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Lapses in DHS Appropriations: History and Plans

SUMMARY

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August 7, 2026

William L. Painter
Specialist in Homeland Security and Appropriations

Every year, 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 executive branch agencies prepare for either the passage of a continuing resolution, or a lapse in appropriations, which results in a partial or complete government shutdown (including the furlough of certain federal employees).

The Department of Homeland Security (DHS) has gone from being one of the first appropriations measures addressed each year to being one of the most difficult to enact. In three of the 24 fiscal years that DHS has existed, DHS annual appropriations have lapsed at least once, resulting in partial shutdowns of Department operations and furloughs of certain personnel. The three FY2026 lapses in appropriations for DHS resulted in the two longest partial shutdowns of any Department since the establishment of the modern budget and appropriations process in 1974.

Typically, a large share of DHS's civilian employees are not furloughed when funding lapses and instead continue to work—many without pay—under exceptions established in the Anti-Deficiency Act. In FY2026, however, the Department had available to it a significant amount of multi-year funding provided by the FY2025 reconciliation law (P.L. 119-21). As a result, a number of activities that might otherwise have been suspended continued, and the Administration used some of the reconciliation funding to provide pay for some of the workers who otherwise would have gone without until the end of the appropriations lapse. In addition, an additional reconciliation bill was enacted for FY2026 (P.L. 119-98) to resolve the lapse in appropriations for some elements of DHS. These two occurrences represent unique developments in congressional practice related to the annual budget and appropriations process.

This report looks specifically at how lapses in annual appropriations have affected DHS, using the FY2014, FY2019, and FY2026 lapses in appropriations as case studies. It then goes on to identify some issues raised by how the FY2026 lapse was resolved.

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Introduction

Every year, 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, executive branch agencies prepare for either passage of a continuing resolution,[1] or a lapse in appropriations that results in a partial government shutdown, including the furlough of certain federal employees.[2]

This report looks specifically at how lapses in annual appropriations have affected the Department of Homeland Security (DHS) based on the contingency plans released by Administrations, operations during past shutdowns that lasted more than four days, and available information on the two longer lapses in appropriations in FY2026.

From Consensus to Conflict: A Brief History of DHS and Its Appropriations

Although the congressional debate over the establishment of the Department of Homeland Security was significant, there was general agreement about the need for the federal government to respond to the threat of international terrorism. After the passage of the Homeland Security Act (P.L. 107-296) in 2001, DHS was established in the spring of 2003 and funded with resources transferred to it, as well as supplemental appropriations for certain components. The appropriations committees reorganized to create a subcommittee dedicated to the department. As DHS began operations, the FY2004 annual appropriations process also began.

For the first several years of the department's existence, the annual appropriations measure was among the first enacted each year. Since FY2010, however, the DHS appropriations act has been enacted as a stand-alone measure only twice. Both of those enactments resulted from Congress being unable to resolve immigration and border security issues, which prevented the measure from being included in consolidated appropriations measures enacted for those years.

At the beginning of FY2014, appropriations lapsed for the federal government for the first time in almost 18 years, and the first time ever for DHS. **Table 1** lists all lapses of DHS appropriations lasting longer than 24 hours since its establishment.

Table 1. Lapses in DHS Annual Appropriations

Fiscal year	Appropriations Bills Lapsed	Start	End	Days
2014	All 12 annual appropriations bills	October 1, 2013	October 17, 2013	16
2018	All 12 annual appropriations bills	January 19, 2018	January 22, 2018	2
2019	Seven annual appropriations bills, including DHS	December 21, 2018	January 25, 2019	34
2026	All 12 annual appropriations bills	October 1, 2025	November 12, 2025	43
2026	One annual appropriations bill (DHS)	January 31, 2026	February 2, 2026	3

[1] For further exploration of this topic, see CRS Report R46595, *Continuing Resolutions: Overview of Components and Practices*, coordinated by James V. Saturno.

[2] For further exploration of this topic, see CRS Report R41759, *Past Government Shutdowns: Key Resources*, by Justin Murray and Carol Wilson.

Fiscal year	Appropriations Bills Lapsed	Start	End	Days
2026	One annual appropriations bill (DHS)[a]	February 14, 2026	April 30, 2026[a]	76
	USBP, ICE		June 10, 2026	116

Source: Office of the House Historian, "Funding Gaps and Shutdowns in the Federal Government," webpage downloaded May 14, 2026, https://history.house.gov/Institution/Shutdown/Government-Shutdowns/.

Notes: USBP = U.S. Border Patrol; ICE = U.S. Immigration and Customs Enforcement

a. FY2026 annual appropriations were not provided for CBP and ICE as part of the FY2026 DHS Appropriations Act. The Senate majority led an effort to fund multiple years of those component appropriations through the reconciliation process.

What Happens When Appropriations Lapse?

If Congress does not provide funding for agencies through appropriations measures, most operating funds for agencies expire, and under the provisions of the Anti-Deficiency Act, they must cease affected activities and furlough affected staff.[3] There are two instances where this does not happen:

1. When agency functions are funded with unexpired appropriations,[4] the functions are considered *exempt* from the shutdown and furlough. The agency may continue to incur obligations and make expenditures for those functions, including by paying staff whose salaries and benefits are funded by the unexpired appropriations.
2. When agency functions have specific exceptions in law (but have no unexpired funding to fund their costs), the agency may continue to perform those *excepted* functions. Obligations created by excepted functions, including employee salaries, may not be paid until Congress provides appropriations to do so. These exceptions include:
    a. Activities that have explicit authority in law to continue making obligations in the absence of appropriations (e.g., active duty military under 37 U.S.C. §204), or in cases where such authority is implied (e.g., unfunded functions that, in the executive branch's view, are necessary to carry out an exempt function);
    b. Emergencies involving the safety of human life or the protection of property, not including ongoing, regular functions of the government that could be suspended without posing an imminent threat;[5] and
    c. Functions necessary to the discharge of the President's constitutional duties and powers (e.g. those related to conduct of foreign relations essential to national security).[6]

[3] For a more detailed discussion, see CRS Report R48930, *Government Shutdowns: Applying the Antideficiency Act to a Lapse in Appropriations*, by Sean Stiff and Matthew D. Trout.

[4] Some appropriations do not expire (cease being available for obligation) at the end of the fiscal year in which they were provided. These multi-year appropriations are usually available for 2-5 years, but some are available until they are expended.

[5] Multiple administrations have interpreted this exception as covering law enforcement officers.

[6] U.S. Department of Homeland Security, "Procedures Related to a Lapse in Appropriations," September 29, 2025 (hereinafter "September 2025 Plan"), pp. 6-7, https://www.dhs.gov/sites/default/files/2025-09/2025_0930_dhs_procedures_related_to_a_lapse_in_appropriations.pdf.

Designations of activities or workers as *exempt* or *excepted* are not the same as designating them *essential*. The designation "essential" is used by DHS in the context of continuity of government operations in the event of an emergency rather than indicating whether or not they continue to report to work in the case of a lapse of appropriations.

Planning for Lapses

Office of Management and Budget (OMB) Circular A-11, Section 124, provides guidance to executive agencies on what to do in the event their appropriations lapse. Agencies are directed by Circular A-11 to develop and maintain contingency plans for an orderly shutdown of operations in the event of a lapse in appropriations, and to submit these plans to OMB. Beginning in the Obama Administration, these plans were posted on OMB's website. While that repository was removed under the second Trump Administration, the current OMB Circular A-11 directs agencies to submit updated plans for OMB review at least every two years, in odd-numbered years, by August 1, and once it is approved, to post their contingency plan on their public website.

The DHS lapse contingency plan represents an important Administration-approved description of some of the potential effects of a lapse on agency staffing and operations. There are, however, limitations to what can be learned from lapse plans. For instance, the staffing information in the publicly posted plans is often neither current nor consistent. For example, the lapse plan that was posted on the DHS website on September 29, 2025, included component-level staffing data from six different dates, spanning more than a year.[7] This plan was in effect for all three lapses in appropriations for DHS in FY2026 and was not updated during that time. Additionally, the plans are not legally binding, though Section 124 of OMB Circular A-11 notes that "during a lapse in appropriations agencies should make an OMB representative aware of any instances where actions deviate from what is set forth in the plan."

Over time, Section 124 has provided more specific guidance as to what must be included in agencies' contingency plans, including a template for a table at the beginning of each plan that outlines:

- The estimated time (to nearest half day) required to complete shutdown activities.
- The total number of agency employees expected to be on board before implementation of the plan.
- The total number of agency employees expected to be furloughed under the plan.
- The total number of agency employees expected to be retained, as well as detail on the number to be retained based on:
    - Exemption: their compensation is financed by unexpired appropriations;
    - Exception: in their duties, they perform activities expressly authorized by law, necessarily implied by law, necessary to the discharge of the President's constitutional duties and powers, or necessary to protect life and property.
- A brief summary of significant agency activities that will continue during a lapse.
- A brief summary of significant agency activities that will cease during a lapse.

[7] September 26, 2025 (U.S. Immigration and Customs Enforcement), September 6, 2025 (U.S. Customs and Border Protection), August 31, 2025 (Federal Law Enforcement Training Centers), August 25, 2025 (U.S. Coast Guard), May 31, 2025 (all others), and June 29, 2024 (Office of Intelligence and Analysis).

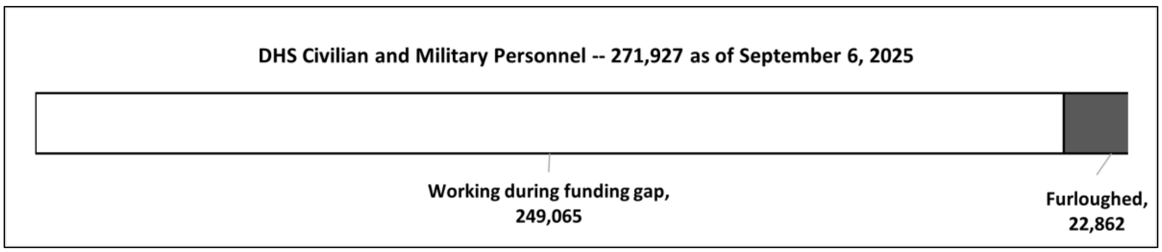
Additional details are then required for each component, as well as processes for resuming activities.

What Makes DHS's Lapse Plan Complex?

DHS is one of the largest Cabinet-level agencies in the federal government, both in terms of staffing and the size of its budget. Additionally, a very large proportion of DHS operational component[8] personnel are law enforcement officers. The federal government has not typically furloughed law enforcement officers during lapses in appropriations, concluding that the duties they perform are excepted as described above. In addition, the roughly 42,000 U.S. Coast Guard (USCG) *military* personnel, like the rest of U.S. military personnel, are not furloughed during the lapse in appropriation, though most of the USCG *civilian* personnel are. Lastly, some DHS activities are paid for through mandatory spending of fees (such as U.S. Citizenship and Immigration Services) or appropriations that do not expire (such as the Disaster Relief Fund)—these activities are considered "exempt" from the emergency furlough, as they are still funded, and the people whose duties are funded with such appropriations continue to work during the lapse and get paid on schedule until those funds are no longer available.

Figure 1 and the ensuing text box present department-level information from the September 2025 plan.

Figure 1. Planned DHS Furlough and Exception/Exemptions, September 2025



Source: U.S. Department of Homeland Security, "Procedures Related to a Lapse in Appropriations," September 29, 2025.

Notes: Exception totals do not include additional personnel who may qualify as excepted in the event of an emergency.

Under its September 2025 lapse plan, DHS headquarters and support components and the Cybersecurity and Infrastructure Security Agency (CISA)[9] cease most activities and furlough most of their staff. Although the total size of furloughs for the other non-CISA operational components under the plan are relatively small, U.S. Secret Service Deputy Director Matthew Quinn noted in testimony that "[w]hile minimal, the furlough still presents additional burden for the remainder of the workforce who will show up every day, professionally executing their assigned responsibilities."[10]

[8] U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, Transportation Security Administration, U.S. Coast Guard, U.S. Secret Service, Cybersecurity and Infrastructure Security Agency, Federal Emergency Management Agency, and U.S. Citizenship and Immigration Services.

[9] CISA furloughed 60% of its staff—the largest proportion of any DHS operational component. U.S. Congress, House Homeland Security Committee, *Funding Lapse and Security Gaps: Assessing the Harmful Impacts of the DHS Shutdown on Americans*, 119th Cong., 2nd sess., March 25, 2006.

[10] U.S. Congress, House Appropriations Committee, Department of Homeland Security Subcommittee, *Potential DHS Shutdown Impacts*, 119th Cong., 2nd sess., February 11, 2026, https://www.congress.gov/119/meeting/house/118960/witnesses/HHRG-119-AP15-Wstate-QuinnM-20260211.pdf.

The September 2025 plan included a summary of activities that would either continue or be suspended, as shown in the text box below.

Summary of Activity Impacts (as presented in the September 2025 Plan)[11]

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 will continue operations
- Fee-funded activities such as those funded by the Immigration Examinations Fee Account

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

What a Continuing Resolution Fixes…

The most common method of preventing a lapse in appropriations and its associated shutdown is the interim continuing resolution (CR). This piece of legislation provides "continuing appropriations"—temporary budget authority for the federal government to continue its operations while work on annual appropriations is completed.[12] Interim CRs function for a limited amount of time, until annual appropriations are enacted or a set expiration date, whichever comes first. Most agency operations continue under a CR, and employees and ongoing contracts are paid.

…And What It Doesn't

The purpose of the interim CR is to maintain the most basic functions of the federal government in the short term until appropriations are resolved, rather than allowing funding to lapse or providing resources for normal operations. Under a CR, agencies do not have a set level of funding,[13] and are barred from taking actions that presume the future availability of annual

[11] September 2025 Plan, p. 4. This text is duplicated from the September 2025 Plan.

[12] For more detailed discussion of continuing resolutions, see CRS Report R46595, *Continuing Resolutions: Overview of Components and Practices*, coordinated by James V. Saturno.

[13] Agencies receive funding at a rate of operations that assumes an even distribution across the fiscal year of whatever resources are provided in the baseline law identified in the bill—usually the previous year's annual appropriation, sometimes with modifications.

appropriations. Some of these constraints resemble those that occur under a lapse in appropriations.

The standard language of an interim CR mandates that "only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities."[14] As a result, hiring, training, and procurement activities are all curtailed. Grantmaking processes stop, as CR restrictions prevent agencies from awarding most grants.[15] New initiatives and responses to developing situations are not funded as agencies may not use CR budget authority for any project not funded in the previous fiscal year.[16] Programs that would normally spend a significant amount of their funding at the beginning of the fiscal year cannot do so.[17] In addition, as a result of annual appropriations not being finalized, most advance planning, budgeting, and oversight activities stall.

In the absence of the annual appropriations measures, during a lapse or a period of continuing appropriations, the Administration makes many more decisions on what is funded and allowed based on their interpretations of general appropriations law (and in the case of a CR, its brief language as well), rather than abiding by specific funding levels and the direction provided by Congress. Some observers caution that this represents an abdication of Congress's authority and responsibility under the Constitution.[18]

Case Studies of Lapses

FY2014 Lapse

The first funding lapse of DHS in its history began October 1, 2013. None of the twelve annual appropriations measures for FY2014 had been enacted by that date.

DHS had released its approved contingency plan the week before the lapse occurred.[19] Operations of different components were affected to varying degrees by the shutdown. According to the plan, an estimated 31,295 employees were to be furloughed, but nearly 200,000—roughly 85% of the department's workforce—were to continue with their duties due to exceptions identified in existing interpretations of law as well as exemptions due to unexpired funding sources.

Furloughs

While DHS did not associate its numbers of furloughed employees with specific programs in its contingency plan, the department did identify several activities subject to furlough and curtailment, including:

- all non-disaster grant programs;

[14] See, for example, H.R. 9770, Section 110.

[15] See, for example, H.R. 9770, Section 109.

[16] See, for example, H.R. 9770, Sections 102 and 104.

[17] See, for example, H.R. 9770, Section 109.

[18] See, for example, the written testimony of Shalanda Young, Scholar in Residence, NYU Law, before the House Appropriations Committee, *Funding Lapses: Analyzing Shutdown Reform*, 119th Cong., 2nd sess., July 22, 2026, https://docs.house.gov/meetings/AP/AP00/20260722/119485/HHRG-119-AP00-Wstate-YoungS-20260722.pdf.

[19] U.S. Department of Homeland Security, "Procedures Related to a Federal Funding Hiatus," September 27, 2013, (hereinafter "September 2013 Plan"), available at https://www.crs.gov/Products/Documents/dhs-lapse-contingency-plan-09-27-2013/pdf/dhs-lapse-contingency-plan-09-27-2013.pdf.

- the Critical Infrastructure Protective Security Advisor Program;
- Federal Law Enforcement Training Center activities;
- law enforcement civil rights and civil liberties training;
- FEMA Risk-Mapping program;
- chemical site security regulatory program; and
- research and development activities.[20]

Excepted Activities

As mentioned above, the Anti-Deficiency Act provides an exception for agencies to continue with activities that directly relate to emergencies involving the safety of human life or the protection of property despite lapses in appropriations. At the time of the FY2014 lapse, DHS identified a range of activities that it interpreted as meeting that standard (the activity and relevant agency are listed below):

- Border Security Programs (U.S. Customs and Border Protection (CBP))
- Ports of Entry Operations (CBP)
- Immigration Enforcement and Removal Operations (U.S. Immigration and Customs Enforcement (ICE))
- Homeland Security Investigations (ICE)
- Transportation Security (including passenger screening) (Transportation Security Administration (TSA))
- Federal Air Marshal Service (TSA)
- Military/Defense Operations (USCG)
- Maritime Security (USCG)
- Maritime Safety (USCG)
- Protection of Persons and Facilities (U.S. Secret Service)
- Cybersecurity (currently Cybersecurity and Infrastructure Security Agency)
- State and Local Fusion Centers (currently Intelligence, Analysis, and Situational Awareness)
- National Operations Center Watch Operations (currently IASA)
- DHS Intelligence Operations (currently IASA)
- BioWatch (currently Federal Emergency Management Agency (FEMA))[21]

Most of the employees serving in these roles relied on annual appropriations for their salaries and therefore were not paid during the funding lapse. Some DHS employees were recalled to work on the basis of unanticipated needs (such as disaster preparedness activities) after having initially been furloughed.[22]

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[20] "DHS Lapse Contingency Plan Summary," September 27, 2013. Provided by DHS Legislative Affairs, and available at https://www.crs.gov/Products/Documents/DHS-Lapse-Plan-Summary-2013-09-30/pdf/DHS-Lapse-Plan-Summary-2013-09-30.pdf.

[21] "DHS Lapse Contingency Plan Summary," September 27, 2013.

[22] In a speech at FEMA headquarters on October 7, 2013, President Obama noted that 200 furloughed employees had been recalled, and over half of those would be re-furloughed. CQ Newsmaker Transcripts, "President Barack Obama (continued...)

Exempt Activities

As part of the lapse plan, DHS identified several programs and activities that were funded through fee revenues and multi-year appropriations:

- Office of Biometric Identity Management (currently within the Office of the Secretary and Executive Management)
- Federal Protective Service (Management Directorate)
- Radiological Emergency Preparedness Program (FEMA)
- Chemical Stockpile Emergency Preparedness Program (FEMA)
- Disaster Relief Operations (FEMA)
- National Flood Insurance Program (FEMA); and
- All U.S. Citizenship and Immigration Services (USCIS) programs, except E-Verify.[23]

During the appropriations lapse, the Pay Our Military Act (P.L. 113-39) was enacted, which restored pay for active duty military personnel and the civilian federal employees and contractors which support them. As a result, Coast Guard personnel received their pay, and almost 5,800 furloughed Coast Guard civilian employees returned to work.[24]

Resolution

The lapse was resolved on October 17, 2013, when President Barack Obama signed into law P.L. 113-46, which included a short-term continuing resolution (CR) that funded government operations at a rate generally equivalent to FY2013 post-sequestration levels through January 15, 2014. P.L. 113-46 also retroactively authorized pay for both furloughed and exempt or excepted employees for the duration of the funding lapse. The CR was extended briefly, and annual appropriations were finalized with the enactment of P.L. 113-76 on January 17, 2014.

FY2019 Lapse

The FY2019 annual appropriations lapse was different from the FY2014 lapse in two ways: (1) it occurred later in the fiscal year, and (2) it was narrower, as five annual appropriations measures had already been enacted.

At the end of FY2018, the activities funded under the remaining seven regular appropriations bills were funded under a CR—Division C of P.L. 115-254, which lasted through December 7, 2018. A second continuing resolution extended appropriations through December 21, 2018.

In the Senate, a third CR for FY2019, lasting until February 8, 2019 (H.R. 695), was passed by voice vote on December 19, 2018. The House subsequently considered and amended the bill the following day, adding additional funding for border barriers and a disaster relief supplemental. The amended measure passed the House and was sent back to the Senate for further consideration. On December 21, the Senate agreed to a motion to proceed to the consideration of

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Delivers Remarks at FEMA Headquarters," October 7, 2013, available at http://www.cq.com/doc/newsmakertranscripts-4358009.

[23] "DHS Lapse Contingency Plan Summary," September 27, 2013.

[24] For additional details on the interpretation and implementation of the Pay our Military Act in the context of the Coast Guard, see CRS Report R43252, *FY2014 Appropriations Lapse and the Department of Homeland Security: Impact and Legislation*, by William L. Painter.

the House-passed bill, but there was no 60-vote majority to invoke cloture, so the measure was not considered further, and the House and Senate adjourned later that day.[25] Without the enactment of an extension or a new CR, appropriations for unfunded portions of the federal government (including DHS) lapsed at midnight on December 21, 2018, and a partial government shutdown ensued.

DHS's contingency plan was dated December 17, 2018. The plan contained staffing numbers as of November 10, 2018. Only 32,706 (13.3%) of DHS's 245,405 estimated employees were to be furloughed under the plan.[26]

Furloughs

The December 2019 plan did not list specific activities or programs that would cease operating, but it did identify the following general groups of activities that would shut down:

- Planning (such as strategic, business, or budgetary activities);
- Research and development activities;
- Most policy functions—administrative, as well as programmatic—unless those functions could be justified by the above exceptions;
- Auditing;
- Regulatory, legislative, public affairs, and intergovernmental affairs; and
- Most training and development.[27]

Excepted Activities

As with its discussion of furloughs, the December 2018 contingency plan did not specify excepted programs that would continue, but provided a more general perspective. Exceptions were to be applied for continuing the work of:

- Maintaining law enforcement operations, including drug and illegal alien interdiction;
- Continuing passenger processing and cargo inspection functions at ports of entry;
- Providing the protective functions of the U.S. Secret Service;
- Maintaining counter-terrorism watches or intelligence gathering or dissemination in support of terrorist threat warnings; and
- Retaining minimal personnel to maintain telecommunications necessary for excepted activities.[28]

In addition, the plan specifically identified the exception that applies to active duty military personnel, who cannot be furloughed because they are entitled to their pay under 37 U.S.C. §204.

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[25] CRS Report R45906, *Congressional Action on FY2019 Appropriations Measures: 115th and 116th Congresses*, by Kate P. McClanahan and Justin Murray, p. 8.

[26] U.S. Department of Homeland Security, "Procedures Related to a Lapse in Appropriations," December 17, 2018 (hereinafter "December 2018 Plan"), p. 47, available at https://www.crs.gov/Products/Documents/DHS-Lapse-Plan-2018-12-17/pdf/DHS-Lapse-Plan-2018-12-17.pdf.

[27] December 2018 Plan, p. 7.

[28] December 2018 Plan, p. 6.

Exempt Activities

In the December 2018 contingency plan, DHS identified fewer activities than in FY2014 that were funded through fee revenues with appropriations in permanent law or multi-year discretionary appropriations and would therefore be exempt. It did identify:

- Activities paid for through the Disaster Relief Fund, which is funded by no-year appropriations and may have sufficient balances available to continue operations; and
- Fee-funded activities such as those funded by the Immigration Examinations Fee Account.[29]

Resolution

The lapse was resolved on January 25, 2019, when the President signed into law P.L. 116-5, a short-term CR that funded government operations at a rate generally equivalent to FY2018 through February 15, 2019.[30] P.L. 116-5 also retroactively authorized pay for both furloughed and exempt or excepted employees for the duration of the funding lapse. Annual appropriations were finalized with the enactment of the seven remaining annual appropriations bills in P.L. 116-6—a consolidated appropriations measure—on February 15, 2019.

FY2026 Lapses

The lapses in appropriations for FY2026 were the first that occurred at a time when DHS had a large amount of broadly available multi-year budget authority available to it. The first funding gap for DHS in FY2026 began October 1, 2025, and lasted 42 full days. None of the twelve annual appropriations measures had been enacted at the time of the lapse, so the lapse affected the government broadly, until it was resolved by an interim CR (Division A of P.L. 119-37) enacted November 12, 2025, lasting through January 30, 2026.

A second short funding gap occurred between January 31, 2026, and February 2, 2026, at which time Congress passed and the President signed into law a two-week CR extension. That extension expired on February 14, 2026, and a third funding gap began for DHS—the other 11 annual appropriations measures having been enacted on February 2, 2026.

The lapse plan posted on DHS's website was dated September 29, 2025. According to the plan, 22,862 (8.4%) of DHS's 271,927 estimated employees would be furloughed. The dates of the reported onboard staffing levels varied significantly, but the most common date of component totals was May 31, 2025.[31]

Distinctiveness

When DHS appropriations lapsed for FY2026, significant resources provided in the FY2025 reconciliation law (P.L. 119-21) were available to the Office of the Secretary, CBP, ICE, the USCG, the U.S. Secret Service (USSS), and the Federal Law Enforcement Training Centers. These resources allowed some of these components' activities to continue that would have otherwise been shut down and their staff furloughed in the absence of annual appropriations.

[29] December 2018 Plan, p. 4.

[30] Division C of P.L. 115-245.

[31] CRS analysis of September 2025 Plan.

Other elements of DHS that did not receive funds through the FY2025 reconciliation law did furlough staff and shut down certain operations during the lapse.

The staffing numbers in the September 2025 report are of less analytical value than those of previous years. They do not present a single "snapshot" of DHS staffing at a single point in time. The downsizing and reprioritizing of activities at DHS that curtailed some DHS activities and redoubled efforts for others resulted in the staffing numbers in the lapse plan being less reflective of the actual component staffing levels than they had been in previous years. This also resulted in uncertainty as to whether a change in activities was a result of the lapse in appropriations or other directives.

Because DHS was the only department affected by the lapse that began in February 2026, there was much more public discussion surrounding the effect of both lapses on the department's operations and personnel, including hearings and public statements by the Administration cited in the discussion below. Some of these statements represented useful perspectives on the detailed effects of the two longest shutdowns in the history of DHS.

Furloughs

According to the September 2025 contingency plan, DHS had almost 29,000 more personnel at the end of May 2025 than it had averaged historically.[32] The September 2025 plan envisioned DHS furloughing 8,711 fewer personnel on average than it had in previous plans; the percentage of staff furloughed dropped from 13% to 8.4%. However, as noted above, the baseline staffing numbers in the September 2025 plan were not consistently dated, and were not necessarily reflective of the staffing levels at the time of the lapses.

Hearing Testimony from Agency Officials

On February 11, 2026, senior officials from five DHS components testified before the House Appropriations Committee's Homeland Security Subcommittee on the effects of the previous lapse in appropriations, and the anticipated impact of the impending lapse.[33] Most of the witnesses noted disruptions in hiring, training, and onboarding of new personnel—disruptions, they noted, that can linger for components that are attempting to increase their overall level of staffing or develop specialized in-house expertise. In addition, the witnesses noted that a lapse complicates managing existing personnel, especially as it pertains to retention, maintaining qualifications, promotions, changes of station, and maintaining morale.

In the same hearing, effects of a potential lapse on operations were also discussed. The USCG witness noted deferral of scheduled maintenance as an issue, as well as delays in acquiring spare parts, both of which would contribute to "a multi-million-dollar parts backlog that can take years to resolve."[34] The witness indicated that as a result of the lapse, USCG would also stop conducting routine patrols, fisheries enforcement activities, maintenance of aids to navigation, and commercial vessel safety inspections. Additionally, the lapse would cause the National Maritime Center to close, and thus stop issuing and renewing merchant mariner credentials. In a later hearing before the House Homeland Security Committee, the USCG noted that as of the end

[32] Based on CRS analysis of DHS lapse plans going back to FY2011, DHS averaged 243,061 employees.

[33] U.S. Congress, House Appropriations Committee, Department of Homeland Security Subcommittee, *Potential DHS Shutdown Impacts*, 119th Cong., 2nd sess., February 11, 2026.

[34] Testimony of Vice Admiral Thomas Allan, Acting Vice Commandant, USCG, before the House Appropriations Committee Subcommittee on Homeland Security hearing, *Potential DHS Shutdown Impacts*, February 11, 2026, p. 2, available at https://docs.house.gov/meetings/AP/AP15/20260211/118960/HHRG-119-AP15-Wstate-AllanT-20260211.pdf.

of March 2026, they had a processing backlog of 15,000 merchant mariner credentials, and that the lapse-related disruption to inspections and credentialling could have economic ripple effects due to increased shipping costs.[35]

The USSS and FEMA noted that the lapse affected a variety of components by disrupting collaboration among them and their federal and non-federal partners outside DHS, providing specific examples. The USSS witness used the example of the USSS relying on support from TSA for their magnetometer operations—support that TSA was hard-pressed to provide.[36] FEMA noted the cancellation of courses at its National Disaster and Emergency Management University in Emmitsburg, Maryland.[37]

According to testimony delivered to the House Homeland Security Committee during the lapse, CISA furloughed roughly 60% of their staff. CISA witnesses testified that cybersecurity and infrastructure protection activities are largely not excepted, so much of that staff is furloughed during a lapse in appropriations. During the lapse, CISA testified that "proactive services, planning, and industry and stakeholder engagement [were] paused or significantly scaled back…. Planned engagements with critical partners [were] on hold."[38]

Some of these messages were echoed in a press release posted by DHS on February 17, 2026. The department also highlighted a number of potential consequences of the ongoing shutdown, somewhat more specific than in the December 2018 plan, noting:

- Delayed grant awards and potential delays in drawdowns of awarded grants;
- Delayed payments to vendors and contractors;
- Reduced cybersecurity and critical infrastructure support;
- Partial stoppage of basic and advanced training at the Federal Law Enforcement Training Centers;
- Potential delays in deployment of new security screening technology to airports and increased checkpoint wait times; and
- Delayed preventive maintenance on capital equipment, including vehicles.[39]

While these effects were similar to those seen in previous lapses, it appears DHS may have curtailed its activities more deeply during the funding gap than it had during the October FY2026 gap or other previous gaps. The DHS Office of Public Affairs announced on February 22 that it would curtail a number of its activities in response to the lapse in appropriations, noting that "nonessential privileges and courtesies provided by TSA would cease," including TSA PreCheck

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[35] Testimony of Vice Admiral Thomas Allan, Acting Vice Commandant, USCG, before the House Committee on Homeland Security, *Funding Lapse and Security Gaps: Assessing the Harmful Impacts of the DHS Shutdown on Americans*, 119th Cong., 2nd sess., March 25, 2006.

[36] Testimony of Matthew Quinn, Deputy Director, USSS, before the House Appropriations Committee Subcommittee on Homeland Security hearing, *Potential DHS Shutdown Impacts*, February 11, 2026, p. 4, available at https://docs.house.gov/meetings/AP/AP15/20260211/118960/HHRG-119-AP15-Wstate-QuinnM-20260211.pdf.

[37] Testimony of Gregg Phillips, Associate Administrator for the Office of Response and Recovery, FEMA, before the House Appropriations Committee Subcommittee on Homeland Security hearing on *Potential DHS Shutdown Impacts*, February 11, 2026, p. 3. available at HHRG-119-AP15-Wstate-PhillipsG-20260211.pdf.

[38] Testimony of Nick Andersen, Acting Director, CISA, before the House Homeland Security Committee, *Funding Lapse and Security Gaps: Assessing the Harmful Impacts of the DHS Shutdown on Americans*, 119th Cong., 2nd sess., March 25, 2006, p.1. Available at https://homeland.house.gov/wp-content/uploads/2026/03/2026-03-25-HRG-Testimony.pdf.

[39] U.S. Department of Homeland Security, Office of Public Affairs, "Another Democrat Government Shutdown Dramatically Hurts America's National Security," February 17, 2026, https://www.dhs.gov/news/2026/02/17/another-democrat-government-shutdown-dramatically-hurts-americas-national-security.

and courtesy escorts, "including for Members of Congress."[40] DHS announced that "all Global Entry arrival processing" would cease, as well as "port courtesies for Members of Congress at all ports of entry."[41] Several hours later, TSA announced that TSA Precheck would remain operational, and DHS amended its public statement to remove the mention of Global Entry.[42]

Excepted Activities, Some with Pay

During the two longer lapses, the Trump Administration used funds provided in the FY2025 reconciliation law to pay the salaries of 70,000 law enforcement personnel at a number of DHS agencies, including CBP, ICE, USSS, and TSA's federal air marshals.[43] TSA screeners, however, remained unpaid during most of the lapses. Military personnel of the U.S. Coast Guard were also paid from resources provided in the reconciliation law.[44] Specifically, Section 90007 of the FY2025 reconciliation law included a $10 billion appropriation "for reimbursement of costs incurred in undertaking activities in support of [DHS's] mission to safeguard the borders of the United States."[45] After the passage of the first interim CR in November 2025, the salary costs that had been charged to that appropriation were shifted to CR-funded accounts, largely restoring the balance that had been used to meet payroll during the shutdown. The appropriation was used again during the final FY2026 lapse ultimately to pay a larger set of salaries.

While the appropriation was used to pay salaries, it was not used to pay operational costs. Vice Commandant of the USCG Admiral Thomas Allan testified in March 2026 that USCG had incurred $200 million in obligations during the lapse that they could not pay until the lapse was resolved. He also noted that deployed crews had incurred costs on government travel cards that could not be reimbursed during the lapse in appropriations.[46] Acting Director of ICE Todd Lyons noted in an April 2026 hearing on the FY2027 budget request that Homeland Security Investigations, a subcomponent within ICE, was not funded through FY2025 reconciliation law funding, a reality which impacted agent deployments, intelligence activities related to stopping child exploitation, and victim services.[47]

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[40] DHS Press Release, February 22, 2026.

[41] DHS Press Release, February 22, 2026.

[42] CRS analysis of February 22, 2026 email from DHS Office of Public Affairs, and subsequent reading of a modified statement on dhs.gov (https://www.dhs.gov/news/2026/02/22/1-week-democrats-shutdown-dhs-implements-emergency-measures-conserve-resources-and). See also https://www.businesstraveller.com/news/global-entry-goes-dark-tsa-precheck-survives/.

[43] Heckman, Jory, "DHS Keeps Paying 70,000 Law Enforcement Officials amid Shutdown Using Reconciliation Funds," FederalNewsNetwork.com, October 17, 2025, https://federalnewsnetwork.com/government-shutdown/2025/10/dhs-to-keep-paying-70000-law-enforcement-officials-amid-shutdown-using-reconciliation-law/.

[44] Department of Homeland Security, "Secretary Noem Announces U.S. Coast Guard to Receive Paychecks Despite Government Shutdown Thanks to One Big Beautiful Bill Funding," press release, October 14, 2025, https://www.dhs.gov/news/2025/10/14/secretary-noem-announces-us-coast-guard-receive-paychecks-despite-government.

[45] P.L. 119-21, Section 90007.

[46] Oral testimony of Vice Admiral Thomas Allan, Acting Vice Commandant, USCG, before the House Committee on Homeland Security, *Funding Lapse and Security Gaps: Assessing the Harmful Impacts of the DHS Shutdown on Americans*, 119th Cong., 2nd sess., March 25, 2006. As transcribed by CQ, and available at https://plus.cq.com/doc/congressionaltranscripts-8431163?0.

[47] Oral testimony of Todd Lyons, Acting Director, ICE, before the House Appropriations Committee, Department of Homeland Security Subcommittee, *Fiscal Year 2027 CBP, ICE and USCIS Budget Request*, 119th Cong., 2nd sess., April 16, 2026, as transcribed by CQ, https://plus.cq.com/doc/congressionaltranscripts-8443280?5.

Exempt Activities, Some Reduced

In the February 17 press release noted above, DHS announced FEMA would limit its Disaster Relief Fund (DRF) activities to "immediate disaster response where there is an active threat to life, public health, or safety," until the lapse in appropriations was resolved.[48] Four days later, FEMA reportedly released $5 billion in disaster recovery funding despite then-Secretary Kristi Noem announcing that FEMA funding would "not move forward for ongoing or legacy disasters."[49]

Reduction in DRF-funded activity with significant unobligated balances available during an appropriations lapse departs from past practices. The unobligated resources in the DRF do not expire at the end of the fiscal year, and in previous appropriations lapses, disaster response and recovery activities have continued. From the beginning of FY2026, FEMA's monthly DRF reports indicated that a significant amount of funding remained available in the DRF for the costs of major disasters: $9.3 billion was available as of the end of January 2026.[50] Comparison of the monthly reports from the end of October 2025 and January 2026 indicates that due to deobligation of prior-year funding, the unobligated balance in the major disasters portion of the DRF was higher at the end of January 2026 than it was at the beginning of the initial FY2026 funding lapse, when no changes to DRF-funded activities were announced. Press accounts indicated that FEMA constrained its activities beyond historical precedents as well.[51]

Resolution

The FY2026 lapse in appropriations for DHS was resolved through the enactment of two separate measures.

The Senate passed an amended version of H.R. 7147 by voice vote on March 27, 2026, which did not include funding for the U.S. Border Patrol or ICE, nor did the act include directive or oversight provisions related to those entities. The Senate majority indicated they would provide the funding through a subsequent FY2026 reconciliation package.[52]

That same day, President Trump signed a Presidential Memorandum directing the DHS Secretary to pay back pay and salaries for all TSA employees.[53] This was done through use of the Section

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[48] Press Release, "1 Week into Democrats' Shutdown, DHS Implements Emergency Measures to Conserve Resources and Manpower Impacting Travelers and FEMA Responses to Non-Disaster Areas," U.S. Department of Homeland Security, February 22, 2026, https://www.dhs.gov/news/2026/02/22/1-week-democrats-shutdown-dhs-implements-emergency-measures-conserve-resources-and.

[49] Thomas Frank and Jennifer Scholtes, "FEMA Allots $5B in Disaster Aid—After Noem Spending Halt," E&E News by Politico, February 27, 2026, https://www.eenews.net/articles/fema-allots-5b-in-disaster-aid-after-noem-spending-halt/.

[50] FEMA, *Disaster Relief Fund: Monthly Report as of January 31, 2026*, February 20, 2026, p. 4.

[51] See, for example, Brianna Sacks, "FEMA National Security Functions 'Significantly Constrained' During Shutdown, Email Warns," *Washington Post*, February 23, 2026, https://www.washingtonpost.com/climate-environment/2026/02/23/fema-continuity-shutdown-national-security/.

[52] Jacob Fulton, "Senate Passes Bill to Fund Most of Homeland Security Department," *CQ News*, March 27, 2026.

[53] President Donald J. Trump, "Paying Our Great Transportation Security Administration Officers and Employees," Presidential Memorandum, March 27, 2026, https://www.whitehouse.gov/presidential-actions/2026/03/memorandum-for-the-secretary-of-homeland-security-and-the-director-of-the-office-of-management-and-budget/.

90007 funds described above. On April 3, 2026, the President signed another Presidential Memorandum directing the DHS Secretary to do the same for all DHS personnel.[54]

The House did not take up the Senate measure until after the Senate and House had adopted the FY2026 budget resolution that was required to begin the reconciliation process. The House took up and passed by a voice vote the Senate-amended bill under suspension of the rules on April 30, 2026. The President signed it into law the same day (P.L. 119-86; Homeland Security and Further Additional Continuing Appropriations Act, 2026), resolving the lapse for most of DHS, but not the U.S. Border Patrol or ICE.

On June 5, 2026, the Senate passed S. 2, a reconciliation measure pursuant to the FY2026 budget resolution (S.Con.Res. 33) by a vote of 52-47. The bill included legislation from the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on the Judiciary providing almost $70 billion in funding for CBP, ICE, and DHS generally. The funds provided are available for obligation through FY2029. The House passed the bill by a vote of 214-212 on June 9, 2026, and it was signed into law the next day as P.L. 119-98, resolving the remainder of the longest lapse of appropriations in the history of DHS.

FY2027 and Beyond

A great deal of the work of Congress is done on the basis of precedents: what has gone before often provides a road map for what is to come. It can be argued that the ten-month period from July 2025 through April 2026 was marked by a series of unprecedented events—events that have moved the DHS appropriations process into uncharted territory.

- The FY2025 reconciliation law provided more than $190 billion to various DHS functions, including a $10 billion appropriation for the broad purpose of reimbursing costs associated with the DHS border security mission. This was the largest set of supplemental appropriations provided to DHS in its history, and it was not provided in an appropriations measure.
- The first lapse in appropriations that occurred in FY2026 was the longest in the history of the federal government up to that point.
- The subsequent lapse in FY2026 appropriations for DHS that began in mid-February broke that record.
- The application of the $10 billion appropriation from the FY2025 reconciliation law to provide salaries for DHS law enforcement and military personnel was unprecedented, as was its later application to provide back pay and salaries for the entire department.
- In FY2026, for the first time, the FY2026 DHS Appropriations Act did not contain funding for all the components of DHS.
- In another first, U.S. Border Patrol and ICE were funded through the FY2026 reconciliation law, through multi-year funding that was not a product of the appropriations committees.

As Congress proceeds with development of FY2027 DHS appropriations bills, this series of events of the recent past poses questions for the immediate future:

[54] President Donald J. Trump, "Liberating the Department of Homeland Security from the Democrat-Caused Shutdown," Presidential Memorandum, April 3, 2026, https://www.whitehouse.gov/presidential-actions/2026/04/liberating-the-department-of-homeland-security-from-the-democrat-caused-shutdown/.

- The FY2027 House Appropriations Committee-approved DHS appropriations bill (H.R. 9310) includes funding, direction and oversight provisions for the entire department, including ICE and the U.S. Border Patrol. How will an enacted DHS appropriations measure interact with the multi-year funding already provided to the department in the FY2025 and FY2026 reconciliation laws?
- Does the Administration's use of the $10 billion in FY2025 reconciliation law funds to pay salaries for selected personnel, and then the entire department, but not operational costs, square with the application of existing law?
- How will the availability of those funds, as well as the other multi-year funding available to the department, affect decisionmaking regarding the FY2027 appropriations endgame?
- What does it mean for the appropriations process when reconciliation is used to have authorizing committees provide operational funding for major elements of DHS without the detailed direction and oversight provisions usually included in appropriations measures?

Author Information

William L. Painter
Specialist in Homeland Security and Appropriations

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