



AMENDMENT NO. _____ Calendar No. _____

Purpose: To abolish the Department of Education, and for other purposes.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 5046

To prohibit the transfer of certain offices and functions of the Department of Education to other Federal agencies, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BANKS

Viz:

1 Strike all after the first word and insert the following:

2 **SECTION 1. SHORT TITLE.**

3 This Act may be cited as the "Returning Education
4 to Our States Act".

5 **SEC. 2. ABOLISHMENT OF THE DEPARTMENT OF EDU-**
6 **CATION.**

7 (a) **TERMINATION.**—Effective on the date that is 1
8 year after the date of enactment of this Act, the Depart-
9 ment of Education is hereby terminated.

10 (b) **REPEAL.**—Effective on the date that is 1 year
11 after the date of enactment of this Act, the Department

1 of Education Organization Act (20 U.S.C. 3401 et seq.)
2 is repealed.

3 **SEC. 3. GENERAL EDUCATION PROVISIONS ACT; FERPA.**

4 (a) REPEAL OF GEPA.—Effective on the date that
5 is 1 year after the date of enactment of this Act, all sec-
6 tions of the General Education Provision Act (20 U.S.C.
7 1221 et seq.) are repealed, except for section 400, section
8 444 (20 U.S.C. 1232g, commonly known as the “Family
9 Educational Rights and Privacy Act of 1974”), and sec-
10 tion 460 of such Act.

11 (b) APPLICABILITY OF FERPA.—Section 444 of the
12 General Education Provisions Act (20 U.S.C. 1232g, com-
13 monly known as the “Family Educational Rights and Pri-
14 vacy Act of 1974”) shall apply to each program under sec-
15 tion 102 and 203 and each program that was an applica-
16 ble program under such Act as of the day before the effec-
17 tive date of this Act and has been transferred to another
18 Department under this Act, except that references to the
19 Secretary of Education or the Department of Education
20 in such section shall be deemed to refer to the Secretary
21 or department that has administrative responsibility for
22 such program.

23 **SEC. 4. TRANSFER OF CIVIL RIGHTS ENFORCEMENT.**

24 Effective on the date that is 1 year after the date
25 of enactment of this Act, the Office of Civil Rights of the

1 Department of Education shall be abolished, and the Civil
2 Rights Division of the Department of Justice shall be re-
3 sponsible for receiving complaints and otherwise enforcing
4 and carrying out Federal civil rights laws that are applica-
5 ble to the program under section 102 and 203 and the
6 programs that are transferred from the Department of
7 Education to other Departments under this Act, includ-
8 ing—

9 (1) section 504 of the Rehabilitation Act of
10 1973 (29 U.S.C. 794);

11 (2) title IX of the Education Amendments of
12 1972 (20 U.S.C. 1681 et seq.);

13 (3) title VI of the Civil Rights Act of 1964 (42
14 U.S.C. 2000d et seq.); or

15 (4) the Age Discrimination Act of 1975 (42
16 U.S.C. 6101 et seq.).

17 **TITLE I—ELEMENTARY AND** 18 **SECONDARY EDUCATION**

19 **SEC. 101. ELEMENTARY AND SECONDARY EDUCATION ACT** 20 **PROGRAMS.**

21 (a) FUNCTIONS TRANSFERRED TO THE DEPART-
22 MENT OF INTERIOR.—Effective on the date that is 1 year
23 after the date of enactment of this Act, there shall be
24 transferred to the Department of the Interior the func-
25 tions, programs, authorities, personnel, assets, and liabil-

ities of the programs and activities of the Department of Education, and the functions and authorities vested in the Secretary of Education—

(1) that are carried out by the Office of Indian Education of the Department of Education;

(2) under the Native American and Alaska Native Children in School Program authorized under subpart 1 of part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6821 et seq.); and

(3) under title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.).

(b) FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF DEFENSE.—Effective on the date that is 1 year after the date of enactment of this Act, there shall be transferred to the Department of Defense the functions, programs, authorities, personnel, assets, and liabilities of the programs and activities of the Department of Education, and the functions and authorities vested in the Secretary of Education, under title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.).

1 **SEC. 102. ELEMENTARY AND SECONDARY EDUCATION**
2 **STATE BLOCK GRANT PROGRAMS.**

3 (a) IN GENERAL.—Beginning 1 year after the date
4 of enactment of this Act, the Secretary of Health and
5 Human Services shall carry out 2 programs under which
6 the Secretary of Health and Human Services makes allo-
7 cations to States to support early childhood, elementary,
8 and secondary education, including career and technical
9 education.

10 (b) ALLOCATIONS TO STATES WITH AMOUNTS
11 EQUAL TO TITLE I.—In addition to allocations under sub-
12 section (c), from amounts made available to carry out this
13 subsection for a fiscal year, the Secretary of Health and
14 Human Services shall allot to each State an amount that
15 is equal to the amount that the State would have received
16 for that fiscal year under part A of title I of the Elemen-
17 tary and Secondary Education Act of 1965 (20 U.S.C.
18 6311 et seq.) as in effect on the day before the date of
19 enactment of this Act.

20 (c) ALLOCATIONS TO STATES WITH OTHER
21 AMOUNTS.—In addition to allocations under subsection
22 (b), the Secretary of Health and Human Services shall
23 carry out the following:

24 (1) RESERVATION OF FUNDS.—From the total
25 amount appropriated to carry out this subsection for

1 a fiscal year, the Secretary of Health and Human
2 Services shall reserve—

3 (A) one-half of 1 percent for allotments for
4 the United States Virgin Islands, Guam, Amer-
5 ican Samoa, and the Commonwealth of the
6 Northern Mariana Islands, to be distributed
7 among those outlying areas on the basis of their
8 relative need, as determined by the Secretary,
9 in accordance with the purpose of this title;

10 (B) one-half of 1 percent for the Secretary
11 of the Interior for programs under this section
12 in schools operated or funded by the Bureau of
13 Indian Education; and

14 (C) 1 percent for the Secretary of Health
15 and Human Services for the administrative
16 costs of carrying out this subsection and for
17 providing technical assistance.

18 (2) STATE ALLOTMENTS.—

19 (A) IN GENERAL.—Subject to subpara-
20 graphs (B) and (C), from the amount appro-
21 priated to carry out this subsection that re-
22 mains after the Secretary of Health and
23 Human Services makes the reservations under
24 paragraph (1), the Secretary of Health and
25 Human Services shall allot to each State, an

1 amount that bears the same relationship to the
2 remainder as the number of individuals aged 5
3 through 17 in the State, as determined by the
4 Secretary of Health and Human Services on the
5 basis of the most recent satisfactory data, bears
6 to the number of those individuals in all such
7 States, as so determined.

8 (B) SMALL STATE MINIMUM.—No State
9 receiving an allotment under this subsection
10 shall receive less than one-half of 1 percent of
11 the total amount allotted under this subsection.

12 (C) PUERTO RICO.—The amount allotted
13 under this subsection to the Commonwealth of
14 Puerto Rico for a fiscal year may not exceed
15 one-half of 1 percent of the total amount allot-
16 ted under this subsection.

17 (d) USE OF FUNDS.—A State that receives an alloca-
18 tion under subsection (b) or subsection (c), or both sub-
19 sections, shall use such funding for any purpose relating
20 to early childhood, elementary, or secondary education, in-
21 cluding career and technical education.

22 (e) BLOCK GRANT CONDITIONS.—As a condition of
23 receiving an allocation under this section, a State shall
24 provide the Secretary of Health and Human Services with

1 an assurance that the State will carry out each of the fol-
2 lowing:

3 (1) Submitting student data to the Secretary of
4 Health and Human Services, annually, as requested
5 by the Secretary of Health and Human Services and
6 as necessary for executing the program under this
7 section.

8 (2) Completing of annual audits that conform
9 to generally accepted accounting principles, auditing
10 procedures, and safeguarding of funds that conform
11 to chapter 75 of title 31, United States Code (com-
12 monly known as the “Single Audit Act of 1984”)
13 and submitting the results of such audits to the Sec-
14 retary of Health and Human Services.

15 (3) Complying with all applicable Federal civil
16 rights laws, including those described in section 4.

17 (f) MISUSED OR MISAPPROPRIATED FUNDS.—If the
18 Secretary of Health and Human Services finds that any
19 funds under this section have been misused or misappro-
20 priated by the State, the Secretary of Health and Human
21 Services—

22 (1) may require repayment of the misused
23 funds and withhold Federal funds under this section
24 for the next fiscal year; or

1 (2) may reach a voluntary resolution agreement
2 with that State.

3 (g) APPLICATION OF FERPA.—Section 444 of the
4 General Education Provisions Act (20 U.S.C. 1232g, com-
5 monly known as the “Family Educational Rights and Pri-
6 vacy Act of 1974”) shall apply to the program under this
7 section, except that references to the Secretary of Edu-
8 cation or the Department of Education in such section
9 shall be deemed to refer to the Secretary of Health and
10 Human Services or the Department of Health and Human
11 Services.

12 (h) DEFINITIONS.—In this section—

13 (1) the term “State” means each of the 50
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, and each of the outlying areas; and

16 (2) the term “outlying area” means American
17 Samoa, the Commonwealth of the Northern Mariana
18 Islands, Guam, the United States Virgin Islands, the
19 Republic of the Marshall Islands, the Federated
20 States of Micronesia, and the Republic of Palau.

21 (i) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 such sums as may be necessary.

1 **TITLE II—HIGHER EDUCATION**

2 **SEC. 201. STUDENT FINANCIAL ASSISTANCE.**

3 Effective on the date that is 1 year after the date
4 of enactment of this Act, there shall be transferred to the
5 Department of the Treasury the functions, programs, au-
6 thorities, personnel, assets, and liabilities of the programs
7 and activities of the Department of Education, and the
8 functions and authorities vested in the Secretary of Edu-
9 cation, under title IV of the Higher Education Act of 1965
10 (20 U.S.C. 1070 et seq.).

11 **SEC. 202. HEALTH EDUCATION ASSISTANCE LOAN PRO-** 12 **GRAM.**

13 Effective on the date that is 1 year after the date
14 of enactment of this Act, there shall be transferred to the
15 Department of the Treasury the functions, programs, au-
16 thorities, personnel, assets, and liabilities of the programs
17 and activities of the Department of Education, and the
18 functions and authorities vested in the Secretary of Edu-
19 cation, under the Health Education Assistance Loan pro-
20 gram under title VII of the Public Health Service Act (42
21 U.S.C. 292 et seq.).

22 **SEC. 203. POSTSECONDARY EDUCATION STATE BLOCK** 23 **GRANT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of the Treasury
25 shall carry out a program under which the Secretary

1 makes allocations to States to support postsecondary edu-
2 cation.

3 (b) ALLOCATIONS TO STATES.—The allocations made
4 by the Secretary of Treasury to each State under this sec-
5 tion for a fiscal year shall be in an amount that bears
6 the same relationship to the amount appropriated to carry
7 out this section for the fiscal year as the number of stu-
8 dents who were enrolled in postsecondary educational in-
9 stitutions in the State for the previous fiscal year bears
10 to the number of such students in all States for the pre-
11 vious fiscal year.

12 (c) BLOCK GRANT CONDITIONS.—As a condition of
13 receiving a block grant under this section, a State shall
14 provide the Secretary of Treasury with an assurance that
15 the State will carry out each of the following:

16 (1) Submitting student data to the Secretary of
17 Treasury, annually, as requested by the Secretary of
18 Treasury and as necessary for executing the pro-
19 gram under this section.

20 (2) Completing of annual audits that conform
21 to generally accepted accounting principles, auditing
22 procedures, and safeguarding of funds that conform
23 to chapter 75 of title 31, United States Code (com-
24 monly known as the “Single Audit Act of 1984”)

1 and submitting the results of such audits to the Sec-
2 retary of Treasury.

3 (3) Complying with all applicable Federal civil
4 rights laws, including those described in section 4.

5 (d) MISUSED OR MISAPPROPRIATED FUNDS.—If the
6 Secretary of Treasury finds that any funds under this sec-
7 tion have been misused or misappropriated by the State,
8 the Secretary of the Treasury—

9 (1) may require repayment of the misused
10 funds and withhold Federal funds under this section
11 for the next fiscal year; or

12 (2) may reach a voluntary resolution agreement
13 with that State.

14 (e) DEFINITIONS.—In this section—

15 (1) the term “State” means each of the 50
16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, and each of the outlying areas; and

18 (2) the term “outlying area” means American
19 Samoa, the Commonwealth of the Northern Mariana
20 Islands, Guam, and the United States Virgin Is-
21 lands, the Republic of the Marshall Islands, the Fed-
22 erated States of Micronesia, and the Republic of
23 Palau.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary.

4 **TITLE III—OTHER LAWS**

5 **SEC. 301. EDUCATION SCIENCES REFORM AND RELATED**
6 **LAWS.**

7 Effective on the date that is 1 year after the date
8 of enactment of this Act, there shall be transferred to the
9 Department of the Treasury the functions, programs, au-
10 thorities, personnel, assets, and liabilities of the programs
11 and activities of the Department of Education, and the
12 functions and authorities vested in the Secretary of Edu-
13 cation, under—

14 (1) the Education Sciences Reform Act of 2002
15 (20 U.S.C. 9501 et seq.);

16 (2) the Educational Technical Assistance Act of
17 2002 (20 U.S.C. 9601 et seq.); and

18 (3) the National Assessment of Educational
19 Progress Authorization Act (20 U.S.C. 9621 et
20 seq.).

21 **SEC. 302. CARL D. PERKINS CAREER AND TECHNICAL EDU-**
22 **CATION ACT OF 2006.**

23 Effective on the date that is 1 year after the date
24 of enactment of this Act, there shall be transferred to the
25 Department of Labor the functions, programs, authorities,

1 personnel, assets, and liabilities of the programs and ac-
2 tivities of the Department of Education, and the functions
3 and authorities vested in the Secretary of Education,
4 under the Carl D. Perkins Career and Technical Edu-
5 cation Act of 2006 (20 U.S.C. 2301 et seq.).

6 **SEC. 303. ADULT EDUCATION AND FAMILY LITERACY.**

7 Effective on the date that is 1 year after the date
8 of enactment of this Act, there shall be transferred to the
9 Department of Labor the functions, programs, authorities,
10 personnel, assets, and liabilities of the programs and ac-
11 tivities of the Department of Education, and the functions
12 and authorities vested in the Secretary of Education,
13 under the Adult Education and Family Literacy Act (title
14 II of the Workforce Innovation and Opportunity Act (29
15 U.S.C. 3271 et seq.)).

16 **SEC. 304. IDEA.**

17 Effective on the date that is 1 year after the date
18 of enactment of this Act, there shall be transferred to the
19 Department of Health and Human Services the functions,
20 programs, authorities, personnel, assets, and liabilities of
21 the programs and activities of the Department of Edu-
22 cation, and the functions and authorities vested in the Sec-
23 retary of Education, under the Individuals with Disabil-
24 ities Education Act (20 U.S.C. 1400 et seq.).

1 **SEC. 305. VOCATIONAL REHABILITATION STATE GRANTS**
2 **AND OTHER ACTIVITIES UNDER THE REHA-**
3 **BILITATION ACT OF 1973.**

4 Effective on the date that is 1 year after the date
5 of enactment of this Act, there shall be transferred to the
6 Department of Labor the functions, programs, authorities,
7 personnel, assets, and liabilities of the programs and ac-
8 tivities of the Department of Education, and the functions
9 and authorities vested in the Secretary of Education,
10 under—

11 (1) title I of the Rehabilitation Act of 1973 (29
12 U.S.C. 720 et seq.); and

13 (2) other provisions of the Rehabilitation Act of
14 1973 (29 U.S.C. 701 et seq.) (including those of the
15 Department of Education under titles III, IV, V, VI,
16 and chapter 2 of title VII of that Act).

17 **SEC. 306. EDUCATION OF THE DEAF ACT OF 1986.**

18 Effective on the date that is 1 year after the date
19 of enactment of this Act, there shall be transferred to the
20 Department of Labor the functions, programs, authorities,
21 personnel, assets, and liabilities of the programs and ac-
22 tivities of the Department of Education, and the functions
23 and authorities vested in the Secretary of Education,
24 under the Education of the Deaf Act of 1986 (20 U.S.C.
25 4301 et seq.).

1 **SEC. 307. RANDOLPH-SHEPPARD ACT.**

2 Effective on the date that is 1 year after the date
3 of enactment of this Act, there shall be transferred to the
4 Department of Labor the functions, programs, authorities,
5 personnel, assets, and liabilities of the programs and ac-
6 tivities of the Department of Education, and the functions
7 and authorities vested in the Secretary of Education,
8 under the Act entitled “An Act to authorize the operation
9 of stands in Federal buildings by blind persons, to enlarge
10 the economic opportunities of the blind, and for other pur-
11 poses”, approved June 20, 1936 (20 U.S.C. 107 et
12 seq.)(commonly referred to as the “Randolph-Sheppard
13 Act”).

14 **SEC. 308. HELEN KELLER NATIONAL CENTER ACT.**

15 Effective on the date that is 1 year after the date
16 of enactment of this Act, there shall be transferred to the
17 Department of Labor the functions, programs, authorities,
18 personnel, assets, and liabilities of the programs and ac-
19 tivities of the Department of Education, and the functions
20 and authorities vested in the Secretary of Education,
21 under the Helen Keller National Center Act (29 U.S.C.
22 1901 et seq.).

23 **SEC. 309. SPECIAL OLYMPICS SPORT AND EMPOWERMENT**
24 **ACT OF 2004.**

25 Effective on the date that is 1 year after the date
26 of enactment of this Act, there shall be transferred to the

1 Department of Health and Human Services the functions,
2 programs, authorities, personnel, assets, and liabilities of
3 the programs and activities of the Department of Edu-
4 cation, and the functions and authorities vested in the Sec-
5 retary of Education, under the Special Olympics Sport
6 and Empowerment Act of 2004 (Public Law 108–406).

7 **SEC. 310. EDUCATION OF THE BLIND.**

8 Effective on the date that is 1 year after the date
9 of enactment of this Act, there shall be transferred to the
10 Department of Health and Human Services the functions,
11 programs, authorities, personnel, assets, and liabilities of
12 the programs and activities of the Department of Edu-
13 cation, and the functions and authorities vested in the Sec-
14 retary of Education, under the Act to Promote the Edu-
15 cation of the Blind of March 3, 1879.

16 **SEC. 311. SOAR ACT.**

17 Effective on the date that is 1 year after the date
18 of enactment of this Act, there shall be transferred to the
19 Department of Health and Human Services the functions,
20 programs, authorities, personnel, assets, and liabilities of
21 the programs and activities of the Department of Edu-
22 cation, and the functions and authorities vested in the Sec-
23 retary of Education, under the Scholarships for Oppor-
24 tunity and Results Act (division C of Public Law 112–
25 10; 125 Stat. 199).

1 **SEC. 312. MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.**

2 Effective on the date that is 1 year after the date
3 of enactment of this Act, there shall be transferred to the
4 Department of Health and Human Services the functions,
5 programs, authorities, personnel, assets, and liabilities of
6 the programs and activities of the Department of Edu-
7 cation, and the functions and authorities vested in the Sec-
8 retary of Education, under title VII of the McKinney-
9 Vento Homeless Assistance Act (42 U.S.C. 11421 et seq.).

10 **SEC. 313. FULBRIGHT-HAYS.**

11 Effective on the date that is 1 year after the date
12 of enactment of this Act, there shall be transferred to the
13 Department of State the functions, programs, authorities,
14 personnel, assets, and liabilities of the programs and ac-
15 tivities of the Department of Education, and the functions
16 and authorities vested in the Secretary of Education,
17 under the Fulbright-Hays Program authorized under sec-
18 tion 102 of the Mutual Educational and Cultural Ex-
19 change Act of 1961 (22 U.S.C. 2452).

20 **TITLE IV—TRANSITION**
21 **PROVISIONS**

22 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as may be necessary to carry out the transfer of functions
25 authorized under this Act, which shall be available to be

1 expended until the date that is 180 days after the date
2 of enactment of this Act.

3 **SEC. 402. REORGANIZATION PLAN.**

4 (a) SUBMISSION OF PLAN.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act, the
7 President shall transmit to Congress a reorganiza-
8 tion plan regarding the following:

9 (A) The transfer of functions, personnel,
10 assets, and liabilities in accordance with this
11 Act.

12 (B) Any consolidation, reorganization, or
13 streamlining of functions transferred under this
14 Act.

15 (C) Any efficiencies or cost savings
16 achieved or additional costs incurred as a result
17 of the transfer of functions, personnel, assets,
18 and liabilities under this Act, including reduc-
19 tions in unnecessary or duplicative operations,
20 assets, and personnel.

21 (2) CONSULTATION.—Not later than 30 days
22 before the date on which the plan is transmitted
23 pursuant to this subsection, the President shall con-
24 sult with the Congress on such plan.

1 (b) MODIFICATION OF PLAN.—The President shall
2 consult with Congress before making any material modi-
3 fication or revision to the plan before the plan becomes
4 effective in accordance with subsection (c).

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The reorganization plan de-
7 scribed in this section, including any modifications
8 or revisions of the plan under subsection (b), shall
9 become effective on the date specified in the plan (or
10 the plan as modified pursuant to subsection (b)), ex-
11 cept that such date may not be earlier than 90 days
12 after the date the President has transmitted the re-
13 organization plan to Congress pursuant to sub-
14 section (a).

15 (2) STATUTORY CONSTRUCTION.—Nothing in
16 this subsection may be construed to require the
17 transfer of functions, personnel, records, balances of
18 appropriations, or other assets of an agency on a
19 single date.

20 **SEC. 403. TRANSITIONAL AUTHORITIES.**

21 (a) PROVISION OF ASSISTANCE BY OFFICIALS.—
22 Until the transfer of functions required under this Act,
23 any official having authority over, or functions relating to,
24 the Department of Education on the day before the date
25 of the enactment of this Act shall provide to the relevant

1 Department to which such functions are transferred under
2 this Act (referred to in this Act as the “recipient Depart-
3 ment”) such assistance, including the use of personnel and
4 assets, as the recipient Department may request in pre-
5 paring for the transfer and integration of the relevant
6 functions.

7 (b) SERVICES AND PERSONNEL.—During the transi-
8 tion period, upon the request of the receiving Department,
9 the Secretary of Education may, on a reimbursable or
10 non-reimbursable basis, provide services or detail per-
11 sonnel to assist with the transition.

12 (c) TRANSFER OF PERSONNEL, ASSETS, OBLIGA-
13 TIONS, AND FUNCTIONS.—Upon the transfer of functions
14 under this Act—

15 (1) the personnel, assets, and liabilities held by
16 or available in connection with such functions at the
17 Department of Education shall be transferred to the
18 recipient Department for appropriate allocation, sub-
19 ject to the approval of the Director of the Office of
20 Management and Budget and in accordance with
21 section 1531(a)(2) of title 31, United States Code;
22 and

23 (2) the recipient Department shall have all
24 functions—

- 1 (A) relating to the transferred functions
2 that any other official could by law exercise in
3 relation to those functions immediately before
4 such transfer; and
5 (B) vested in the recipient Department by
6 law.

7 **SEC. 404. SAVINGS PROVISIONS.**

8 (a) COMPLETED ADMINISTRATIVE ACTIONS.—

9 (1) IN GENERAL.—Completed administrative
10 actions of the Department of Education shall not be
11 affected by the enactment of this Act or the transfer
12 of the functions of the Department of Education
13 under this Act, but shall continue in effect according
14 to their terms until amended, modified, superseded,
15 terminated, set aside, or revoked in accordance with
16 law by an officer of the United States or a court of
17 competent jurisdiction, or by operation of law.

18 (2) COMPLETED ADMINISTRATIVE ACTION DE-
19 FINED.—In this subsection, the term “completed ad-
20 ministrative action” includes orders, determinations,
21 rules, regulations, personnel actions, permits, agree-
22 ments, grants, contracts, certificates, policies, li-
23 censes, registrations, and privileges.

24 (b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—Pending proceedings of the Department of Education that apply to a function that is transferred to another Federal Department under this Act, including notices of proposed rule-making, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of those functions under this Act, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred.

(2) ORDERS.—Orders issued in proceedings described in paragraph (1), and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted or the functions of an agency had not been transferred, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) PENDING CIVIL ACTIONS.—Pending civil actions relating to a function that is transferred to another Federal Department under this Act shall continue notwith-

1 standing the enactment of this Act or the transfer of the
2 functions of an agency under this Act, and in such civil
3 actions, proceedings shall be had, appeals taken, and judg-
4 ments rendered and enforced in the same manner and with
5 the same effect as if such enactment or transfer had not
6 occurred.

7 (d) REFERENCES.—References relating to the De-
8 partment of Education that are relevant to functions that
9 are transferred to another Federal Department under this
10 Act in statutes, Executive orders, rules, regulations, direc-
11 tives, or delegations of authority that precede such trans-
12 fer or the date of the enactment of this Act shall be
13 deemed to refer, as appropriate, to the recipient Depart-
14 ment, to its officers, employees, or agents, or to its cor-
15 responding organizational units or functions. Statutory re-
16 porting requirements that applied in relation to the De-
17 partment of Education relating to a function that is trans-
18 ferred to another Federal Department under this Act im-
19 mediately before the effective date of this Act shall con-
20 tinue to apply following such transfer if they refer to the
21 Department of Education.

22 (e) EMPLOYMENT PROVISIONS.—

23 (1) REGULATIONS.—The recipient Department
24 may, in regulations prescribed jointly with the Direc-
25 tor of the Office of Personnel Management, adopt

1 the rules, procedures, terms, and conditions, estab-
2 lished by statute, rule, or regulation before the date
3 of the enactment of this Act, relating to employment
4 in the Department of Education relevant to func-
5 tions transferred under this Act.

6 (2) EFFECT OF TRANSFER ON CONDITIONS OF
7 EMPLOYMENT.—Except as otherwise provided in this
8 Act, or under authority granted by this Act, the
9 transfer pursuant to this Act of personnel shall not
10 alter the terms and conditions of employment, in-
11 cluding compensation, of any employee so trans-
12 ferred.

13 (f) STATUTORY REPORTING REQUIREMENTS.—Any
14 statutory reporting requirement that applied to the De-
15 partment of Education relevant to functions that are
16 transferred under this Act immediately before the date of
17 the enactment of this Act shall continue to apply following
18 that transfer if the statutory requirement refers to the De-
19 partment of Education.

20 **SEC. 405. OTHER TERMINATIONS.**

21 Except as otherwise provided in this Act, whenever
22 all the functions vested by law in the Department of Edu-
23 cation have been transferred or terminated pursuant to
24 this Act, each position and office the incumbent of which
25 was authorized to receive compensation at the rates pre-

1 scribed for an office or position at level II, III, IV, or V
2 of the Executive Schedule under subchapter II of chapter
3 53 of title 5, United States Code, shall terminate.

4 **SEC. 406. INCIDENTAL TRANSFERS.**

5 The Director of the Office of Management and Budg-
6 et, in consultation with the recipient Department, is au-
7 thorized and directed to make such additional incidental
8 dispositions of personnel, assets, and liabilities held, used,
9 arising from, available, or to be made available, in connec-
10 tion with the functions transferred by this Act, as the Di-
11 rector may determine necessary to accomplish the pur-
12 poses of this Act.

13 **SEC. 407. REFERENCES.**

14 With respect to any function transferred under this
15 Act (including under a reorganization plan under section
16 402) and exercised on or after the date of the enactment
17 of this Act, reference in any other Federal law to any de-
18 partment, commission, or agency or any officer or office
19 the functions of which are so transferred shall be deemed
20 to refer to the recipient Department or official or compo-
21 nent of the recipient Department to which that function
22 is so transferred.