

119TH CONGRESS
2D SESSION

S. 5046

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

IN THE SENATE OF THE UNITED STATES

JULY 21, 2026

Mr. KAINE (for himself, Ms. COLLINS, and Ms. MURKOWSKI) 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 certain offices and functions of the Department of Education to other Federal agencies, 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. PROHIBITION ON TRANSFERRING CERTAIN OF-**
4 **FICES AND FUNCTIONS OF THE DEPARTMENT**
5 **OF EDUCATION TO OTHER FEDERAL AGEN-**
6 **CIES.**

7 (a) IN GENERAL.—

8 (1) PROHIBITION.—

(A) IN GENERAL.—Notwithstanding section 430 of the General Education Provisions Act (20 U.S.C. 1231), sections 203(c)(3), 415, and 419 of the Department of Education Organization Act (20 U.S.C. 3413(c)(3), 3475, 3479), section 1535 of title 31, United States Code (commonly known as the “Economy Act”), and section 1501 of title 31, United States Code, and subject to subsection (b), the Secretary of Education shall not enter into any agreement, or implement any agreement existing on the date of enactment of this Act, with another Federal agency, or procure services from, contract or carry out an agreement with, obtain any goods or services from, transfer activities or appropriations to, use the research, equipment, services, or facilities of, jointly carry out projects of common interest with, or enter into a similar arrangement with, another Federal agency, relating to the functions (including administering or operating programs, making grant awards, carrying out technical assistance, enforcing rights and requirements (such as data collection and data sharing requirements), conducting administrative and oversight functions,

1 and monitoring grantees, related to any pro-
2 gram, project, or activity for which funds are
3 appropriated to the Department of Education)
4 of any of the Department of Education's offices
5 described in paragraph (2), including functions
6 of the Secretary of Education related to pro-
7 grams administered by such offices.

8 (B) TRANSFERRING FUNCTIONS AND PRO-
9 GRAMS WITHIN THE DEPARTMENT.—The Sec-
10 retary of Education shall not transfer a func-
11 tion or program from an office described in
12 paragraph (2) to another office of the Depart-
13 ment of Education not described in paragraph
14 (2), and subsequently enter into an agreement
15 with another Federal agency relating to such
16 function or program.

17 (2) OFFICES.—The offices of the Department
18 of Education described in this paragraph are—

19 (A) the Office of Special Education and
20 Rehabilitative Services authorized under section
21 207 of the Department of Education Organiza-
22 tion Act (20 U.S.C. 3417);

23 (B) the Office of Postsecondary Education
24 authorized under section 205 of the Depart-

1 ment of Education Organization Act (20 U.S.C.
2 3415);

3 (C) the Office of Indian Education author-
4 ized under section 215 of the Department of
5 Education Organization Act (20 U.S.C. 3423c);
6 and

7 (D) the Office of Elementary and Sec-
8 ondary Education authorized under section 204
9 of the Department of Education Organization
10 Act (20 U.S.C. 3414).

11 (b) EXCEPTION.—This section shall not apply to—

12 (1) any procurement, contract, agreement (in-
13 cluding an agreement for obtaining goods or serv-
14 ices), transfer, or similar arrangement, between the
15 Department of Education and another Federal agen-
16 cy that was in effect on February 1, 2025; and

17 (2) the renewal of such a procurement, con-
18 tract, agreement, transfer, or similar arrangement
19 described in this subsection if the renewal contains
20 only the same, or substantially similar, terms.

○