

A BILL

To abolish the Department of Health and Human Services, repeal Reorganization Plan No. 1 of 1953 (5 U.S.C. App.) and section 509 of 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 Health and Human Services Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Department of Health and Human Services (HHS) administers Medicare, Medicaid, and other health and welfare programs, regulates drugs, food, and medical devices, conducts public health programs, and funds medical research.

(2) By operating federal health insurance and welfare programs and regulating medicine, food, and public health, 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) By operating federal health insurance and welfare programs and regulating medicine, food, and public health, the Department regulates activities that are local and intrastate in character, exceeding the power granted in Article I, Section 8, Clause 3 “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes,” a power that, as understood at ratification, reaches trade and exchange across State lines and not production, local activity, or the internal affairs of the States.

(4) 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.

(5) 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.

(6) By conditioning funds and licenses on rules that burden speech and the free exercise of religion by health care providers, 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.”

(7) By collecting and sharing health information about Americans, the Department infringes the Fourth Amendment’s protection of “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,” and its requirement that no warrants shall issue “but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

(8) By restricting the use of private property and the practice of lawful occupations by administrative action, the Department violates the Due Process Clause and Takings Clause of the Fifth Amendment, which provide that no person shall “be deprived of life, liberty, or property, without due process of law” and that private property shall not “be taken for public use, without just compensation”.

(9) By imposing civil monetary penalties through administrative proceedings without a jury, the Department denies Americans the Seventh Amendment’s guarantee that “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.”

(10) 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.

(11) The Constitution delegates to the United States no power over health care, medicine, public health, and relief of the poor. By operating federal health insurance and welfare programs and regulating medicine, food, and public health, 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.”

(12) 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.

(13) Abolishing the Department of Health and Human Services and repealing Reorganization Plan No. 1 of 1953 (5 U.S.C. App.) and section 509 of 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 HEALTH AND HUMAN SERVICES.

(a) In General.—The Department of Health and Human Services 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 Health and Human Services, 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 Health and Human Services shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Department of Health and Human Services 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 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) In General.—Reorganization Plan No. 1 of 1953 (5 U.S.C. App.) and section 509 of the Department of Education Organization Act (20 U.S.C. 3508), and any other provision of law establishing the Department of Health and Human Services or vesting functions in the Department of Health and Human Services, 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 Department of Health and Human Services and to any office, officer, or function established in or vested in the Department of Health and Human Services;

(2) terminating every function of the Department of Health and Human Services, 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 Health and Human Services.

(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 Health and Human Services shall revert to its organizational structure as it existed prior to the establishment of the Department of Health and Human Services, and no function of the Department of Health and Human Services 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 Health and Human Services 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.