

118TH CONGRESS  
2D SESSION

# S. 5384

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2024

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

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## A BILL

To abolish the Department of 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 “Returning Education  
5 to Our States Act”.

6 **SEC. 2. ABOLISHMENT OF DEPARTMENT OF EDUCATION.**

7 Effective on the date that is 180 days after the date  
8 of enactment of this Act, the Department of Education  
9 is abolished, and, with the exception of the programs  
10 transferred under section 3, any program for which the  
11 Secretary of Education or the Department of Education

1 has administrative responsibility as provided by law or by  
2 delegation of authority pursuant to law is repealed, includ-  
3 ing each program under the following:

4 (1) The Department of Education Organization  
5 Act (20 U.S.C. 3401 et seq.).

6 (2) The General Education Provisions Act (20  
7 U.S.C. 1221 et seq.).

8 **SEC. 3. TRANSFER OF CERTAIN DEPARTMENT OF EDU-**  
9 **CATION PROGRAMS.**

10 (a) IN GENERAL.—Not later than 180 days after the  
11 date of the enactment of this Act—

12 (1) all functions, programs, and authorities of  
13 the Secretary of Education under the Individuals  
14 with Disabilities Education Act (20 U.S.C. 1460 et  
15 seq.) shall be transferred to the Department of  
16 Health and Human Services;

17 (2) each authority and program of the Office of  
18 Indian Education of the Department of Education  
19 shall be transferred to the Department of the Inte-  
20 rior;

21 (3) each Impact Aid program under title VIII  
22 of the Elementary and Secondary Education Act of  
23 1965 (20 U.S.C. 7701 et seq.) shall be transferred  
24 to the Department of Health and Human Services;

1           (4) the Federal Pell Grant program under title  
2           IV of the Higher Education Act of 1965 (20 U.S.C.  
3           1070a) shall be transferred to the Department of  
4           the Treasury;

5           (5) the Federal Family Education Loan Pro-  
6           gram under part B of such title IV shall be trans-  
7           ferred to the Department of the Treasury;

8           (6) the William D. Ford Federal Direct Loan  
9           Program under part D of such title IV shall be  
10          transferred to the Department of the Treasury;

11          (7) the Federal Perkins Loans Program under  
12          part E of such title IV shall be transferred to the  
13          Department of the Treasury;

14          (8) the activities described in part F, G, or H  
15          of title IV that are carried out by the Department  
16          of Education shall be transferred so as to be carried  
17          out by the Department of Treasury;

18          (9) the Health Education Assistance Loan pro-  
19          gram under title VII of the Public Health Service  
20          Act (42 U.S.C. 292 et seq.) shall be transferred to  
21          the Department of Treasury; and

22          (10) the programs under the Education  
23          Sciences Reform Act of 2002 (20 U.S.C. 9501 et  
24          seq.) and the Educational Technical Assistance Act

1 of 2002 (20 U.S.C. 9601 et seq.) shall be trans-  
2 ferred to the Department of the Treasury.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this section  
5 such sums as may be necessary.

6 **SEC. 4. BLOCK GRANTS TO STATES.**

7 (a) ELEMENTARY AND SECONDARY EDUCATION  
8 STATE BLOCK GRANT PROGRAM.—

9 (1) IN GENERAL.—The Secretary of the Treas-  
10 ury shall carry out a program under which the Sec-  
11 retary makes allocations to States to support ele-  
12 mentary and secondary education, including career  
13 and technical education.

14 (2) ALLOCATIONS TO STATES.—The allocations  
15 made by the Secretary of Treasury to each State  
16 under this subsection for a fiscal year shall be in an  
17 amount that bears the same relationship to the  
18 amount appropriated to carry out this subsection for  
19 the fiscal year as the number of students in kinder-  
20 garten through grade 12 who were enrolled in pub-  
21 lic, private, and home schools in the State for the  
22 previous fiscal year bears to the number of such stu-  
23 dents in all States for the previous fiscal year.

24 (3) USE OF FUNDS.—A State that receives an  
25 allocation under this subsection shall use such fund-

1       ing for any purpose relating to early childhood, ele-  
2       mentary, or secondary education.

3       (b) POSTSECONDARY EDUCATION STATE BLOCK  
4 GRANT PROGRAM.—

5           (1) IN GENERAL.—The Secretary of the Treas-  
6       ury shall carry out a program under which the Sec-  
7       retary makes allocations to States to support post-  
8       secondary education.

9           (2) ALLOCATIONS TO STATES.—The allocations  
10       made by the Secretary of Treasury to each State  
11       under this subsection for a fiscal year shall be in an  
12       amount that bears the same relationship to the  
13       amount appropriated to carry out this subsection for  
14       the fiscal year as the number of students who were  
15       enrolled in postsecondary educational institutions in  
16       the State for the previous fiscal year bears to the  
17       number of such students in all States for the pre-  
18       vious fiscal year.

19       (c) BLOCK GRANT CONDITIONS.—As a condition of  
20       receiving a block grant under this subsection, a State shall  
21       provide the Secretary of Treasury with an assurance that  
22       the State will carry out each of the following:

23           (1) Submitting student data to the Secretary of  
24       Treasury, annually, as requested by the Secretary of

1 Treasury and as necessary for executing the pro-  
2 gram under this section.

3 (2) Completing of annual audits that conform  
4 to generally accepted accounting principles, auditing  
5 procedures, and safeguarding of funds that conform  
6 to chapter 75 of title 31, United States Code (com-  
7 monly known as the “Single Audit Act of 1984”)  
8 and submitting the results of such audits to the Sec-  
9 retary of Treasury.

10 (3) Complying with all applicable Federal civil  
11 rights laws, including those described in section 5.

12 (d) MISUSED OR MISAPPROPRIATED FUNDS.—If the  
13 Secretary of Treasury finds that any funds under this sec-  
14 tion have been misused or misappropriated by the State,  
15 the Secretary of the Treasury—

16 (1) may require repayment of the misused  
17 funds and withhold Federal funds under this section  
18 for the next fiscal year; or

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

21 (e) DEFINITIONS.—In this section—

22 (1) the term “State” means each of the 50  
23 States, the District of Columbia, the Commonwealth  
24 of Puerto Rico, and each of the outlying areas; and

1           (2) the term “outlying area” means American  
2           Samoa, the Commonwealth of the Northern Mariana  
3           Islands, Guam, and the United States Virgin Is-  
4           lands, the Republic of the Marshall Islands, the Fed-  
5           erated States of Micronesia, and the Republic of  
6           Palau.

7           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
8           are authorized to be appropriated to carry out this section  
9           such sums as may be necessary.

10 **SEC. 5. CIVIL RIGHTS LAWS.**

11           The Civil Rights Division of the Department of Jus-  
12           tice shall be responsible for receiving complaints and oth-  
13           erwise enforcing and carrying out Federal civil rights laws  
14           that are applicable to the grant programs under section  
15           4 and the programs described in paragraphs (4) through  
16           (7) of section 3, including—

17           (1) section 504 of the Rehabilitation Act of  
18           1973 (29 U.S.C. 794);

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

21           (3) title VI of the Civil Rights Act of 1964 (42  
22           U.S.C. 2000d et seq.).

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