

# Department of Homeland Security Appropriations: FY2025 State of Play

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## Introduction

FY2025 marks the 22<sup>nd</sup> annual appropriations cycle with a Department of Homeland Security (DHS) appropriations measure. In six of the first seven years of its existence, the annual appropriations measure for DHS was enacted within a month of the beginning of the fiscal year it covered. Since FY2010, no annual DHS appropriations measure has been enacted before two months of the fiscal year it covered had passed, and in 11 of those 14 years, three months had passed before DHS annual appropriations were enacted. Lapses in annual appropriations for the department lasting more than a week have occurred twice in this period.

This report is a quick reference for tracking the status of DHS appropriations for FY2025 from the end of the August 2024 district work period going forward.

For more in-depth analyses of the FY2025 DHS appropriations request and the House and Senate Appropriations Committee responses, see

- CRS Report R48074, *DHS Budget Request Analysis: FY2025*, by William L. Painter;
- CRS Report R48115, *Comparing DHS Component Funding, FY2025: In Brief*, by William L. Painter; and
- CRS Report R48126, *Department of Homeland Security Appropriations: FY2025 Provisions*, by William L. Painter.

For background on DHS structure and function, see CRS Report R47446, *The Department of Homeland Security: A Primer*, by William L. Painter.

## Quick Summary: FY2025 DHS Appropriations Current Status

### *As of the date of publication:*

Annual appropriations for DHS have yet to be enacted.

- The House passed H.R. 8752, the Department of Homeland Security Appropriations Act, 2025 on June 28, 2024, by a vote of 212-203.
  - Pursuant to the provisions of H.Res. 1316, the special rule adopted by the House governing floor action on the measure, the House has yet to officially send the House-passed bill to the Senate for consideration.
- The Senate Appropriations Committee has not marked up its version of a Department of Homeland Security Appropriations Act, 2025.
- An initial continuing resolution (CR) through December 20, 2024, was enacted as P.L. 118-83 on September 26, 2024. This CR was extended through March 14, 2025, by Division A of P.L. 118-158, enacted December 21, 2024.

Some supplemental appropriations have been provided that are available in FY2025.

- P.L. 118-158, Division B, Title VI, included supplemental appropriations for the U.S. Coast Guard, Federal Emergency Management Agency, and the Federal Law Enforcement Training Centers. Details are provided at the end of this report.
- See “Advance Appropriations” for details on advance appropriations.

## When Annual Appropriations Are Unresolved and the Fiscal Year Begins...

The federal government’s fiscal year ends at midnight on September 30. As this deadline approaches, if any of the regular, full-year appropriations measures are not expected to be enacted by the end of the fiscal year, the Administration and Congress may take steps to prepare continuing appropriations legislation—known as a *continuing resolution* (CR), or, more colloquially, “stopgap” funding—to extend funding for federal government operations until the unresolved appropriations measures are signed into law. CRs do not provide specific levels of budget authority to agencies. They provide *temporary* budget authority at a specified *rate for operations* (the annualized level of resources available for the period of time covered by the CR, usually derived from the most recently enacted annual appropriations<sup>1</sup>) through a fixed expiration date, or until full-year appropriations are enacted. Further, the Office of Management and Budget generally apportions those resources gradually over the period of the CR, and there are certain restrictions placed on the use of that temporary budget authority beyond the most basic agency operations.

These steps first become visible to the public when the Administration provides Congress technical assistance on issues that would need to be addressed in the CR to avoid unintended consequences. These include necessary exceptions to that rate for operations, known as “anomalies.” The technical assistance often includes extensions of authorizations that the Administration either proposes including, or would not object to including, in a CR, in the event other legislation does not address expiring authorities in time. The Biden Administration provided technical assistance for drafting a continuing resolution, including such lists of anomalies and authorization provisions, on August 29, 2024.<sup>2</sup> Congress weighs that information in formulating a CR, which are typically introduced in the House or Senate without being formally marked up and reported by the Appropriations Committees. A CR may be considered as a stand-alone measure or attached to another bill.

A CR may only cover certain federal government agencies in cases when some annual appropriations have been enacted. For example, in FY2015, when disputes over immigration policy led to the DHS appropriations bill being pulled from a consolidated appropriations measure, for almost three months DHS was the only federal department covered by the CR.<sup>3</sup>

## If a Continuing Resolution Is Not Enacted or Expires...

A lapse in annual appropriations—known as a “funding gap”—occurs if the regular appropriations bills or a CR are not enacted prior to the end of a fiscal year, or an enacted CR is allowed to expire without enactment of either further continuing appropriations or the covered annual appropriations acts. A funding gap may result in a partial shutdown of government operations for those agencies without enacted annual appropriations. Immediately prior to the end

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<sup>1</sup> The terms and conditions of those appropriations continue to apply under the CR. For more detailed information on continuing resolutions and how they work, see CRS Report R46595, *Continuing Resolutions: Overview of Components and Practices*, coordinated by James V. Saturno.

<sup>2</sup> The lists are not available on the White House website as of the date of this report’s original publication. The lists of CR issues (hereinafter “FY2025 CR Appropriations Issues”) and authorization issues (hereinafter “FY2025 CR Authorization Issues”) can be found at [https://www.crs.gov/products/Documents/FY2025\\_CR\\_Anomalies\\_TechAsst/pdf/FY2025\\_CR\\_Anomalies\\_TechAsst.pdf](https://www.crs.gov/products/Documents/FY2025_CR_Anomalies_TechAsst/pdf/FY2025_CR_Anomalies_TechAsst.pdf); and [https://www.crs.gov/products/Documents/FY2025\\_CR\\_Authorization\\_Fixes\\_TechAsst/pdf/FY2025\\_CR\\_Authorization\\_Fixes\\_TechAsst.pdf](https://www.crs.gov/products/Documents/FY2025_CR_Authorization_Fixes_TechAsst/pdf/FY2025_CR_Authorization_Fixes_TechAsst.pdf), respectively.

<sup>3</sup> P.L. 113-235, Division L.

of the fiscal year, agencies release shutdown plans that indicate, in broad terms, how the partial shutdown of operations would be implemented.

Two general types of agency activities are allowed to continue:

1. Those that still have funding available (exempt functions), such as activities funded by multi-year appropriations or those that are funded through laws other than the appropriations acts (known as mandatory or direct spending); and
2. Those which have exceptions in law (excepted functions), such as those specifically related to the protection of life and property, and those necessary to the discharge of constitutional duties and powers. However, even for agencies like DHS, which conducts many of these excepted activities, lapses in annual appropriations can be highly disruptive.<sup>4</sup>

Occasionally, funding gaps have occurred for a matter of hours, or over a weekend, meaning that a shutdown may not have fully commenced for certain activities.<sup>5</sup> However, in October 2013 (FY2014), a funding gap resulted in a partial shutdown of DHS operations for 16 days. Also, in late 2018 and early 2019 (FY2019), annual appropriations for many departments, including DHS, lapsed for 34 days.<sup>6</sup>

### ***Potential Impact of a DHS Funding Gap***

The Office of Management and Budget requires agencies to submit contingency plans for lapses in annual appropriations. DHS's latest contingency plan, published on September 25, 2024, included information on what activities would continue and which would cease in the event of such a funding gap.

#### **Summary of Activity Impacts (as presented in the September 25, 2024 Plan)<sup>7</sup>**

##### **Brief summary of significant agency activities that will continue during a lapse:**

- Activities necessary by law, the Constitution, or necessary for Safety of Human Life or Protection of Property
- Maintaining law enforcement operations, including drug interdiction and irregular migration management
- Continuing passenger processing and cargo inspection functions at ports of entry
- Providing the protective functions of the U.S. Secret Service
- Maintaining counterterrorism watches or intelligence gathering or dissemination in support of terrorist threat warnings
- Retaining minimal personnel to maintain telecommunications necessary for excepted activities
- Disaster Relief Fund activities
- Fee-funded activities such as those funded by the Immigration Examinations Fee Account

<sup>4</sup> For further information on the impact of the FY2014 lapse in appropriations on DHS, see CRS Report R43252, *FY2014 Appropriations Lapse and the Department of Homeland Security: Impact and Legislation*, by William L. Painter.

<sup>5</sup> In FY2018, two brief lapses of annual appropriations occurred with expirations of the CR: on January 20, 2018, appropriations lapsed until January 22; and on February 8, 2018, appropriations lapsed for several hours until an extension of the CR was enacted.

<sup>6</sup> At the time of the lapse, 5 of the 12 appropriations measures had been enacted. For more information on the impacts of past shutdowns, see CRS Report R41759, *Past Government Shutdowns: Key Resources*, by Jared C. Nagel and Justin Murray.

<sup>7</sup> U.S. Department of Homeland Security, "Procedures Related to a Lapse in Appropriations," September 25, 2024, p. 4, [https://www.dhs.gov/sites/default/files/2024-10/1003\\_2024\\_dhs\\_procedures\\_relatig\\_to\\_a\\_lapse\\_in\\_appropriations\\_september\\_2024.pdf](https://www.dhs.gov/sites/default/files/2024-10/1003_2024_dhs_procedures_relatig_to_a_lapse_in_appropriations_september_2024.pdf).

**Brief summary of significant agency activities that will cease during a lapse:**

- Planning (such as strategic, business, or budgetary activities)
- Research and development activities
- Most policy functions, administrative, as well as programmatic, unless those functions are justified by an exception
- Auditing
- Most regulatory, legislative, public affairs, and intergovernmental affairs unless those functions are justified by an exception
- Training and development not deemed an excepted activity

In a fact sheet released by DHS on September 28, 2023, the department noted that 72% of its workforce would be required to work without pay, including 41,000 USCG military personnel who would be unable to apply for interim support programs (like unemployment compensation) while their pay is delayed.

Aside from pay impacts, other potential consequences highlighted by DHS included

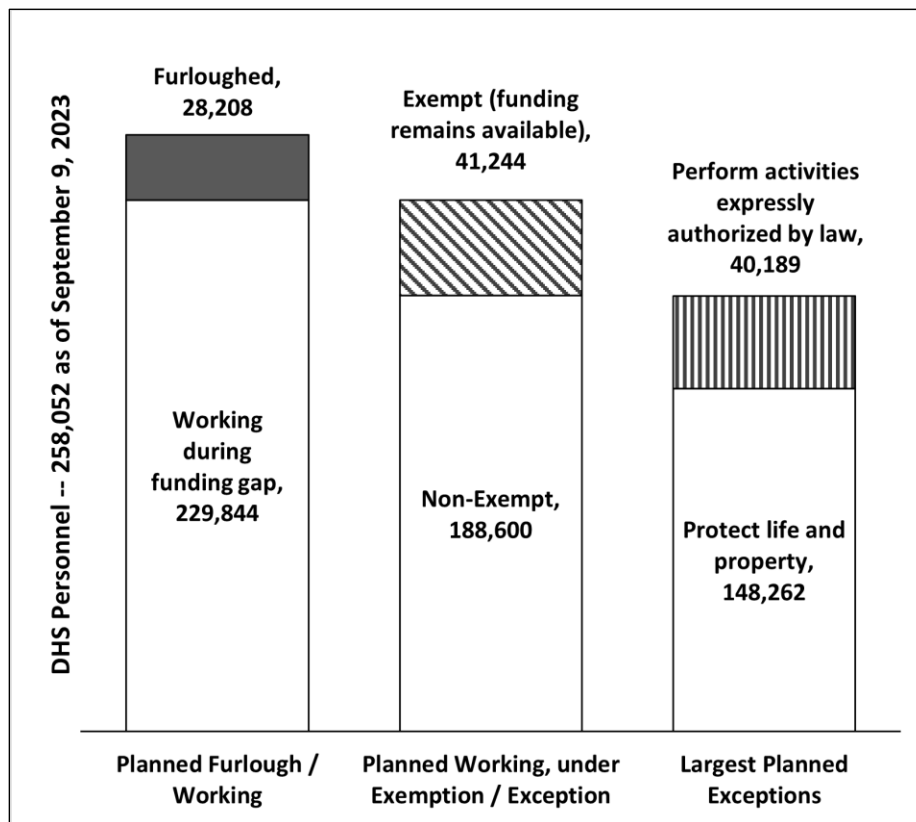
- Delays in grant awards and potential delays in drawdowns of awarded grants;
- Reduced cybersecurity and critical infrastructure support;
- Partial stoppage of basic and advance training at the Federal Law Enforcement Training Centers;
- Potential delays in deployment of new security screening technology to airports;
- Delays in long-term disaster relief due to continued shortages of Disaster Relief Fund resources; and
- Delays in hiring and onboarding new staff.<sup>8</sup>

**Figure 1** and the ensuing text box present department-level staffing and furlough information from the previous contingency plan, issued November 13, 2023.

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<sup>8</sup> U.S. Department of Homeland Security, Office of Public Affairs, “FACT SHEET: Impact of a Government Shutdown on the DHS Workforce,” September 28, 2023, <https://www.dhs.gov/news/2023/09/28/fact-sheet-impact-government-shutdown-dhs-workforce>.

**Figure I. Planned DHS Furlough and Exemption/Exception Summary, Nov. 2023**



**Source:** U.S. Department of Homeland Security, “Procedures Related to a Lapse in Appropriations,” November 13, 2023.

**Notes:** Exception totals do not include additional personnel who may qualify as excepted in the event of an emergency. The September 2023 plan also notes exception from furlough of 66 personnel whose positions are implied by law to incur obligations in advance of appropriations, and 83 persons who carry out duties necessary for the discharge of the President’s duties under the Constitution.

Based on the November 2023 plan, DHS’s eight operational components<sup>9</sup> combined include 97% of DHS personnel, 9.6% of which were planned to be furloughed in the event of a funding gap. The three largest DHS components (CBP, USCG, and TSA) employ more than two-thirds of all DHS personnel, and planned to furlough 7.6% of their combined personnel in the event of a lapse. The USCG plan indicates a higher rate of furlough than the other two large components: 12.5% of their total personnel. Those furloughs come only from USCG’s civilian workforce,<sup>10</sup> resulting in roughly two-thirds of that cadre being furloughed under the plan.

Three other operational components were planned to furlough at higher rates than either the operational average or the three largest components:

- Cybersecurity and Infrastructure Security Agency—70.7%;

<sup>9</sup> U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), U.S. Coast Guard (USCG), U.S. Secret Service (USSS), Cybersecurity and Infrastructure Security Agency (CISA), Federal Emergency Management Agency (FEMA), and U.S. Citizenship and Immigration Services (USCIS).

<sup>10</sup> Civilians make up about 20% of the USCG workforce. USCG military personnel are excepted from emergency furlough, although they are not paid until appropriations are made available.

- U.S. Immigration and Customs Enforcement—17.3%;
- Federal Emergency Management Agency—15.4%.

## DHS Appropriations Timing

**Figure 2** shows a history of the timing of the annual Department of Homeland Security Appropriations Act, since its first development in 2003 (for FY2004). Tracked actions include

- the release of the budget request (green dot);
- full committee markups and passage of the House and Senate versions of the bill (orange and purple bars, respectively); and
- enactment of the measure (black bar).

Dotted lines show the months covered by CRs. Unshaded, white gaps indicate lapses in annual appropriations.



**Figure 2. DHS Appropriations Process Timing, FY2004-FY2025**  
(As of October 1, 2024)



**Source:** CRS analysis of Administration budget request release dates and legislative action from Congress.gov.

**Notes:** The dotted line in FY2025 reflects the maximum duration of the enacted continuing resolution. Final action on annual appropriations for FY2011, FY2013-FY2015, FY2017-FY2019, FY2022, and FY2024 occurred after the beginning of the new calendar year. The FY2019 lapse began in December 2018. A three-day lapse in January of FY2018 and an hours-long lapse in February of that same year are not displayed due to limitations of scale.

# The FY2025 DHS Appropriations Process

## President’s Budget Request

On March 11, 2024, President Joe Biden’s Administration released its budget request for FY2025, including \$107.74 billion in total budget authority for DHS, \$91.13 billion of which was discretionary appropriations. By the Congressional Budget Office’s (CBO’s) estimation, the request included \$65.57 billion in base discretionary appropriations, \$22.74 billion in disaster relief-designated funds and \$2.79 billion in emergency-designated appropriations.<sup>11</sup> It also included a request for up to \$4.70 billion in additional emergency-designated appropriations, the availability of which would be contingent on the number of undocumented migrants encountered at the U.S.-Mexico border over the course of FY2025, and reiterated supplemental appropriations requests for border security and other domestic priorities. Setting the requested contingent appropriations and supplemental appropriations aside, the FY2025 discretionary appropriations request was \$4.60 billion less than what would be enacted in FY2024 DHS annual appropriations almost two weeks later, on March 23, 2024.

For more information on the Administration’s request, see CRS Report R48074, *DHS Budget Request Analysis: FY2025*, by William L. Painter.

## Advance Supplemental Appropriations

On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) was signed into law as P.L. 117-58. Division J of the IIJA included a number of supplemental appropriations, including a total of \$7.96 billion for DHS in Title V. Four appropriations received \$6.1 billion of that total, with \$1.22 billion available in FY2022, and \$4.88 billion to be made available incrementally from FY2022 through FY2026, through what are known as advance appropriations.<sup>12</sup> \$1.12 billion of those advance appropriations will become available in FY2025.

**Table 1** lists DHS accounts with advance appropriations provided by P.L. 117-58, and includes a breakdown of amounts coming available each fiscal year, with FY2025 highlighted.

**Table 1. Accounts with Supplemental and Advance Appropriations for DHS in the Infrastructure Investment and Jobs Act (P.L. 117-58)**

(emergency-designated budget authority, in thousands of dollars)

Component / Appropriation / PPA	Total Provided	FY2022	FY2023	FY2024	FY2025	FY2026
<b>Cybersecurity and Infrastructure Security Agency (CISA)</b>						
Cybersecurity Response and Recovery Fund	100,000	20,000	20,000	20,000	20,000	20,000
<b>Federal Emergency Management Agency (FEMA)</b>						
Federal Assistance						

<sup>11</sup> CBO’s estimates for the discretionary impact of potential legislation may change. This analysis uses CBO’s estimates as reflected in H.Rept. 118-553.

<sup>12</sup> For more information on advance appropriations, see CRS Report R43482, *Advance Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations*, by Jessica Tollestrup and Megan S. Lynch.

Component / Appropriation / PPA	Total Provided	FY2022	FY2023	FY2024	FY2025	FY2026
Section 205 Grants (for establishing hazard mitigation revolving loan funds)	500,000	100,000	100,000	100,000	100,000	100,000
Grants For Cybersecurity and Critical Infrastructure	1,000,000	200,000	400,000	300,000	100,000	0
Disaster Relief Fund (for Building Resilient Infrastructure and Communities grants)	1,000,000	200,000	200,000	200,000	200,000	200,000
National Flood Insurance Fund	3,500,000	700,000	700,000	700,000	700,000	700,000
<b>TOTAL ADVANCE APPROPRIATIONS</b>	<b>6,100,000</b>	<b>1,220,000</b>	<b>1,420,000</b>	<b>1,320,000</b>	<b>1,120,000</b>	<b>1,020,000</b>

**Source:** P.L. 117-58, Division J, Title V.

**Notes:** PPA = program, project, or activity. Division J, Title V also included \$1.86 billion in accounts and PPAs that did not receive advance appropriations, and thus are not shown in **Table I**.

## House Action

On June 12, 2024, the House Committee on Appropriations (HAC) marked up H.R. 8752 (118<sup>th</sup> Congress), its version of the Department of Homeland Security Appropriations Act, 2025. H.Rept. 118-553 was filed on June 14, 2024, providing additional direction to DHS, and including minority party views. HAC-reported H.R. 8752 included \$71.68 billion in discretionary budget authority, and \$22.74 billion designated as being for the costs of major disasters. This was \$6.10 billion above the level requested by the Administration (leaving aside the Administration’s requested \$4.70 billion in emergency appropriations contingent on activity at the southern border and the \$2.79 billion in “regular” emergency designated funding) and \$2.09 billion above the FY2023 enacted amount. No contingency appropriations or emergency-designated funding were included in the bill.

On June 26, 2024, the House Rules Committee reported H.Res. 1316 (118<sup>th</sup> Congress). This special rule, which provided for the consideration of two other appropriations bills as well, made in order 61 amendments to H.R. 8752. It also included a self-executing amendment that struck two provisions and added a third—a provision carried in prior years’ consolidated appropriations measures regarding raising the limit on the number of H-2A visas issued to accommodate returning workers.<sup>13</sup> After the rule passed, the House took up H.R. 8752. Ultimately, 50 of the amendments made in order were agreed to, four by recorded vote and 46 by voice vote, including 28 in an en bloc amendment. A motion to recommit the bill to the House Appropriations Committee failed on a vote of 201-213, and the bill passed the House 220-208 on June 28, 2024.

<sup>13</sup> See P.L. 117-328, Div. O, §303.

## Senate Committee Action

The Senate Committee on Appropriations (SAC) had planned to mark up its version of the Department of Homeland Security Appropriations Act, 2025, on August 1. However, the bill was pulled from the markup two days beforehand. Then-SAC Chair Senator Patty Murray indicated in opening remarks of another markup that “[W]e are continuing to work hard to get to a bipartisan agreement on the Homeland Security bill. The additional time will allow us to take a closer look at issues such as the Secret Service budget as we learn more from the assassination attempt of former President Trump just over two weeks ago, and my hope is that we will be able to mark that up when we return.”<sup>14</sup>

On November 13, 2024, the SAC released a committee draft of the FY2025 bill, along with a draft report.<sup>15</sup> The committee draft included \$66.16 billion in discretionary budget authority, \$22.39 billion designated as being for the costs of major disasters, and \$4.67 billion in emergency-designated funding divided among five components. No contingency appropriations were included in the bill.

## Continuing Resolution

### Proposed Anomalies and Authorization Extensions for FY2025

On August 29, 2024, the Biden Administration released technical assistance documents providing guidance to lawmakers on funding and legislative adjustments it considers necessary to avoid disruptions to a range of public services in the event of a short-term CR running through mid-December, 2024.<sup>16</sup> The request included two adjustments to the rate of spending allowed under the CR to accommodate certain situations related to DHS:<sup>17</sup>

- potential disaster activity (allowing accelerated apportionment of CR funding to support the disaster response and recovery efforts under the Stafford Act);<sup>18</sup> and
- increased operational costs (allowing apportionment at a rate to maintain adequate staffing levels to support Secret Service protective operations).<sup>19</sup>

The request also included provisions to

- allow for closeout of the C-27J Missionization program,
- start a procurement program for the Commercially Available Polar Icebreaker,
- extend the authorization of the Office of Countering Weapons of Mass Destruction, and

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<sup>14</sup> United States Senate Committee on Appropriations, “Chair Murray Opening Remarks at Full Committee Markup,” August 1, 2024, <https://www.appropriations.senate.gov/news/majority/chair-murray-opening-remarks-at-full-committee-markup-3>.

<sup>15</sup> United States Senate Committee on Appropriations, “BILL SUMMARY: Homeland Security Fiscal Year 2025 Appropriations Bill,” November 13, 2024, <https://www.appropriations.senate.gov/news/majority/bill-summary-homeland-security-fiscal-year-2025-appropriations-bill>.

<sup>16</sup> FY2025 CR Appropriations Issues, p. 3. [https://www.crs.gov/products/Documents/FY2025\\_CR\\_Anomalies\\_TechAsst/pdf/FY2025\\_CR\\_Anomalies\\_TechAsst.pdf](https://www.crs.gov/products/Documents/FY2025_CR_Anomalies_TechAsst/pdf/FY2025_CR_Anomalies_TechAsst.pdf).

<sup>17</sup> FY2025 CR Appropriations Issues, pp. 15-16. [https://www.crs.gov/products/Documents/FY2025\\_CR\\_Anomalies\\_TechAsst/pdf/FY2025\\_CR\\_Anomalies\\_TechAsst.pdf](https://www.crs.gov/products/Documents/FY2025_CR_Anomalies_TechAsst/pdf/FY2025_CR_Anomalies_TechAsst.pdf).

<sup>18</sup> A similar anomaly has been included in every CR starting in FY2018.

<sup>19</sup> This type of anomaly has been requested before, and CRs have included this anomaly on a periodic basis in FY2012, FY2017, FY2020, and FY2024.

- extend the ability of DHS health care professionals to practice outside the state where they are licensed (an authority provided during the pandemic).<sup>20</sup>

A list of authorization issues was included as well, which either the Administration deemed necessary for inclusion in a CR if not enacted first, or that the Administration did not object to being included in the CR.

Nine such items were included in the list of issues, all of which the Administration considered necessary:<sup>21</sup>

- Extension of the authority for enforcement of Chemical Facility Anti-Terrorism Standards (CFATS), which had expired on July 27, 2023;<sup>22</sup>
- Extension of the authorization for the National Cybersecurity Protection System (NCPS), which defends federal agencies from known cyberthreats;<sup>23</sup>
- Extension of the authority for the National Flood Insurance Program to issue new policies;<sup>24</sup>
- Extension of the waiver of foreign residence requirements for physicians working in underserved areas (also known as the “Conrad State 30” Program);<sup>25</sup>
- Extension of authorization for the E-Verify employment eligibility verification program;<sup>26</sup>
- Extension of authority to grant special immigrant status to religious workers other than ministers;<sup>27</sup>
- Providing authority to raise the cap on H-2B visas;<sup>28</sup>
- Extension of the authorization of the Countering Weapons of Mass Destruction Office of DHS—unlike most other component authorizations within DHS, the Office’s authorization included a specific sunset date;<sup>29</sup> and
- Extension of special acquisition authority (“Other Transaction Authority”) for DHS’s Science and Technology Directorate.<sup>30</sup>

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<sup>20</sup> This had been previously extended by the DHS Appropriations Acts for 2022 and 2023 (P.L. 117-103, Div. F, Sec. 541; and P.L. 117-328, Div. F, Sec. 543), but was not included in the FY2024 DHS Appropriations Act and has not been included in continuing resolutions.

<sup>21</sup> FY2025 CR Authorization Issues, p. 3, [https://www.crs.gov/products/Documents/FY2025\\_CR\\_Authorization\\_Fixes\\_TechAsst/pdf/FY2025\\_CR\\_Authorization\\_Fixes\\_TechAsst.pdf](https://www.crs.gov/products/Documents/FY2025_CR_Authorization_Fixes_TechAsst/pdf/FY2025_CR_Authorization_Fixes_TechAsst.pdf).

<sup>22</sup> 6 U.S.C. §621 note; see also Cybersecurity and Infrastructure Security Agency, “Chemical Facility Anti-Terrorism Standards (CFATS),” <https://www.cisa.gov/resources-tools/programs/chemical-facility-anti-terrorism-standards-cfats>.

<sup>23</sup> 6 U.S.C. §1525(a); expires at the end of FY2024; last extended by P.L. 118-47, Div. G, §106.

<sup>24</sup> 42 U.S.C. §4016(a) and §4026; expires at the end of FY2024; last extended by P.L. 118-47, Div. G, §101.

<sup>25</sup> 8 U.S.C. §1182 note; expires at the end of FY2024; last extended by P.L. 118-47, Div. G, §102.

<sup>26</sup> 8 U.S.C. §1324a note; expires at the end of FY2024; last extended by P.L. 118-47, Div. G, §103.

<sup>27</sup> 8 U.S.C. §1101(a)(27)(C)(ii); expires at the end of FY2024; last extended by P.L. 118-47, Div. G, §104.

<sup>28</sup> 8 U.S.C. §1184 note; expires at the end of FY2024; last extended by P.L. 118-47, Div. G, §105.

<sup>29</sup> The original sunset date was December 21, 2023, per 6 U.S.C. §591(e). This was extended through Sec. 144 of the FY2023 CR, and then DHS interpreted the appropriation for the office as authority to operate. When the fiscal year ends, that authorization will expire as well, absent congressional action.

<sup>30</sup> This authority was originally provided in Section 831 of the Homeland Security Act of 2002 as a pilot program, and was to expire five years after the bill’s effective date. Extensions of the authority were provided through continuing resolutions and general provisions until FY2019, when Congress no longer included it in continuing resolutions. The authority continues to be extended through general provisions in the annual DHS appropriations measures until it was (continued...)

## Legislative Action

### *Initial CR*

On September 18, 2024, the House took up H.R. 9494 (118<sup>th</sup> Congress), a measure combining a current-rate CR through March 28, 2025, with separate legislation related to noncitizen voting. The bill included four DHS-specific provisions:

- **Sec. 129**—The anomaly requested by the Administration allowing accelerated apportionment of CR funding to support disaster response and recovery efforts under the Stafford Act;
- **Sec. 130**—A \$10 billion emergency supplemental appropriation for the Disaster Relief Fund (DRF), available beginning in FY2025;
- **Sec. 131**—The anomaly requested by the Administration allowing apportionment at a rate necessary to carry out Secret Service protective operations; and
- **Sec. 147**—The anomaly requested by the Administration extending the National Flood Insurance Program through the term of the CR.

The bill was considered under a closed rule, per the provisions of H.Res. 1430 (118<sup>th</sup> Congress), and failed by a vote of 202-220, with two Members voting “present.”<sup>31</sup>

On September 25, 2024, the House took up H.R. 9747 (118<sup>th</sup> Congress), a measure combining a current-rate CR through December 20, 2024, with several authorization extensions. The CR in Division A contained language in Section 101(6) that extended several immigration provisions for the duration of the CR, a supplemental appropriation of \$231 million for the Secret Service’s protective mission operations, and six other sections that pertained to DHS directly:

- **Sec. 132**—The anomaly requested by the Administration allowing closeout costs for the USCG C-27J Missionization program;
- **Sec. 133**—The anomaly requested by the Administration allowing USCG to proceed with procuring a commercially available polar icebreaker;
- **Sec. 134**—The anomaly requested by the Administration allowing faster apportionment of \$20.261 billion in continuing appropriations for the DRF to carry out Stafford Act response and recovery activities;
- **Sec. 135**—The anomaly requested by the Administration allowing faster apportionment of USSS Operations and Support continuing appropriations for protective mission activities;
- **Sec. 137**—The anomaly requested by the Administration extending the National Flood Insurance Program through the term of the CR; and
- **Sec. 152**—Waiver of a restriction on the number of senior enlisted personnel in the USCG through the term of the CR.

While the initial CR included continuing appropriations for the DRF, the enacted measure did not include any supplemental appropriations for the DRF.

Division B of the bill included three other extensions of authorities through December 20, 2024:

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extended through FY2024 by Section 7227(b) of P.L. 117-263, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

<sup>31</sup> Roll Call 431, <https://clerk.house.gov/Votes/2024431>.

- **Sec. 101**—An extension requested by the Administration of joint authority for DHS and the Department of Justice to address threats from unmanned aircraft.;
- **Sec. 102**—An extension requested by the Administration for DHS Joint Task Forces; and
- **Sec. 103**—An extension requested by the Administration of the authority for the National Cybersecurity Protection System.

The House passed the bill under suspension of the rules by a vote of 341-82 that same day, and the Senate passed it that evening 78-18. President Biden signed it into law as P.L. 118-83 on September 26, 2024.

### ***CR Extension and Supplemental***

On December 19, 2024, the House took up H.R. 10515 (118<sup>th</sup> Congress), a consolidated measure that included an extension of the continuing resolution through March 14, 2025, as well as a number of other provisions, including a package of supplemental disaster relief. An attempt to pass the bill under suspension of the rules was unsuccessful by a vote of 174-235. After further negotiations, a second package, H.R. 10545 (118<sup>th</sup> Congress), the FY2025 Further Continuing Appropriations Act, passed the House under suspension of the rules by a vote of 336-34 on December 20, 2024. The Senate passed it the next day by a vote of 85-11, and the President signed it into law as P.L. 118-158.

Like the first package, P.L. 118-158, Division A, extended the continuing resolution through March 14, 2025. Division B is the “Disaster Relief Supplemental Appropriations Act, 2025,” which included several appropriations for DHS in Title VI:

- \$102.5 million for the U.S. Coast Guard Operations and Support account, to pay expenses related to the Francis Scott Key Bridge collapse and other disasters;
- \$210.2 million for U.S. Coast Guard Procurement, Construction, and Improvements account, for expenses related to disaster consequences;
- \$29 billion for the Disaster Relief Fund, \$28 billion of which is for the costs of major disasters;
- \$1.5 billion for the Hermit’s Peak / Calf Canyon Fire Assistance Account; and
- \$14 million for the Federal Law Enforcement Training Centers Procurement, Construction, and Improvements account, for expenses related to disaster consequences.

The disaster relief supplemental was designated as emergency requirement under budget control laws.

Division E also included provisions to further extend two of the authorizations described in P.L. 118-83 above: for DHS and the Department of Justice to protect certain facilities and assets from unmanned aircraft, and the authorization for the National Cybersecurity Protection System through March 14, 2025.<sup>32</sup>

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<sup>32</sup> As in P.L. 118-83, these extensions were provided with fixed dates, rather than being linked to the expiration date of the CR.



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