

A BILL

To abolish the United States Customs and Border Protection, repeal section 411 of 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 “United States Customs and Border Protection Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The United States Customs and Border Protection (CBP), a component of the Department of Homeland Security, enforces customs, immigration, and agricultural laws at and between ports of entry and collects duties on imports.

(2) The functions of the CBP 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 searching persons, vehicles, and electronic devices without warrants at checkpoints and within a broad zone of the interior, the CBP 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.”

(4) By seizing and forfeiting private property through administrative proceedings, the CBP 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”.

(5) By pursuing civil forfeitures that punish property owners without the protections of a criminal trial, the CBP imposes deprivations that operate as punishment without affording the protections the Sixth Amendment guarantees “In all criminal prosecutions,” including the right to a trial “by an impartial jury.”

(6) By imposing forfeitures and penalties disproportionate to any offense, the CBP 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."

(7) In carrying out its functions, the CBP 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.

(8) The Constitution delegates to the United States no power over the policing of persons within the States. By searching persons, papers, and electronic devices and operating checkpoints within the interior of the country, the CBP 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."

(9) 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 CBP perpetuates the centralized administration the Declaration condemned.

(10) Abolishing the United States Customs and Border Protection and repealing section 411 of 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 UNITED STATES CUSTOMS AND BORDER PROTECTION.

(a) In General.—The United States Customs and Border Protection, a component of 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 United States Customs and Border Protection, ceasing all functions, except that the collection of duties and imposts on foreign imports, as authorized by Article I, Section 8, Clauses 1 and 3 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 United States Customs and Border Protection shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the United States Customs and Border Protection 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 UNITED STATES CUSTOMS AND BORDER PROTECTION.

(a) In General.—Section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211), and any other provision of law establishing the United States Customs and Border Protection or vesting functions in the United States Customs and Border Protection, 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 United States Customs and Border Protection and to any office, officer, or function established in or vested in the United States Customs and Border Protection;

(2) reassigning only the collection of duties and imposts on foreign imports, as authorized by Article I, Section 8, Clauses 1 and 3 of the Constitution, in accordance with section 3(b), and terminating every other function of the United States Customs and Border Protection; and

(3) making such other conforming changes as necessary to reflect the repeal and the permanent abolition of the United States Customs and Border Protection.

(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 United States Customs and Border Protection shall revert to its organizational structure as it existed prior to the establishment of the United States Customs and Border Protection, and no function of the United States Customs and Border Protection 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 United States Customs and Border Protection 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.