

A BILL

To abolish the Federal Highway Administration, repeal section 104 of title 49, United States Code, 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 “Federal Highway Administration Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Federal Highway Administration (FHWA), a component of the Department of Transportation, funds construction and maintenance of highways and conditions highway funds on State compliance with federal requirements.

(2) By funding local roads and conditioning highway funds on State policies, the FHWA 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 funding and directing local roads that are not post roads, the FHWA exceeds the limited power granted in Article I, Section 8, Clause 7 “To establish Post Offices and post Roads.”

(4) The functions of the FHWA 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) In carrying out its functions, the FHWA 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.

(6) The Constitution delegates to the United States no power over local roads and State highway policy. By funding local roads and conditioning highway funds on State policies, the FHWA 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.”

(7) 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 FHWA perpetuates the centralized administration the Declaration condemned.

(8) Abolishing the Federal Highway Administration and repealing section 104 of title 49, United States Code, 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 FEDERAL HIGHWAY ADMINISTRATION.

(a) In General.—The Federal Highway Administration, a component of the Department of Transportation, 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 Federal Highway Administration, 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 Federal Highway Administration shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Federal Highway Administration 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 FEDERAL HIGHWAY ADMINISTRATION.

(a) In General.—Section 104 of title 49, United States Code, and any other provision of law establishing the Federal Highway Administration or vesting functions in the Federal Highway Administration, 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 Federal Highway Administration and to any office, officer, or function established in or vested in the Federal Highway Administration;

(2) terminating every function of the Federal Highway Administration, 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 Federal Highway Administration.

(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 Federal Highway Administration shall revert to its organizational structure as it existed prior to the establishment of the Federal Highway Administration, and no function of the Federal Highway Administration 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 Federal Highway Administration 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.