

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Education Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

- (1) The Department of Education funds and regulates elementary, secondary, and postsecondary education, administers federal student aid, and enforces federal conditions on schools that receive federal funds.
- (2) By funding and directing State and local schools through federal grants and the conditions attached to them, the Department expends money drawn from the Treasury on objects that are not among the enumerated powers of Congress, exceeding the “general Welfare” clause of Article I, Section 8, Clause 1, which James Madison explained in Federalist No. 41 is limited by the specific powers enumerated after it and confers no separate power to spend for any object Congress may choose.
- (3) The functions of the Department are not “necessary and proper for carrying into Execution” any power vested by the Constitution in the Government of the United States and therefore find no support in Article I, Section 8, Clause 18, which Madison in Federalist No. 44 described as a means of executing powers already granted rather than a source of new ones, as the Anti-Federalist writer Brutus warned in his first essay of 1787 it would otherwise become.
- (4) The Department exercises lawmaking power by issuing rules and standards that carry the force of law, contrary to Article I, Section 1, which vests “All legislative Powers herein granted” in the Congress alone, which may not transfer them to officers unaccountable to the people at the ballot box.
- (5) By conditioning funds on rules that govern speech and religious expression in schools and colleges, the Department infringes the freedom of speech and the free exercise of religion, secured by the First Amendment, which provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(6) By imposing discipline procedures on schools that can deprive students of liberty and property interests without due process of law, the Department violates the Due Process Clause of the Fifth Amendment, which provides that no person shall “be deprived of life, liberty, or property, without due process of law”.

(7) By regulating local schools and colleges through claimed civil-rights authority, the Department exceeds Section 5 of the Fourteenth Amendment, which empowers Congress only “to enforce, by appropriate legislation,” the Amendment’s prohibitions upon the States, and which confers no general power to regulate private persons or matters of local concern.

(8) In carrying out its functions, the Department disregards the Ninth Amendment, which provides that “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people,” including the right of the people to order their own lives, property, and affairs free of federal direction in matters the Constitution does not commit to the Federal Government.

(9) The Constitution delegates to the United States no power over education, schools, and the upbringing of children. By funding and directing State and local schools through federal grants and the conditions attached to them, the Department exercises powers that the Tenth Amendment reserves “to the States respectively, or to the people,” contrary to Federalist No. 45, in which Madison described the powers delegated to the Federal Government as “few and defined” and those remaining in the States as “numerous and indefinite.”

(10) The Declaration of Independence affirms that governments are instituted to secure the unalienable rights of the people and derive “their just powers from the consent of the governed,” and it charged the Crown with having “erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.” The Department perpetuates the centralized administration the Declaration condemned.

(11) Abolishing the Department of Education and repealing the Department of Education Organization Act will reduce the size and cost of the Federal Government, return to the States and to the people the powers the Constitution reserves to them, and restore the constitutional principles of limited government and enumerated powers.

SECTION 3. ABOLITION OF THE DEPARTMENT OF EDUCATION.

(a) In General.—The Department of Education is hereby abolished effective immediately following the enactment of this Act.

(b) Wind-Down Operations.—Immediately following the enactment of this Act, the President shall designate an appropriate official to expeditiously wind down the operations of the Department of Education, ceasing all functions, none of which shall be transferred to any other department or agency of the Federal Government.

(c) Transfer of Assets and Liabilities.—All assets, liabilities, contracts, property, and records of the Department of Education shall be transferred to the designated official under subsection

(b) for appropriate disposition.

(d) Employee Transition.—Employees of the Department of Education shall be offered opportunities for reassignment within the federal government or provided with severance and retraining assistance as prescribed by existing federal law.

SECTION 4. REPEAL OF THE DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) In General.—The Department of Education Organization Act (20 U.S.C. 3401 et seq.), as amended, is hereby repealed in its entirety.

(b) Conforming Amendments.—The United States Code and all other relevant Federal laws are amended by—

(1) striking all references to the Department of Education and to other entities or structures established by the Department of Education Organization Act;

(2) terminating every function of the Department of Education, no part of which shall be reassigned to any other department or agency of the Federal Government; and

(3) making such other conforming changes as necessary to reflect the repeal and the permanent abolition of the Department of Education.

(c) Effective Date.—The repeal under this section shall take effect immediately following the enactment of this Act.

SECTION 5. TRANSITION PROVISIONS.

(a) No Restoration of Prior Structures.—No element of the Department of Education shall revert to its organizational structure as it existed prior to the enactment of the Department of Education Organization Act, and no function of the Department of Education shall be restored to any predecessor department, agency, or office.

(b) Permanent Abolition.—No department, agency, office, or other entity shall be established to carry out the functions of the Department of Education abolished by this Act.

SECTION 6. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.