

A BILL

To abolish the Division of Enforcement of the Securities and Exchange Commission, repeal the provisions of law establishing the Division of Enforcement of the Securities and Exchange Commission, 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 “SEC Division of Enforcement Abolition Act of 2026”.

SECTION 2. FINDINGS.

Congress finds the following:

(1) The Division of Enforcement of the Securities and Exchange Commission investigates and prosecutes violations of the securities laws.

(2) The functions of the 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 requiring settling defendants to remain silent, the Division infringes the freedom of speech, 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.”

(4) By subpoenaing private records, the 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 imposing sanctions through administrative proceedings, the 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”.

(6) By pursuing penalties outside the courts of law, the Division denies Americans the Seventh Amendment’s guarantee that “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.”

(7) By imposing penalties and disgorgement disproportionate to any harm, the 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.”

(8) In carrying out its functions, the 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.

(9) The Constitution delegates to the United States no power over local securities transactions. By pursuing civil penalties and sanctions against Americans, the 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.”

(10) 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 Division perpetuates the centralized administration the Declaration condemned. The Declaration likewise condemned “depriving us in many cases, of the benefits of Trial by Jury.”

(11) Abolishing the Division of Enforcement of the Securities and Exchange Commission 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 DIVISION OF ENFORCEMENT OF THE SECURITIES AND EXCHANGE COMMISSION.

(a) In General.—The Division of Enforcement of the Securities and Exchange Commission 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 Division of Enforcement of the Securities and Exchange Commission, 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 Division of Enforcement of the Securities and Exchange Commission shall be transferred to the designated official under subsection (b) for appropriate disposition.

(d) Employee Transition.—Employees of the Division of Enforcement of the Securities and Exchange Commission 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 DIVISION OF ENFORCEMENT OF THE SECURITIES AND EXCHANGE COMMISSION.

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

(2) terminating every function of the Division of Enforcement of the Securities and Exchange Commission, 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 Division of Enforcement of the Securities and Exchange Commission.

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