

A BILL

To abolish the Department of the Air Force, repeal section 9011 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 the Air Force Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Department of the Air Force, a component of the Department of Defense, organizes, trains, and equips the United States Air Force and the United States Space Force as permanent standing forces.

(2) By maintaining a permanent standing air force in time of peace, the Department of the Air Force 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 absorbing the Air National Guard of the several States into continuing federal administration, the Department of the Air Force 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 Department of the Air Force 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 Department of the Air Force 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 the militia of the several States and the defense of the people in time of peace. By maintaining a permanent standing air

force in time of peace, the Department of the Air Force 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 Department of the Air Force 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.”

(8) Abolishing the Department of the Air Force and repealing section 9011 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 THE AIR FORCE.

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

(d) Employee Transition.—Employees of the Department of the Air Force, 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 THE AIR FORCE.

(a) In General.—Section 9011 of title 10, United States Code, and any other provision of law establishing the Department of the Air Force or vesting functions in the Department of the Air Force, 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 the Air Force and to any office, officer, or function established in or vested in the Department of the Air Force;

(2) terminating every function of the Department of the Air Force, 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 the Air Force.

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