

A BILL

To abolish the Federal Bureau of Prisons, repeal section 4041 of title 18, 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 “Federal Bureau of Prisons Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

- (1) The Federal Bureau of Prisons (BOP), a component of the Department of Justice, operates federal prisons and detention facilities.
- (2) The functions of the BOP 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 carrying out sentences under laws that exceed the enumerated powers, the BOP 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.”
- (4) In carrying out its functions, the BOP 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 general police powers. By incarcerating persons for offenses not grounded in enumerated powers, the BOP 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 BOP

perpetuates the centralized administration the Declaration condemned.

(7) Abolishing the Federal Bureau of Prisons and repealing section 4041 of title 18, 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 FEDERAL BUREAU OF PRISONS.

(a) In General.—The Federal Bureau of Prisons, 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 Federal Bureau of Prisons, ceasing all functions, except that the custody of persons convicted of offenses against laws of the United States enacted under its enumerated powers, as authorized by Article I, Section 8, Clauses 6, 10, and 18 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 Federal Bureau of Prisons shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Federal Bureau of Prisons 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 FEDERAL BUREAU OF PRISONS.

(a) In General.—Section 4041 of title 18, United States Code, and any other provision of law establishing the Federal Bureau of Prisons or vesting functions in the Federal Bureau of Prisons, 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 Federal Bureau of Prisons and to any office, officer, or function established in or vested in the Federal Bureau of Prisons;

(2) reassigning only the custody of persons convicted of offenses against laws of the United States enacted under its enumerated powers, as authorized by Article I, Section 8, Clauses 6, 10, and 18 of the Constitution, in accordance with section 3(b), and terminating every other function of the Federal Bureau of Prisons; and

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

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