

A BILL

To abolish the Selective Service System, repeal section 10 of the Military Selective Service Act, 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 “Selective Service System Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Selective Service System (SSS) maintains a registry of men eligible for a military draft and is prepared to conduct conscription if authorized.

(2) By maintaining permanent conscription machinery in time of peace, the SSS 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) The functions of the SSS 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 compelling registration and maintaining personal information on millions of young men, the SSS 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.”

(5) By conditioning federal benefits and employment on registration, the SSS 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 SSS 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 liberty of the people in time of peace. By compelling young men to register for conscription in time of peace, the SSS 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 SSS 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 Selective Service System and repealing section 10 of the Military Selective Service Act 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 SELECTIVE SERVICE SYSTEM.

(a) In General.—The Selective Service System 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 Selective Service System, 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 Selective Service System shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Selective Service System 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 SELECTIVE SERVICE SYSTEM.

(a) In General.—Section 10 of the Military Selective Service Act (50 U.S.C. 3809), and any other provision of law establishing the Selective Service System or vesting functions in the

Selective Service System, 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 Selective Service System and to any office, officer, or function established in or vested in the Selective Service System;

(2) terminating every function of the Selective Service System, 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 Selective Service System.

(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 Selective Service System shall revert to its organizational structure as it existed prior to the establishment of the Selective Service System, and no function of the Selective Service System 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 Selective Service System 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.