

A BILL

To abolish the United States Immigration and Customs Enforcement, repeal the provisions of law establishing the United States Immigration and Customs Enforcement, 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 Immigration and Customs Enforcement Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

- (1) The United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security, enforces immigration laws within the interior of the United States, conducts detention and removal operations, and investigates customs and transnational crimes.
- (2) The functions of the ICE 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 homes and workplaces and collecting data on persons, including citizens, without warrants issued upon probable cause by a judge, the ICE 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 detaining persons and seizing property through administrative processes, the ICE 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 imposing administrative fines and forfeitures, the ICE 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.”

(6) In carrying out its functions, the ICE 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 policing of persons within the States. By conducting interior enforcement operations and data collection that reach citizens and lawful residents, the ICE 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 ICE perpetuates the centralized administration the Declaration condemned.

(9) Abolishing the United States Immigration and Customs Enforcement and repealing the provisions of law establishing it 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 IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) In General.—The United States Immigration and Customs Enforcement, 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 Immigration and Customs Enforcement, 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 United States Immigration and Customs Enforcement shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the United States Immigration and Customs Enforcement 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 IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) In General.—The provisions of law establishing the United States Immigration and Customs Enforcement, and any provision of law vesting functions in the United States Immigration and Customs Enforcement, 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 Immigration and Customs Enforcement and to any office, officer, or function established in or vested in the United States Immigration and Customs Enforcement;

(2) terminating every function of the United States Immigration and Customs Enforcement, 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 United States Immigration and Customs Enforcement.

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