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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To ensure the Department of Labor will manage programs within the Office of Career, Technical, and Adult Education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WALBERG introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure the Department of Labor will manage programs within the Office of Career, Technical, and Adult Education, 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 Workforce Development Act”.

1 **SEC. 2. TRANSFER OF FUNCTIONS OF THE OFFICE OF CA-**
2 **REER, TECHNICAL, AND ADULT EDUCATION**
3 **OF THE DEPARTMENT OF EDUCATION.**

4 There are transferred to the Secretary of Labor (act-
5 ing through the Assistant Secretary of Labor for the Em-
6 ployment and Training Administration) of the Depart-
7 ment of Labor 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) The Carl D. Perkins Career and Technical
13 Education Act of 2006 (20 U.S.C. 2301 et seq.),
14 other than sections 116 and 117 of such Act.

15 (2) Title II of the Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3271 et seq.).

17 (3) The programs and other initiatives that
18 help adult learners become literate, obtain the
19 knowledge and skills necessary for employment and
20 self-sufficiency, obtain secondary school diplomas,
21 and transition to postsecondary education and train-
22 ing pursuant to related legislation.

23 (4) Promotion of collaboration, coordination,
24 and communication among States, local educational
25 agencies, community colleges, and organizations in
26 order to ensure that career and technical education

1 programs and activities prepare youth and adults for
2 postsecondary education and high-skill, high-wage,
3 or high-demand occupations in current or emerging
4 professions.

5 (5) Cultivation of continuous improvement for
6 career and technical education and adult education
7 and family literacy programs in service of engaging,
8 developing, and inspiring a high-performing work-
9 force informed by high-quality data and account-
10 ability systems and quality assurance measures.

11 (6) Any function not covered under paragraphs
12 (1) through (5) that is described in the Department
13 of Education Organization Act (20 U.S.C. 3401 et
14 seq.) as a function that is exercised by the Assistant
15 Secretary for Career, Technical, and Adult Edu-
16 cation.

17 **SEC. 3. EXERCISE OF AUTHORITIES.**

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

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

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

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

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

24 (b) FUNCTION DETERMINATIONS.—If necessary, the
25 Director of the Office of Management and Budget shall

1 make any determination of the functions that are trans-
2 ferred under this Act.

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

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

1 **SEC. 6. DELEGATION AND ASSIGNMENT.**

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

12 **SEC. 7. REFERENCES.**

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

17 (1) the Secretary of Education shall be deemed
18 to refer to the Secretary of Labor; and

19 (2) the Department of Education shall be
20 deemed to refer to the Department of Labor.

21 **SEC. 8. SAVINGS PROVISIONS.**

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

25 (1) that have been issued, made, granted, or al-
26 lowed to become effective by the President, any Fed-

1 eral agency or official thereof, or by a court of com-
2 petent jurisdiction, in the performance of any func-
3 tion that is transferred by this Act, and

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

8 shall continue in effect according to their terms until
9 modified, terminated, superseded, set aside, or revoked in
10 accordance with law by the President, the Secretary of
11 Labor, any other authorized official, a court of competent
12 jurisdiction, or operation of law.

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

1 subsection shall be considered to prohibit the discontinu-
2 ance or modification of any such proceeding under the
3 same terms and conditions and to the same extent that
4 such proceeding could have been discontinued or modified
5 if this Act had not been enacted.

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

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

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

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

21 (e) CONTINUANCE OF SUITS.—If, before the date on
22 which a transfer of a function under this Act takes effect,
23 the Secretary of Education or any officer or employee of
24 the Department of Education in the official capacity as
25 such an officer or employee is party to a suit relating to

1 the function, then such suit shall be continued and the
2 Secretary of Labor, or other appropriate official of the De-
3 partment of Labor, shall be substituted or added as a
4 party.

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

13 **SEC. 9. TRANSITION.**

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

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

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

23 (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.