

A BILL

To abolish the Center for Devices and Radiological Health, repeal the provisions of law establishing the Center for Devices and Radiological Health, 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 “Center for Devices and Radiological Health Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Center for Devices and Radiological Health (CDRH), a component of the Food and Drug Administration, Department of Health and Human Services, regulates medical devices and radiation-emitting products.

(2) By requiring federal approval of medical devices, the CDRH 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.

(3) The functions of the CDRH 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 CDRH 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 denying individuals access to devices of their choosing, the CDRH 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”.

(6) In carrying out its functions, the CDRH 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 medicine and products made within the States. By requiring federal approval of medical devices, the CDRH 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 CDRH perpetuates the centralized administration the Declaration condemned.

(9) Abolishing the Center for Devices and Radiological Health 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 CENTER FOR DEVICES AND RADIOLOGICAL HEALTH.

(a) In General.—The Center for Devices and Radiological Health, a component of the Food and Drug Administration, 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 Center for Devices and Radiological Health, 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 Center for Devices and Radiological Health shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Center for Devices and Radiological Health 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 CENTER FOR DEVICES AND RADIOLOGICAL HEALTH.

(a) In General.—The provisions of law establishing the Center for Devices and Radiological Health, and any provision of law vesting functions in the Center for Devices and Radiological Health, 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 Center for Devices and Radiological Health and to any office, officer, or function established in or vested in the Center for Devices and Radiological Health;

(2) terminating every function of the Center for Devices and Radiological Health, 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 Center for Devices and Radiological Health.

(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 Center for Devices and Radiological Health shall revert to its organizational structure as it existed prior to the establishment of the Center for Devices and Radiological Health, and no function of the Center for Devices and Radiological Health 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 Center for Devices and Radiological Health 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.