

## **A BILL**

To abolish the Office of Postsecondary Education, repeal the provisions of law establishing the Office of Postsecondary Education, 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 “Office of Postsecondary Education Abolition Act of 2026”.

### **SECTION 2. FINDINGS.**

Congress finds the following:

- (1) The Office of Postsecondary Education (OPE), a component of the Department of Education, administers federal programs for colleges and universities and oversees accreditation recognition.
- (2) By regulating colleges and universities through federal funding conditions and accreditation recognition, the OPE 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 OPE 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 OPE 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 campus rules that burden speech, the OPE infringes the freedom of speech, 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) In carrying out its functions, the OPE 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.

(7) The Constitution delegates to the United States no power over colleges and universities. By regulating colleges and universities through federal funding conditions and accreditation recognition, the OPE 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.”

(8) 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 OPE perpetuates the centralized administration the Declaration condemned.

(9) Abolishing the Office of Postsecondary Education and repealing the provisions of law establishing it 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 OFFICE OF POSTSECONDARY EDUCATION.**

(a) In General.—The Office of Postsecondary Education, a component of 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 Office of Postsecondary 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 Office of Postsecondary Education shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Office of Postsecondary 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 PROVISIONS OF LAW ESTABLISHING THE OFFICE OF POSTSECONDARY EDUCATION.**

(a) In General.—The provisions of law establishing the Office of Postsecondary Education, and any provision of law vesting functions in the Office of Postsecondary Education, are hereby repealed.

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

(1) striking all references to the Office of Postsecondary Education and to any office, officer, or function established in or vested in the Office of Postsecondary Education;

(2) terminating every function of the Office of Postsecondary 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 Office of Postsecondary 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 Office of Postsecondary Education shall revert to its organizational structure as it existed prior to the establishment of the Office of Postsecondary Education, and no function of the Office of Postsecondary 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 Office of Postsecondary 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.