American Immigration Council

November 2026

ANALYSIS

ICE Has $91 Billion Left for Mass Deportation. Can Congress Stop It?

Overview

Just a decade ago, U.S. Immigration and Custom Enforcement's annual budget was less than $6 billion.[1] But today ICE is the highest funded U.S. law enforcement agency with over $28 billion per year at its disposal from 2025 through 2029.[2] The One Big Beautiful Bill Act of 2025[3] and the Secure America Act of 2026[4] have transformed the United States' immigration enforcement agencies, including U.S. Customs and Border Protection's Border Patrol, by funding them at unprecedented levels, with nearly a quarter of a trillion dollars to spend by September 2029.[5] This funding came with almost no reporting or other meaningful oversight and outside of the usual appropriations process that typically funds federal agencies.

While this unprecedented level of funding has driven dramatic increases in widespread and aggressive immigration enforcement nationwide, **recently published federal spending data reveals that the Trump administration has not spent most of the funding from these two bills**. As of October 2026, **ICE has $91 billion remaining** from both reconciliation bills to spend on mass deportation between now and 2029. **CBP has $45.6 billion remaining from both bills**.

One Big Beautiful Bill Act of 2025

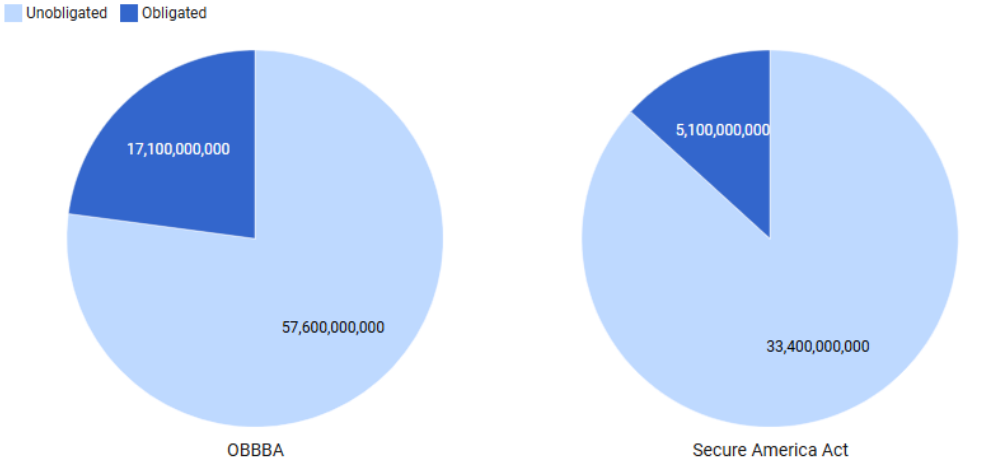
Signed into law by President Trump in July 2025, OBBBA was a reconciliation bill — a budget bill not subject to a 60-vote filibuster in the Senate — that provided the Department of Homeland Security $170.7 billion for immigration and border enforcement activities.[6] Of that amount, ICE directly received $75 billion, with $29.8 billion specifically for immigration enforcement (including hiring), and another $45 billion for immigration detention.[7] This left ICE with funding roughly three times its most recent annual appropriated budget.

While ICE planned to spend most of these funds by the end of Fiscal Year 2026, the agency has billions remaining to expand its mass deportation agenda.

According to data recently published by the Office of Management and Budget (OMB), as of September 30, 2026, ICE has "obligated" (committed to spending or already spent) $17.1 billion of the money it received in OBBBA—less than a quarter of its total funding.[8] This leaves the agency with **$57.6 billion of the total $75 billion it received in the OBBBA in 2025 for further increases in enforcement and detention**.

Figure 1: ICE Reconciliation Funding

Funds under the One Big Beautiful Bill Act (OBBBA) and the Secure America Act.



Source: U.S. Immigration and Customs Enforcement, "Report on Budget and Execution of Budgetary Resources," Form SF-133, U.S. Department of Homeland Security, Oct. 21, 2026. • Get the data • Created with Datawrapper

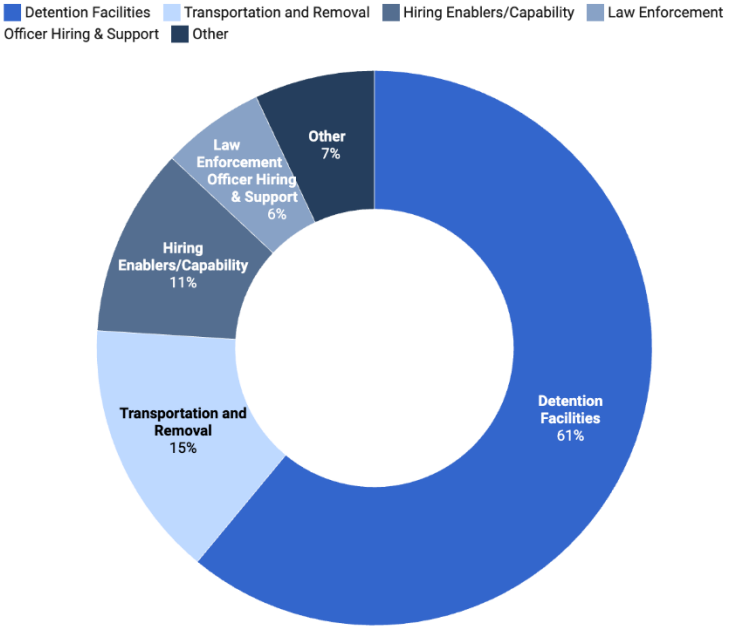
CBP has committed to spending or has spent a larger proportion of its OBBBA funds. After receiving $65 billion,[9] it has obligated $42 billion as of September 30, 2026. **This means CBP has $22.6 billion in OBBBA funds remaining.**

Of the money ICE has already spent, $10.5 billion (61 percent) has gone to detention facilities, $2.6 billion (15 percent) to transportation and removal operations, and another $1.9 billion (11 percent) to hiring and human resources.[10] This has included directly purchasing at least seven detention facilities from private prison companies,[11] hiring approximately 12,000 new ICE officers,[12] increasing the number of deportation flights,[13] and purchasing new surveillance technologies.[14] These allocations underscore that the agency's priority continues to be advancing President Trump's mass deportation agenda with an emphasis on maximizing the number of arrests, detentions, and deportations.[15]

ICE's OBBBA spending plans also demonstrate that the agency intends to frontload most of its remaining OBBBA money, with plans to spend 86 percent of the money it received in 2025 between Fiscal Years 2025 and 2027.[16] In FY 2026 alone, the agency had planned to spend $15.7 billion for constructing and expanding detention facility capacity.[17]

Figure 2: ICE OBBBA Obligations by Category

Obligations made by ICE as of September 30, 2026



Source: U.S. Immigration and Customs Enforcement, "Report on Budget and Execution of Budgetary Resources," Form SF-133, U.S. Department of Homeland Security, Oct. 21, 2026. • Get the data • Created with Datawrapper

While ICE's spending plans state that the agency would spend approximately $39.9 billion in OBBBA funds in FY 2026, it had only obligated $17.1 billion by the end of the fiscal year. This means that, while ICE is not spending the funds as quickly as it had planned, it still has tens of billions of dollars it can use to expand immigration enforcement and detention into the last two years of the Trump administration.

Secure America Act of 2026

Signed into law in June 2026, the Secure America Act[18] used the congressional reconciliation process to fund ICE and parts of U.S. Customs and Border Protection due to a Congressional impasse in the annual appropriations process.[19] In total, the bill provided $69.5 billion through September 30, 2029.[20] This adds to the $170.7 billion DHS already received in OBBBA, which also lasts through September 2029. Like the OBBBA, the Secure America Act gives immigration enforcement agencies an unprecedented level of funding, with no meaningful reporting requirements or other oversight measures.[21]

The Secure America Act was drafted to provide ICE and CBP funding even if Congress failed to pass an appropriations bill for DHS, as happened for FY 2026.[22] As a result, if Congress fails to provide any regular appropriations for ICE and CBP in future years, the Secure America Act will make up for that loss of funding. However, should Congress pass any regular appropriations bill for ICE or CBP in FY 2027 through 2029, the Secure America Act funding would still be available.

As of September 30, 2026, budget documents published by OMB indicate that ICE has used very little of these Secure America Act funds, with $33.4 billion remaining.[23] Most of what it has spent has gone to personnel and operational costs. Similarly, of the $26 billion provided to CBP in the bill, $23 billion remain.[24] Currently, neither ICE nor CBP has released a spending plan to show how they plan to use this money.

What Can Congress Do About ICE's Unspent $91 Billion and Other Unobligated Immigration Enforcement Funds?

Congress cannot "cancel" money that has already been spent alone. While it has several tools to rescind, freeze, or redirect immigration enforcement funding, all these tools would also require President Trump to sign new legislation, which is unlikely given his support of the prior reconciliation funding. These options may also depend on whether the money has already been obligated or spent.

However, Congress can also refuse to provide additional annual appropriations to these agencies and conduct robust hearings and oversight of the ways they are currently spending reconciliation dollars.

Congress can substantially reduce ICE's ability to use remaining funds through several mechanisms:

1. **Rescissions**

Congress can pass a rescission bill canceling unobligated balances. In other words, any funding not yet legally committed to detention or surveillance contracts, hiring, or operations, could be rescinded. In the past, Congress has used rescissions to take back previously appropriated funds; for example, after Congress provided roughly $80 billion to the Internal Revenue Service in 2022 to increase tax enforcement, bills passed in 2024 and 2025 rescinded over $41 billion of that funding.[25]

A future Congress with sufficient votes could do something similar and target specific ICE hiring, detention, transportation, surveillance, or infrastructure accounts. In practice, this is the cleanest method for recovering billions of unspent dollars. However, a rescission bill does require a final signature by the president and could be subject to a veto. Therefore, the success of any rescission bill likely rests on the ability of Congress to attach the rescission to another must-pass bill.

2. **Annual Appropriations Riders**

Even if money remains available to the immigration enforcement agencies from OBBBA and the Secure America Act, Congress can attach limitations in DHS appropriations bills that apply to the dollars the agency received through those prior reconciliation bills. For example, it could prohibit the use of funds for new detention contracts, cap detention capacity to a set number of beds, prohibit hiring beyond current staffing levels, prevent use of funds for certain types of enforcement operations, and restrict transfers between accounts so that Congress can assert more control over how and where the agencies obligate dollars. This process does not reduce funding, but it can limit its use and scope.

3. **Repeal or Amend the Original Bills**

Congress could enact new legislation repealing portions of the OBBBA and Secure America Act. For example, it could terminate multi-year funding authorities, reduce agency staffing levels, eliminate entire enforcement programs, and convert mandatory funding into discretionary funding through annual appropriations. However, legislation of this nature would be challenging politically as it requires entirely new legislation outside the reconciliation funding process and would require both 60 Senate votes to avoid a filibuster and a signature by the president.

4. **Refuse Future Funding**

Immigration enforcement expansion usually comes with ongoing and continued annual costs. Congress could use its power of the purse via the appropriations process to halt future appropriations for the immigration enforcement agencies as it did in FY 2026.[26] This would mean halting future funding for detention operations, additional hiring, and reducing or zeroing out transportation and removal operation budgets. While this would not recover ICE's unobligated dollars, it could shrink enforcement capacity over time.

5. **Oversight and Investigations**

Congress can use its oversight powers to slow or halt the expansion of the immigration enforcement system. Congressional committees with jurisdiction over the federal immigration enforcement agencies can require expenditure plans, hold investigative hearings on money spent, demand audits by the Government Accountability Office, investigate contracting and procurement practices, and even condition future funding on oversight compliance requirements. Aggressive and consistent oversight could significantly delay major expansions or expenditures from the agencies.

Given that Congress structured much of the recent reconciliation funding as mandatory spending available over multiple years, a new Congress would likely need either a rescission package targeting unobligated balances, a new reconciliation bill reducing mandatory funding, and/or appropriations restrictions that prevent expenditures of remaining funds.

Conclusion

If Congress does not take back, restrict, or redirect these funds, ICE and CBP can keep expanding immigration enforcement in the years ahead. With ICE still holding tens of billions of dollars through September 2029, we can expect more detention facility construction and purchases,[27] including additional facilities bought directly from private prison companies, and more people held in detention. We can also expect continued hiring beyond the approximately 12,000 new officers already brought on,[28] more deportation flights and removal operations, and expanded surveillance technologies.[29] Taken together, these investments could drive more arrests, detentions, and deportations nationwide.

Endnotes

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[2] Ibid.

[3] Pub. L. 119-21, 139 Stat. 72 (2025).

[4] Pub. L. 119-98, 140 Stat. 837 (2026).

[5] American Immigration Council, "What's in the Big Beautiful Bill? Immigration and Border Security Unpacked" (Washington, DC: July 14, 2025), https://www.americanimmigrationcouncil.org/fact-sheet/big-beautiful-bill-immigration-border-security/.

[6] Pub. L. 119–21, 139 Stat. 72 (2025).

[7] American Immigration Council, "What's in the Big Beautiful Bill? Immigration and Border Security Unpacked" (Washington, DC: July 14, 2025), https://www.americanimmigrationcouncil.org/fact-sheet/big-beautiful-bill-immigration-border-security/.

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[15] Priscilla Alvarez, Michael Williams, "Exclusive: ICE agents told to ramp up daily immigration arrests despite GOP unease as midterms near," *CNN*, October 8, 2026, https://www.cnn.com/2026/10/08/politics/ice-immigration-arrests.

[16] See U.S. Department of Homeland Security, "FY 2026 DHS ICE OBBBA O&S Spend Plan," OpenOMB, July 9, 2026, https://openomb.org/file/pdf-716e2414860e9280c9452c67254cb982; and Department of Homeland Security, "FY 2026 DHS ICE PC&I OBBBA Spend Plan," OpenOMB, July 9, 2026, https://openomb.org/file/pdf-4bcd599d404282d12f9f18c9728aabd7.

[17] See Department of Homeland Security, "FY 2026 DHS ICE PC&I OBBBA Spend Plan," OpenOMB, July 9, 2026, https://openomb.org/file/pdf-4bcd599d404282d12f9f18c9728aabd7.

[18] Pub. L. 119-98, 140 Stat. 837 (2026).

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[22] Ibid.

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