

A BILL

To abolish the Department of Defense, repeal section 111 of title 10, 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 “Department of Defense Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Department of Defense (DoD) directs the armed forces of the United States, including the permanent Army, Air Force, and Space Force, as well as numerous defense agencies and field activities.

(2) By maintaining permanent standing land and air forces in time of peace, the DoD acts contrary to Article I, Section 8, Clause 12, which empowers Congress “To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years,” a limit reflecting the Founders’ settled distrust of standing armies in time of peace, as expressed in Federalist No. 41 and in the Anti-Federalist essays of Brutus.

(3) By assuming continuing federal administration over the National Guard of the several States, the DoD encroaches on the authority Article I, Section 8, Clause 16 reserves “to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.”

(4) The functions of the DoD 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) By operating intelligence and surveillance components capable of collecting information on Americans, the DoD 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.”

(6) In carrying out its functions, the DoD 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 the militia of the several States and the domestic affairs of the people. By maintaining permanent standing land and air forces in time of peace, the DoD 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 DoD perpetuates the centralized administration the Declaration condemned. The Declaration likewise condemned keeping “among us, in times of peace, Standing Armies without the Consent of our legislatures” and the effort “to render the Military independent of and superior to the Civil power.”

(9) Abolishing the Department of Defense and repealing section 111 of title 10, 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 DEPARTMENT OF DEFENSE.

(a) In General.—The Department of Defense 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 Defense, ceasing all functions, except that the Department of the Navy and the United States Marine Corps, as authorized by Article I, Section 8, Clauses 13 and 14 of the Constitution, shall be transferred to such other department or officer of the United States as determined by such official.

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

(d) Employee Transition.—Employees of the Department of Defense, and members of the armed forces assigned to it, shall be offered opportunities for reassignment within the federal government, including, for members of the armed forces, transfer to the naval forces of the United States or to the militia of the several States, or provided with severance and retraining assistance as prescribed by existing federal law.

SECTION 4. REPEAL OF PROVISIONS OF LAW ESTABLISHING THE DEPARTMENT OF DEFENSE.

(a) In General.—Section 111 of title 10, United States Code, and any other provision of law establishing the Department of Defense or vesting functions in the Department of Defense, 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 Defense and to any office, officer, or function established in or vested in the Department of Defense;

(2) reassigning only the Department of the Navy and the United States Marine Corps, as authorized by Article I, Section 8, Clauses 13 and 14 of the Constitution, in accordance with section 3(b), and terminating every other function of the Department of Defense; and

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

(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 Defense shall revert to its organizational structure as it existed prior to the establishment of the Department of Defense, and no function of the Department of Defense 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 Defense abolished by this Act, other than the enumerated functions transferred under section 3(b).

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.