

Calendar No. 541

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, Ms. MURKOWSKI, Ms. BALDWIN, Ms. HASSAN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

AUGUST 4, 2026

Reported by Mr. CASSIDY, with an amendment

[Insert the part printed in *italic*]

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,*

1 **SECTION 1. PROHIBITION ON TRANSFERRING CERTAIN OF-**
2 **FICES AND FUNCTIONS OF THE DEPARTMENT**
3 **OF EDUCATION TO OTHER FEDERAL AGEN-**
4 **CIES.**

5 (a) IN GENERAL.—

6 (1) PROHIBITION.—

7 (A) IN GENERAL.—Notwithstanding sec-
8 tion 430 of the General Education Provisions
9 Act (20 U.S.C. 1231), sections 415 and 419 of
10 the Department of Education Organization Act
11 (20 U.S.C. 3475 and 3479), section 1535 of
12 title 31, United States Code (commonly known
13 as the “Economy Act”), and section 1501 of
14 title 31, United States Code, and subject to
15 subsection (b), the Secretary of Education shall
16 not enter into any agreement, or implement any
17 agreement existing on the date of enactment of
18 this Act, with another Federal agency, or pro-
19 cure services from, contract or carry out an
20 agreement with, obtain any goods or services
21 from, transfer activities or appropriations to,
22 use the research, equipment, services, or facili-
23 ties of, jointly carry out projects of common in-
24 terest with, or enter into a similar arrangement
25 with, another Federal agency, relating to the
26 functions (including administering or operating

1 programs, making grant awards, carrying out
2 technical assistance, enforcing rights and re-
3 quirements (including data collection and data
4 sharing requirements), conducting administra-
5 tive and oversight functions, and monitoring
6 grantees, related to any program, project, or ac-
7 tivity for which funds are appropriated to the
8 Department of Education) of any of the De-
9 partment of Education's offices described in
10 paragraph (2), including functions of the Sec-
11 retary of Education related to programs admin-
12 istered by such offices.

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

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

24 (A) the Office of Special Education and
25 Rehabilitative Services authorized under section

1 207 of the Department of Education Organiza-
2 tion Act (20 U.S.C. 3417);

3 (B) the Office of Postsecondary Education
4 authorized under section 205 of the Depart-
5 ment of Education Organization Act (20 U.S.C.
6 3415);

7 (C) the Office of Indian Education author-
8 ized under section 215 of the Department of
9 Education Organization Act (20 U.S.C. 3423e);
10 and

11 (D) the Office of Elementary and Sec-
12 ondary Education authorized under section 204
13 of the Department of Education Organization
14 Act (20 U.S.C. 3414).

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

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

21 (2) the renewal of such a procurement, con-
22 tract, agreement, transfer, or similar arrangement
23 described in this subsection if the renewal contains
24 only the same, or substantially similar, terms.

1 **SEC. 2. COST ANALYSIS.**

2 (a) *IN GENERAL.*—Not later than 14 days after the
 3 date of enactment of this Act and each quarter thereafter,
 4 the Secretary of Education shall, for each interagency
 5 agreement entered into on or after February 1, 2025, by
 6 the Secretary with another Federal agency, provide to the
 7 Committee on Health, Education, Labor, and Pensions and
 8 the Committee on Appropriations of the Senate, and the
 9 Committee on Education and Workforce and the Committee
 10 on Appropriations of the House of Representatives, and
 11 make available to the public in an easily accessible format
 12 on the Department’s website, a detailed analysis and report
 13 that contains information on the actual and estimated obli-
 14 gations for implementing each interagency agreement by
 15 each party to such agreements and a comparison to actual
 16 expenditures for carrying out such responsibilities for fiscal
 17 year 2024. Each report required under this subsection shall
 18 contain, at a minimum, information on actual and esti-
 19 mated obligations for each of the following:

20 (1) Grant administration, including outreach,
 21 grant notices, competitions, review (including peer re-
 22 view), award processes, disbursement, and moni-
 23 toring.

24 (2) Training and professional development of
 25 Department of Education, other Federal agency, and
 26 State and local grantee staff, such as training on

1 *transitioning to and using new grant and payment*
 2 *systems, program administration, and application*
 3 *processes.*

4 (3) *Training of grantees and eligible grant ap-*
 5 *plicants on transitioning to and using new grant and*
 6 *payment systems and processes.*

7 (4) *Detailing, transferring, relocating, and*
 8 *onboarding Department of Education staff to other*
 9 *Federal agencies.*

10 (5) *Changes or upgrades to facilities at the De-*
 11 *partment of Education or other Federal agencies.*

12 (6) *Changes or upgrades to technology and infra-*
 13 *structure used at the Department of Education or*
 14 *other Federal agencies, or by State or local grantees*
 15 *implementing any such interagency agreement.*

16 (7) *Overhead and administrative expenses attrib-*
 17 *uted to each such interagency agreement.*

18 (8) *Changes in costs of any contracts the Depart-*
 19 *ment of Education enters into to carry out programs*
 20 *covered by any such interagency agreement.*

21 (9) *Reductions in force of Department of Edu-*
 22 *cation staff.*

23 (b) *PROHIBITION ON USE OF TRAVEL FUNDS.—None*
 24 *of the funds made available to the Department of Education*
 25 *for fiscal year 2026 or 2027 under the heading “Program*

1 *Administration” or “Student Aid Administration” may be*
2 *obligated or expended for travel expenses of the Secretary*
3 *of Education unless the Secretary provides the information*
4 *required in accordance with subsection (a).*

Calendar No. 541

119TH CONGRESS
2D Session
S. 5046

A BILL

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

AUGUST 4, 2026
Reported with an amendment