

A BILL

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

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Tax Division, a component of the Department of Justice, litigates civil and criminal tax cases on behalf of the United States.

(2) The functions of the Tax 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.

(3) By enforcing summonses for private papers, the Tax Division 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 prosecuting persons based on compelled self-reporting, the Tax Division violates the Self-Incrimination Clause of the Fifth Amendment, which provides that no person “shall be compelled in any criminal case to be a witness against himself”.

(5) By prosecuting and litigating income tax matters, the Tax Division exceeds the Sixteenth Amendment, which permits Congress to lay and collect taxes on incomes without apportionment but conferred no power to subject the private papers, finances, and daily affairs of every American to continuing federal examination, and which did not repeal the Framers’ protection against unapportioned direct taxes in Article I, Section 9, Clause 4 as to any other subject.

(6) In carrying out its functions, the Tax 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.

(7) The Constitution delegates to the United States no power over the private financial affairs of the people. By prosecuting and litigating income tax matters, the Tax 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.”

(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 Tax Division perpetuates the centralized administration the Declaration condemned.

(9) Abolishing the Tax 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 TAX DIVISION.

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

(d) Employee Transition.—Employees of the Tax 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 TAX DIVISION.

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

(2) terminating every function of the Tax 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 Tax 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 Tax Division shall revert to its organizational structure as it existed prior to the establishment of the Tax Division, and no function of the Tax 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 Tax 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.