

A BILL

To abolish the Department of Veterans Affairs, repeal section 301 of title 38, 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 Veterans Affairs Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Department of Veterans Affairs (VA) operates a nationwide health care system for veterans, administers disability compensation, pensions, education, home loan, and insurance benefits, and maintains national cemeteries.

(2) By operating a nationwide government health care system and non-military benefit programs, 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) 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.

(4) By determining veterans' rights to earned benefits and their fitness to keep arms through administrative processes, the Department 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”.

(5) 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.

(6) The Constitution delegates to the United States no power over health care and social welfare benefits. By operating a nationwide government health care system and non-military

benefit programs, 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.”

(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 perpetuates the centralized administration the Declaration condemned.

(8) Abolishing the Department of Veterans Affairs and repealing section 301 of title 38, 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 VETERANS AFFAIRS.

(a) In General.—The Department of Veterans Affairs 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 Veterans Affairs, ceasing all functions, except that the payment of pensions and compensation owed to veterans for military service as debts of the United States, as authorized by Article I, Section 8, Clauses 1, 12, 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 Veterans Affairs shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Department of Veterans Affairs 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 VETERANS AFFAIRS.

(a) In General.—Section 301 of title 38, United States Code, and any other provision of law establishing the Department of Veterans Affairs or vesting functions in the Department of Veterans Affairs, 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 Veterans Affairs and to any office, officer, or function established in or vested in the Department of Veterans Affairs;

(2) reassigning only the payment of pensions and compensation owed to veterans for military service as debts of the United States, as authorized by Article I, Section 8, Clauses 1, 12, 13, and 14 of the Constitution, in accordance with section 3(b), and terminating every other function of the Department of Veterans Affairs; and

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

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