

# DHS funding is no blank check — and doesn't permit ICE to backfill TSA

The administration claims to have found an end-run around the partial government shutdown by sending ICE agents to airports to do crowd control. But Congress didn't fund ICE to do airport security — and turning a blind eye to this unlawful spending sets a dangerous precedent.

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## Congress appropriates for specific purposes — not the President's whims.

Over 200 years ago, in the Purpose Statute, Congress passed a law making clear that when it passes a law spending taxpayer funds, the appropriated money can only be used for specified purposes.

If an agency uses taxpayer dollars for a purpose for which Congress has not provided the money, that spending can [violate](#) the Antideficiency Act.

The Antideficiency Act imposes a range of potential penalties on individual federal officials for violating the law — from administrative penalties for less serious offenses, all the way to criminal penalties for knowing and willful violations.

## The One Big Beautiful Bill Act funds immigration enforcement, not security theaters.

Because Congress has not yet appropriated funds for the Department of Homeland Security for fiscal year 2026, the agency is currently relying on collected fees or multi-year funds from past legislation, such as the reconciliation act passed last summer. While ICE has not definitively answered where funds for this operation are coming from, reports have suggested the money is coming from the One Big Beautiful Bill Act. OBBBA allocated a whopping \$75 billion in supplemental funding to ICE specifically to conduct immigration enforcement and expand detention capacity — not for any other purposes. In fact, OBBBA was somewhat specific in its allocation of funding to ICE. In addition to \$45 billion for expanded detention capacity, Congress specified approximately \$30 billion for:

- Hiring and training additional personnel, including bonuses and recruitment
- Transportation for removal operations
- Information technology, facility upgrades and fleet modernization
- Funding for 287(g) agreements with state and local governments
- The establishment of a Victims of Immigration Crime Engagement Office

None of those stated purposes encompass deployment to airports to replace TSA employees; to assist TSA agents in airport screening; to check passenger IDs; or to do anything other than immigration enforcement. Even most regular ICE operations — for instance, funding salaries of continuing employees — are arguably not encompassed by the OBBBA appropriations, casting doubt on much of ICE’s ongoing operations during the partial shutdown.

In addition to violating Congress’s constitutional power to direct how much funds are available and for which purposes, these specific deployments of ICE personnel are a waste of taxpayer dollars, to deploy personnel trained for law enforcement into an environment they are not trained for, and are not authorized to operate in.

## ICE must not become an all-purpose security force.

The use of ICE for crowd control at airports — a role that has nothing to do with its authorized immigration enforcement mission — is an alarming and drastic repurposing of federal agents to create a standing security force seemingly deployed at the whim of the President.

The Constitution recognizes the danger of having a “standing army” answerable only to the executive and unaccountable to the Congress. That’s why it [limits funding for the Army to no more than two years](#). While this limit has been largely ignored for the last century, recent [questions](#) have been raised about whether Congress should once again take up this important check against executive branch abuses of authority.

President Trump has already shown his [eagerness to deploy uniformed military forces](#) for domestic policing operations. Now that those efforts have largely been rejected by courts, it is troubling to see him turn to ICE — [newly equipped with military-grade equipment](#) — as an all-purpose civilian law enforcement force.

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Protect Democracy is a nonpartisan, nonprofit group working to prevent American democracy from declining into a more authoritarian form of government.