

119TH CONGRESS
2D SESSION

S. 5038

To prohibit the transfer of the functions of the Office of Special Education and Rehabilitative Services.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2026

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit the transfer of the functions of the Office of Special Education and Rehabilitative Services.

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 “Special Education Ad-
5 ministration Protection Act”.

6 **SEC. 2. PROHIBITION ON TRANSFERRING THE FUNCTIONS**
7 **OF THE OFFICE OF SPECIAL EDUCATION AND**
8 **REHABILITATIVE SERVICES.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law and subject to subsection (c), the Secretary

1 of Education shall not procure services from, contract or
2 carry out an agreement with, obtain any goods or services
3 from, transfer activities to, or enter into a similar arrange-
4 ment with, the Department of Health and Human Serv-
5 ices relating to the functions of the Department of Edu-
6 cation’s Office of Special Education and Rehabilitative
7 Services authorized under section 207 of the Department
8 of Education Organization Act (20 U.S.C. 3417).

9 (b) APPLICABILITY OF OTHER LAWS.—Subject to
10 subsection (c), section 430(a) of the General Education
11 Provisions Act (20 U.S.C. 1231(a)), section 415 and 419
12 of the Department of Education Organization Act (20
13 U.S.C. 3475, 3479), and section 1535 of title 31, United
14 States Code (commonly known as the “Economy Act”),
15 shall not apply to section 207 of the Department of Edu-
16 cation Organization Act (20 U.S.C. 3417).

17 (c) EXCEPTION.—This section shall not apply to—

18 (1) any procurement, contract, agreement (in-
19 cluding an agreement for obtaining goods or serv-
20 ices), transfer, or similar arrangement, between the
21 Department of Education and the Department of
22 Health and Human Services that was in effect on
23 February 1, 2025; and

- 1 (2) the renewal of such a procurement, con-
- 2 tract, agreement, transfer, or similar arrangement
- 3 described in this subsection.

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