devel-
4 opment program authorized under section 2242 of
5 the Elementary and Secondary Education Act of
6 1965 (20 U.S.C. 6672).

7 (12) The English Language Acquisition State
8 Grants program authorized under part A of title III
9 of the Elementary and Secondary Education Act of
10 1965 (20 U.S.C. 6811 et seq.), including the Na-
11 tional Professional Development program authorized
12 under section 3131 of such Act (20 U.S.C. 6861),
13 except for section 3112 of such Act (20 U.S.C.
14 6822).

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

19 (14) The 21st Century Community Learning
20 Centers program authorized under part B of title IV
21 of the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7171 et seq.).

23 (15) The Expanding Opportunities through
24 Quality Charter Schools program authorized under

1 part C of title IV of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 7221 et seq.).

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

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

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

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

19 (20) The Impact Aid program under title VII
20 of the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 7701 et seq.).

22 (21) The Teacher Quality Partnership Grant
23 program authorized under part A of title II of the
24 Higher Education Act of 1965 (20 U.S.C. 1022 et
25 seq.).

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

4 (23) The Education for Homeless Children and
5 Youths program authorized under subtitle B of title
6 VII of the McKinney-Vento Homeless Assistance Act
7 (42 U.S.C. 11431 et seq.).

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

14 (25) Projects overseen by the Office of Elemen-
15 tary and Secondary Education of the Department of
16 Education that the Secretary of Education deter-
17 mines are congressionally funded community
18 projects.

19 **SEC. 3. EXERCISE OF AUTHORITIES.**

20 Except as otherwise provided by law, the Secretary
21 of Labor may, for purposes of performing a function
22 transferred under this Act, exercise all authorities under
23 any other provision of law that were available with respect
24 to the performance of that function to the Secretary of

1 Education immediately before the effective date of the
2 transfer of the function under this Act.

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

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

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

20 (a) PERSONNEL DETERMINATIONS.—The Director of
21 the Office of Management and Budget shall ensure that
22 this Act does not result in a net increase in full-time equiv-
23 alent employees at the Federal agencies impacted by this
24 Act, based on the number of such employees at such agen-
25 cies on the date of enactment of this Act.

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

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

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

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

3 **SEC. 6. DELEGATION AND ASSIGNMENT.**

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

14 **SEC. 7. REFERENCES.**

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

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

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

23 (3) the Office of Elementary and Secondary
24 Education of the Department of Education shall be
25 deemed to refer to the Education Employment and

1 Training Administration of the Department of
2 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 effective date of this Act before the Department
5 of Education (with respect to functions transferred by this
6 Act). Such proceedings and applications shall continue, or-
7 ders shall be issued in such proceedings, appeals shall be
8 taken therefrom, and payments shall be made pursuant
9 to such orders, as if this Act had not been enacted, and
10 orders issued in any such proceeding shall continue in ef-
11 fect until modified, terminated, superseded, or revoked by
12 a duly authorized official, by a court of competent jurisdic-
13 tion, or by operation of law. Nothing in this subsection
14 shall be considered to prohibit the discontinuance or modi-
15 fication of any such proceeding under the same terms and
16 conditions and to the same extent that such proceeding
17 could have been discontinued or modified if this Act had
18 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 and other officers of the Department of Labor, to which
25 such 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 shall take effect 6 months after the date of enact-
19 ment 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.