

A BILL

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

SECTION 2. FINDINGS.

Congress finds the following:

- (1) The Criminal Division, a component of the Department of Justice, develops and enforces federal criminal law and supervises criminal prosecutions.
- (2) By prosecuting crimes beyond those enumerated in the Constitution, the Criminal 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 Criminal 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 conducting electronic surveillance, the Criminal 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.”
- (5) By seizing property through forfeiture, the Criminal Division violates the Takings Clause of the Fifth Amendment, which provides that private property shall not “be taken for public use, without just compensation”.
- (6) By seeking forfeitures disproportionate to any offense, the Criminal Division 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.”

(7) In carrying out its functions, the Criminal 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.

(8) The Constitution delegates to the United States no power over general police powers and local crime. By prosecuting crimes beyond those enumerated in the Constitution, the Criminal 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.”

(9) 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 Criminal Division perpetuates the centralized administration the Declaration condemned.

(10) Abolishing the Criminal 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 CRIMINAL DIVISION.

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

(d) Employee Transition.—Employees of the Criminal 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 CRIMINAL DIVISION.

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

(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 Criminal Division; and

(3) making such other conforming changes as necessary to reflect the repeal and the permanent abolition of the Criminal 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 Criminal Division shall revert to its organizational structure as it existed prior to the establishment of the Criminal Division, and no function of the Criminal 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 Criminal Division 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.