

A BILL

To abolish the Merit Systems Protection Board, repeal section 1201 of title 5, 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 “Merit Systems Protection Board Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Merit Systems Protection Board (MSPB) adjudicates federal employee appeals of adverse personnel actions.

(2) The functions of the MSPB 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.

(3) By adjudicating personnel appeals, the MSPB exercises judicial power in tribunals of the executive branch, contrary to Article III, Section 1, which vests “the judicial Power of the United States” in courts whose judges “shall hold their Offices during good Behaviour.”

(4) In carrying out its functions, the MSPB 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.

(5) The Constitution delegates to the United States no power over a permanent bureaucracy beyond the enumerated powers. By adjudicating personnel disputes within a permanent bureaucracy, the MSPB 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.”

(6) 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 MSPB

perpetuates the centralized administration the Declaration condemned.

(7) Abolishing the Merit Systems Protection Board and repealing section 1201 of title 5, 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 MERIT SYSTEMS PROTECTION BOARD.

(a) In General.—The Merit Systems Protection Board 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 Merit Systems Protection Board, 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 Merit Systems Protection Board shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Merit Systems Protection Board 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 MERIT SYSTEMS PROTECTION BOARD.

(a) In General.—Section 1201 of title 5, United States Code, and any other provision of law establishing the Merit Systems Protection Board or vesting functions in the Merit Systems Protection Board, 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 Merit Systems Protection Board and to any office, officer, or function established in or vested in the Merit Systems Protection Board;

(2) terminating every function of the Merit Systems Protection Board, 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 Merit Systems Protection Board.

(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 Merit Systems Protection Board shall revert to its organizational structure as it existed prior to the establishment of the Merit Systems Protection Board, and no function of the Merit Systems Protection Board 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 Merit Systems Protection Board 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.