

## **A BILL**

To abolish the Department of Justice, repeal section 501 of title 28, 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 “Department of Justice Abolition Act of 2026”.

### **SECTION 2. FINDINGS.**

Congress finds the following:

(1) The Department of Justice (DOJ) enforces federal criminal and civil laws, prosecutes federal crimes, conducts investigations through the Federal Bureau of Investigation and other components, operates federal prisons, and litigates on behalf of the United States.

(2) By enforcing an expansive federal criminal code reaching local conduct and conducting domestic investigations and surveillance, 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) 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.

(4) By investigating and monitoring Americans on the basis of their speech, associations, and reporting, the Department infringes the freedom of speech, the right of the people peaceably to assemble, and the freedom of the press, 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.”

(5) By prosecuting Americans for the possession of firearms under laws that infringe the right to keep and bear arms, the Department infringes the Second Amendment, which declares that “the right of the people to keep and bear Arms, shall not be infringed.”

(6) By conducting searches and electronic surveillance of Americans, 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 private property through civil forfeiture without a criminal conviction, 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 pursuing civil forfeitures that punish property owners without the protections of a criminal trial, the Department 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.”

(9) By imposing forfeitures disproportionate to any offense, 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.”

(10) 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.

(11) The Constitution delegates to the United States no power over general police powers and local crime. By enforcing an expansive federal criminal code reaching local conduct and conducting domestic investigations and surveillance, 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.”

(12) 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.

(13) Abolishing the Department of Justice and repealing section 501 of title 28, 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 DEPARTMENT OF JUSTICE.**

(a) In General.—The Department of Justice 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 Justice, ceasing all functions, except that the prosecution of offenses against laws of the United States enacted under its enumerated powers, including counterfeiting, piracies and felonies committed on the high seas, offenses against the law of nations, and treason, as authorized by Article I, Section 8, Clauses 6 and 10, and Article III, Section 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 Department of Justice shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Department of Justice 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 DEPARTMENT OF JUSTICE.**

(a) In General.—Section 501 of title 28, United States Code, and any other provision of law establishing the Department of Justice or vesting functions in the Department of Justice, 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 Department of Justice and to any office, officer, or function established in or vested in the Department of Justice;

(2) reassigning only the prosecution of offenses against laws of the United States enacted under its enumerated powers, including counterfeiting, piracies and felonies committed on the high seas, offenses against the law of nations, and treason, as authorized by Article I, Section 8, Clauses 6 and 10, and Article III, Section 3 of the Constitution, in accordance with section 3(b), and terminating every other function of the Department of Justice; and

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

(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 Justice shall revert to its organizational structure as it existed prior to the establishment of the Department of Justice, and no function of the Department of Justice 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 Justice 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.