

A BILL

To abolish the Bureau of Indian Affairs, repeal section 1 of title 25, 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 “Bureau of Indian Affairs Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

- (1) The Bureau of Indian Affairs (BIA), a component of the Department of the Interior, administers federal trust responsibilities and programs for federally recognized tribes, including land in trust, law enforcement, and social services.
- (2) The functions of the BIA 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 holding and managing the property of tribes and individual Indians under federal control, the BIA 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”.
- (4) In carrying out its functions, the BIA 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 the internal affairs of tribes and the property of individual Indians. By managing tribal lands and affairs and holding Indian property in federal trust, the BIA 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 BIA perpetuates the centralized administration the Declaration condemned. The security of property, which the Founders regarded as inseparable from liberty, may not be left to the discretion of federal officers.

(7) Abolishing the Bureau of Indian Affairs and repealing section 1 of title 25, 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 BUREAU OF INDIAN AFFAIRS.

(a) In General.—The Bureau of Indian Affairs, a component of the Department of the Interior, 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 Bureau of Indian Affairs, ceasing all functions, except that the performance of treaty obligations of the United States to Indian tribes, as authorized by Article I, Section 8, Clause 3, Article II, Section 2, and Article VI 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 Bureau of Indian Affairs shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Bureau of Indian Affairs 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 BUREAU OF INDIAN AFFAIRS.

(a) In General.—Section 1 of title 25, United States Code, and any other provision of law establishing the Bureau of Indian Affairs or vesting functions in the Bureau of Indian Affairs, 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 Bureau of Indian Affairs and to any office, officer, or function established in or vested in the Bureau of Indian Affairs;

(2) reassigning only the performance of treaty obligations of the United States to Indian tribes, as authorized by Article I, Section 8, Clause 3, Article II, Section 2, and Article VI of the Constitution, in accordance with section 3(b), and terminating every other function of the Bureau of Indian Affairs; and

(3) making such other conforming changes as necessary to reflect the repeal and the permanent abolition of the Bureau of Indian Affairs.

(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 Bureau of Indian Affairs shall revert to its organizational structure as it existed prior to the establishment of the Bureau of Indian Affairs, and no function of the Bureau of Indian Affairs 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 Bureau of Indian Affairs 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.