

A BILL

To abolish the Department of Homeland Security, repeal the Homeland Security Act of 2002, 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 Homeland Security Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Department of Homeland Security (DHS) manages border and immigration enforcement, transportation security, disaster response, cybersecurity, the Secret Service, and the Coast Guard in peacetime.

(2) By operating a centralized domestic security apparatus that screens, surveils, and polices Americans, the Department regulates activities that are local and intrastate in character, exceeding the power granted in Article I, Section 8, Clause 3 “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes,” a power that, as understood at ratification, reaches trade and exchange across State lines and not production, local activity, or the internal affairs of the States.

(3) By assigning the Coast Guard to domestic law enforcement and regulatory functions in peacetime, the Department carries out civil and domestic functions that extend beyond the power “To provide and maintain a Navy” in Article I, Section 8, Clause 13 and beyond the power “To make Rules for the Government and Regulation of the land and naval Forces” in Clause 14.

(4) 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.

(5) By monitoring speech and associations of Americans in the name of domestic security, the Department infringes the freedom of speech and the right of the people peaceably to assemble, secured by the First Amendment, which provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

(6) By searching travelers and their papers and effects, and collecting data on Americans without warrants issued upon probable cause, the Department 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."

(7) By seizing and forfeiting private property through administrative proceedings, the Department violates the Due Process Clause and Takings Clause of the Fifth Amendment, which provide that no person shall "be deprived of life, liberty, or property, without due process of law" and that private property shall not "be taken for public use, without just compensation".

(8) By imposing civil forfeitures and penalties, the Department subjects Americans to penalties and forfeitures that may be grossly disproportionate to any offense, contrary to the Eighth Amendment's command that excessive fines shall not be "imposed."

(9) 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.

(10) The Constitution delegates to the United States no power over domestic security, policing, and disaster response within the States. By operating a centralized domestic security apparatus that screens, surveils, and polices Americans, 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."

(11) 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. 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."

(12) Abolishing the Department of Homeland Security and repealing the Homeland Security Act of 2002 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 HOMELAND SECURITY.

(a) In General.—The Department of Homeland Security 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 Homeland Security, ceasing all functions, except that the collection of duties and imposts on foreign imports and the administration of a uniform rule of naturalization, as authorized by Article I, Section 8, Clauses 1, 3, and 4 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 Homeland Security shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Department of Homeland Security 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 THE HOMELAND SECURITY ACT OF 2002.

(a) In General.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended, is hereby repealed in its entirety.

(b) Conforming Amendments.—The United States Code and all other relevant Federal laws are amended by—

(1) striking all references to the Department of Homeland Security and to other entities or structures established by the Homeland Security Act of 2002;

(2) reassigning only the collection of duties and imposts on foreign imports and the administration of a uniform rule of naturalization, as authorized by Article I, Section 8, Clauses 1, 3, and 4 of the Constitution, in accordance with section 3(b), and terminating every other function of the Department of Homeland Security; and

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

(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 Homeland Security shall revert to its organizational structure as it existed prior to the enactment of the Homeland Security Act of 2002, and no function of the Department of Homeland Security 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 Homeland Security 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.