

United States Senate
WASHINGTON, DC 20510

March 2, 2026

Orice Williams Brown
Acting Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Brown:

I write to request the Government Accountability Office (GAO) examine and issue a legal opinion regarding the Department of Homeland Security's (DHS) recent acquisition of six Boeing 737 planes for the purpose of deportation and removal operations. DHS has confirmed these purchases through discussions with the Committees on Appropriations of the House of Representatives and the Senate, in the press,¹ and in DHS Assistant Secretary Tricia McLaughlin's X post.² It is my strong belief that these purchases, made on behalf of U.S. Immigration and Customs Enforcement (ICE), constitute a violation of both the purpose statute³ and the Antideficiency Act (ADA) on the basis that neither DHS nor ICE was provided funding or authority to purchase such aircraft.

In November, DHS and ICE briefed the Committees on Appropriations of the House of Representatives and the Senate, that they used funding provided in Pub. L. No. 119-21, § 100052(4), 139 STAT. 388 (July 4, 2025) ("Public Law 119-21") to make the purchase. However, there is no authority to make such a purchase in that section,⁴ or elsewhere within the bill.

¹LeVine, M. and Bogage, J. (2025, December 10). *DHS inks contract to create its own fleet of 737 jets for deportations*. The Washington Post. <https://www.washingtonpost.com/immigration/2025/12/10/dhs-deport-boeing-contract/>

²McLaughlin, Tricia [@TriciaOhio]. "Somehow' the @washingtonpost forgot to include anywhere in their story that this new initiative will save the US taxpayer \$279 MILLION..." X, 10 December 2025, <https://x.com/TriciaOhio/status/1998794208736411870>

³32 U.S.C. § 1301(a)

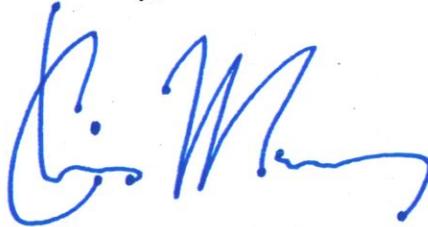
⁴See Public Law 119-21, Title X, Subtitle A, Part II, Section 100052(4), which states, "In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for U.S. Immigration

While Public Law 119-21 provided transportation-related funding to ICE, I believe that this funding was limited to ICE's existing operations. In other words, this funding was appropriated to ICE to be used to transport noncitizens. Public Law 119-21 does not provide affirmative authority to purchase aircraft and ICE does not have existing authority to purchase aircraft. As such, I understand that ICE does not have such authorization to purchase aircraft, irrespective of the source of funds.

Moreover, even if the purchase of aircraft could be considered related to the purpose of the appropriation, existing law as stated under 31 U.S.C. § 1343(d) prohibits aircraft purchases without specific authorization. Specifically, the statutory limitation provides, "An appropriation (except an appropriation for the armed forces) is available to buy, maintain, or operate an aircraft *only* (emphasis added) if the appropriation specifically authorizes the purchase, maintenance, or operation."⁵ I believe that because ICE did not receive an appropriation specifically authorizing the purchase of aircraft, ICE's purchase of Boeing 737 planes is impermissible.

Accordingly, we request that GAO issue a legal opinion to determine whether ICE's use of appropriated funds to purchase aircraft is permissible under the purpose statute and the Antideficiency Act.

Sincerely,



Christopher S. Murphy
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate

and Customs Enforcement for fiscal year 2025, out of any money in the Treasury not otherwise appropriated, \$29,850,000,000, to remain available through September 30, 2029, for the following purposes..."

(4) Transportation.—Funding for transportation costs and related costs associated with alien departure or removal operations.

⁵*Id.*