

A BILL

To abolish the Antitrust Division, repeal the provisions of law establishing the Antitrust Division, 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 Antitrust Division Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

- (1) The Antitrust Division (ATR), a component of the Department of Justice, enforces federal antitrust laws through civil and criminal actions and reviews mergers.
- (2) By regulating business conduct and mergers, including local business conduct, the Antitrust Division 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 Antitrust Division 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 restricting the liberty of contract and the disposition of private property, the Antitrust Division violates the Due Process Clause of the Fifth Amendment, which provides that no person shall “be deprived of life, liberty, or property, without due process of law”.
- (5) In carrying out its functions, the Antitrust Division 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.
- (6) The Constitution delegates to the United States no power over local business conduct and private contracts. By regulating business conduct and mergers, including local business conduct, the Antitrust Division 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.”

(7) 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 Antitrust Division perpetuates the centralized administration the Declaration condemned.

(8) Abolishing the Antitrust Division 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 ANTITRUST DIVISION.

(a) In General.—The Antitrust Division, a component of 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 Antitrust Division, 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 Antitrust Division shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Antitrust Division 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 ANTITRUST DIVISION.

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

(2) terminating every function of the Antitrust Division, 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 Antitrust Division.

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