Department of Homeland Security Appropriations: FY2026 Provisions

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SUMMARY

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Department of Homeland Security Appropriations: FY2026 Provisions

Through appropriations legislation, Congress provides not only budget authority for federal agencies and departments to operate, but also legally binding direction on how that budget authority can (or cannot) be used.

These directions may appear in three places in an appropriations act:

1. in the language of individual appropriations;
2. in administrative provisions at the end of a title; and
3. in general provisions at the end of a bill (or division, in the case of a consolidated measure, where multiple bills are combined in one).

Some of these directions directly relate to the management of budget authority enacted in the measure, while others relate to policy or operational matters. Sometimes enacted appropriations measures include authorizing (or "legislative") provisions as well.

As with any legislation, these provisions are not unchanging. Due to the passage of time or other legislative developments, a provision may require adjustment or lose its relevance. Provisions enacted in appropriations legislation are a focus of negotiations between the parties and between the chambers during the appropriations process and may evolve until a compromise is reached in the final measure.

This report focuses on the substantive changes from the FY2025 baseline, as established by the FY2025 full-year continuing resolution (CR) in P.L. 119-4. The CR carried forward, with some exceptions, the terms and conditions laid out for FY2024 in the DHS Appropriations Act, 2024 (P.L. 118-47, Division C). This report discusses changes from that baseline proposed in the Administration's FY2026 budget request and those included in the enacted FY2026 DHS appropriations act (P.L. 119-86).

Appendices at the end of this report discuss changes in appropriations language from the FY2024 baseline as well as the history of the structure of administrative and general provisions since the first DHS appropriations act in FY2004.

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Introduction

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Some of these directions directly relate to the management of budget authority enacted in the measure, while others relate to policy or operational matters. Sometimes enacted appropriations measures include authorizing (or "legislative") provisions as well.

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While other appropriations reports focus on funding levels provided in the bill, this report focuses on the administrative and general provisions in the FY2026 appropriations process for the Department of Homeland Security (DHS).

Scope and Methodology

This report focuses on the substantive changes from the FY2025 baseline, as established by the FY2025 full-year continuing resolution (CR) in P.L. 119-4. The CR carried forward, with some exceptions, the terms and conditions laid out for FY2024 in the DHS Appropriations Act, 2024 (P.L. 118-47, Division C). This report discusses changes from that baseline proposed in the Administration's FY2026 budget request and those included in the enacted FY2026 DHS appropriations act (P.L. 119-86).

In particular, the report focuses on administrative and general provisions included in the detailed proposals for administrative and general provisions made in the Administration's FY2026 Budget Appendix, outlining the appropriations request for DHS, and those included in P.L. 119-86, providing FY2026 DHS appropriations.

Rather than listing all the administrative and general provisions considered, this report uses the administrative and general provisions of the enacted DHS Appropriations Act, 2024,[1] as a baseline for comparison, and notes changes from that starting point. These generally represent the current terms and conditions under which appropriations were provided for DHS in FY2025, under the terms of the full-year continuing resolution in P.L. 119-4 (discussed further in the text box below).

For each title of the bill, this report provides a list of the components funded in the title and a tally of provisions from the FY2024 act and the FY2025 full-year CR. This is followed by subsections describing excluded prior-year provisions, substantive changes to provisions carried forward from

[1] P.L. 118-47, Division C.

FY2025 (ones that would alter the practical effects of the prior year's provisions), and new provisions.

Given the amount of funding provided and the number of administrative provisions, this report starts with Title II, then moves to the other operational components in Title III, the support components in Title IV, and the headquarters components in Title I. The final section of this report deals with general provisions in Title V.

Section numbers often differ across the various versions of acts and bills. To avoid confusion between years and versions, sections are referenced as follows:

- **FY2025 Sections**—the sections of the FY2024 act that were carried forward into FY2025 are referred to as "FY2025 Sections";
- **HAC Sections—**the sections of H.R. 4213 (for FY2026) are referred to as "HAC Sections" (referring to the version the House Appropriations Committee reported);
- **House-passed Sections—**the sections of H.R. 7147 are referred to as "House-passed Sections"; and
- **FY2026 Sections**—the sections of P.L. 119-86 are referred to as "FY2026 Sections."

Appendices include a glossary of abbreviations, a summary of changes in appropriations language in the measure, and a brief discussion of the longer-term history of the general and administrative provisions in the DHS appropriations act.

Administrative and General Provisions Under a Full-Year Continuing Resolution

On March 15, 2025, President Donald Trump signed the Full-Year Continuing Appropriations Act (P.L. 119-4, Division A) into law, providing DHS appropriations for FY2025. This was the second fiscal year in DHS's history for which its appropriations were provided under the terms of a continuing resolution (CR) for the entire year—the first being FY2011.

Under a full-year CR, there is no accompanying conference report to provide direction to the department on program allocations, the use of funding, or other matters. Instead, the language of the measure is the sole set of instructions provided. In the first section of a CR, Congress typically directs that funding be provided at the same level, under the same authorities, and under the same conditions as in prior enacted annual appropriations and other legislation. This prior enacted legislation is also specified early in the CR and is referred to in this report as the "baseline." Later sections of the CR may provide specific exceptions to that baseline. Absent those specified exceptions, the appropriations provisos, administrative provisions, and general provisions from those baseline measures remain in effect.

For the most part, the baseline for DHS's continuing appropriations outlined in P.L. 119-4, Title I, is the Department of Homeland Security Appropriations Act, 2024 (the Further Consolidated Appropriations Act, 2024; P.L. 118-47, Division C), with a few changes: The last four general provisions are not included, while four provisions from a later division are (P.L. 118-47, Division G). P.L. 119-4, Title VII, includes specific changes to that baseline, commonly referred to as "anomalies."

Security, Enforcement, and Investigations Administrative Provisions (Title II)[2]

Title II of annual DHS appropriations measures typically covers appropriations for

[2] CRS analysis of Office of Management and Budget, Fiscal Year 2026 Budget of the U.S. Government: Appendix, May 30, 2025, pp. 498-499, https://www.govinfo.gov/content/pkg/BUDGET-2025-APP/pdf/BUDGET-2025-APP.pdf (continued...)

- U.S. Customs and Border Protection (CBP);
- U.S. Immigration and Customs Enforcement (ICE);
- the Transportation Security Administration (TSA);
- U.S. Coast Guard (USCG); and
- U.S. Secret Service (USSS).

There were 31 administrative provisions included at the end of Title II of the FY2024 act, all but one of which was in effect for FY2025 under the terms of the FY2025 full-year CR.[3] The FY2026 act includes 29 administrative provisions: Nine provisions that had appeared in FY2024 were deleted, and seven were added. The others remained essentially unchanged. Several provisions were not included in the measure at least in part because they were written as restrictions on the use of funds provided in the measure for ICE or the U.S. Border Patrol: As neither element of DHS received funding under the measure, such a restriction would have had no effect as drafted.

Deletions

FY2025 Section 209: Included in some form since FY2019 in annual appropriations,[4] this administrative provision restricted the use of funds to build border fencing in five geographic areas, as well as historic cemeteries.

This section was:

- proposed for deletion in the FY2026 request;
- included in both House Appropriations Committee-reported and House-passed bills; and
- not included in the FY2026 enacted measure, as there was no funding for border barrier construction in the bill.

FY2025 Section 211: Included since FY2018 in annual appropriations,[5] this administrative provision delimited the use of part of CBP's Procurement, Construction and Improvements (PC&I) appropriation.

This section was:

- proposed for deletion in the FY2026 request;
- included in both House Appropriations Committee-reported and House-passed bills; and
- not included in the FY2026 enacted measure, as there was no funding for border security technology procurement in the bill.

(hereinafter, FY2025 Appendix); P.L. 119-4, Division A; P.L. 118-47, Division C; and House Appropriations Committee (HAC)-reported H.R. 4213.

[3] P.L. 119-4, Section 1705, "muted" Section 227 of the FY2024 act. The section in question was a restriction on the USCG's collection of certain fees for the inspection of towing vessels.

[4] P.L. 116-6, Division A, §231.

[5] P.L. 115-141, Division F, §230. A variant of this provision was carried in P.L. 115-31, Division F, Title VI, where direction was provided in a supplemental appropriation for CBP's Procurement, Construction, and Improvements account (131 Stat. 433).

FY2025 Section 212: Included since FY2015 in annual appropriations measures,[6] this administrative provision barred DHS from continuing a delegation of immigration law enforcement authority if the DHS Office of Inspector General (OIG) determines that the terms of the underlying agreement governing the delegation have been materially violated.

This section was:

- proposed for deletion in the FY2026 request;
- included in both House Appropriations Committee-reported and House-passed bills; and
- not included in the FY2026 enacted measure, as there was no funding for ICE in P.L. 119-86.

FY2025 Section 213: Included in some form since FY2009 in annual appropriations,[7] this administrative provision restricted the ability of ICE to continue detention service contracts with a given facility if it failed to attain a median score on its two most recent overall performance evaluations.

- This section was proposed for modification in the FY2026 request, changing the provision to allow the contracts to continue but limiting new intakes at the given facility. The Administration also proposed allowing the restriction to be lifted if ICE took the necessary steps to bring the facility into compliance and submitted an evaluation report to the DHS appropriations subcommittees.
- This section was not included in the FY2026 enacted measure, as there was no ICE funding in P.L. 119-86.

FY2025 Section 214: Included since FY2020, this administrative provision would have allowed the Secretary to transfer and reprogram money in the bill to ICE to detain aliens prioritized for removal.

This section was not included in the FY2026 enacted measure, as there was no ICE funding in P.L. 119-86.

FY2025 Section 215: Included since FY2020, this administrative provision would have carried forward a requirement that ICE publicly report on a semi-monthly basis on the population of detained aliens.

This section was not included in the FY2026 enacted measure, as there was no ICE funding in P.L. 119-86.

FY2025 Section 216: Included since FY2021, this administrative provision carries forward two prior-year administrative provisions from the FY2020 DHS appropriations act by reference:

1. Section 216, which barred the use of information shared by the Department of Health and Human Services to detain or take steps in the removal process against a sponsor of an unaccompanied minor, potential sponsor of that minor, or member of that household (with some exceptions based on risks of exploitation); and

[6] It first appeared as a proviso in the FY2015 ICE Salaries and Expenses annual appropriation (P.L. 114-4), then as an administrative provision beginning in FY2017 (P.L. 115-31, Division F, §210).

[7] The provision first appeared as a proviso in the FY2009 ICE Salaries and Expenses appropriation (P.L. 110-329), then as an administrative provision starting in FY2017 (P.L. 115-31, Division F, §211).

2. Section 217, which required reporting on "287(g) agreements," under which local law enforcement works with ICE on enforcement of immigration laws.

- The Trump Administration proposed not carrying forward the reference to FY2020 Section 216.
- This entire section was not included in the FY2026 enacted measure, as there was no ICE funding in P.L. 119-86.

FY2025 Section 217: This administrative provision, first appearing in FY2024, originally required ICE to submit an obligation plan for funding provided in the bill to the appropriations committees. The modified version in H.R. 7147 would have required a written obligation plan for all funding provided to ICE—including funding provided under the FY2025 reconciliation package—as well as monthly updates. The provision would have also established specific requirements for the information to be provided.

This section was not included in the FY2026 enacted measure, as there was no ICE funding in P.L. 119-86.

FY2025 Section 227: Included since FY2022,[8] this administrative provision restricted the USCG from charging a fee for inspecting certain towing vessels until the USCG determined whether the costs of towing vessel inspections done by the USCG differed from those of third-party inspectors and adjusted its fees to reflect its costs.[9] This provision had essentially been "deactivated" by Section 1705 of the year-long CR.

This section was not included in the budget request or any iteration of the FY2026 measure.

Additions

FY2026 Section 207: This new administrative provision mirrors Section 90004(b) and (c) from P.L. 119-21, which restricts the funds provided for CBP border security assets and infrastructure procurement in this measure or any previous appropriations measure from being used to purchase surveillance systems that are not autonomous.

FY2026 Section 208: This new administrative provision, which first appeared as HAC Section 242, requires the DHS Secretary to ensure a policy on the treatment of pregnant women, new and/or nursing mothers, and infants "or substantively similar standards of treatment developed in consultation with maternal and pediatric health providers and experts" are in effect and implemented "to safeguard the health, safety, and rights of pregnant individuals in [CBP] custody."

FY2026 Section 212: This new one-time administrative provision, which first appeared as HAC Section 233, modifies the *U.S. Code* to change an annual reporting requirement on the disposition of money left at TSA airport checkpoints into an annual briefing requirement.

FY2026 Section 219: This new administrative provision, which first appeared as House-passed Section 230, would add $98 million for the purchase and support of MQ-9 "Reaper" unmanned aircraft and restrict DHS from either purchasing armed long-range unmanned aircraft or arming long-range unmanned aircraft.

FY2026 Section 220: This new administrative provision, which first appeared as House-passed Section 231, would restrict the use of Coast Guard funds provided in the bill for implementation

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[8] P.L. 117-103, Division F, §231.

[9] P.L. 115-282.

of plans described in the "Force Design 2028" report until the appropriations committees receive detailed briefings on the initiatives involved.[10]

FY2026 Section 225: This new administrative provision, which first appeared as House-passed Section 236, directs $2 million of USSS Operations and Support appropriations to a grant for existing National Computer Forensics Institute facilities.

FY2026 Section 226: This one-time administrative provision, which first appeared as House-passed Section 237, retroactively modifies the *U.S. Code* to raise the limit on overtime pay in calendar 2024 for the USSS personnel that performed protective duties in calendar 2024, requires an analysis on operational demands placed on USSS personnel by the increases in the Service's protection mission, and allows additional USSS appropriations to be used for overtime pay.

Other Administration-Proposed Changes[11]

Deletions

The Administration proposed deleting 10 Title II provisions, nine of which had been in effect for FY2025. Five are included above in the list of deleted sections (FY2025 Sections 209, 211, 212, 213, and 227):

FY2025 Section 207: Included since FY2014 in annual appropriations,[12] this administrative provision restricted DHS from studying or implementing a border crossing fee at land ports of entry.

This provision was:

- proposed for deletion in the FY2026 request;
- included in both House Appropriations Committee-reported and House-passed bills; and
- retained in the FY2026 measure as Section 204.

FY2025 Section 210: Included in an FY2019 border security supplemental,[13] and since FY2020 in annual appropriations,[14] this administrative provision restricted the ability of DHS to reduce vetting operations at existing locations unless specifically authorized by law.

This provision was:

- proposed for deletion in the FY2026 request;
- included in both House Appropriations Committee-reported and House-passed bills; and
- retained in the FY2026 measure as Section 206.

[10] Some information on Force Design 2028 is available at https://www.uscg.mil/Leadership/Commandants-Initiatives/ForceDesign2028/.

[11] FY2026 Appendix.

[12] It first appeared as a proviso in CBP's annual Salaries and Expenses appropriation (P.L. 113-76), then as an administrative provision beginning in FY2017 (P.L. 115-31, Division F, §208).

[13] P.L. 116-26, §305.

[14] P.L. 116-93, Division D, §211.

FY2025 Section 223: Included since FY2008 in annual appropriations measures,[15] this administrative provision barred the use of funds to reduce the USCG Operations Systems Center's mission or its staffing levels.

This provision was:

- proposed for deletion in the FY2026 request;
- not included in the House Appropriations Committee-reported bill but included in the House-passed bill; and
- retained in the FY2026 measure as Section 215.

FY2025 Section 224: Included since FY2008 in annual appropriations measures,[16] this administrative provision barred the use of funds in the bill to contract out the work of the National Vessel Documentation Center.

This provision was:

- proposed for deletion in the FY2026 request;
- not included in the House Appropriations Committee-reported bill but included in the House-passed bill; and
- retained in the FY2026 measure as Section 216.

FY2025 Section 225: Included in some form since FY2007 in annual appropriations measures,[17] this administrative provision allowed funds to be used to alter operations in the USCG Civil Engineering Program but barred the reduction of operations within any civil engineering unit except as specifically authorized in a subsequently enacted law.

This provision was:

- proposed for deletion in the FY2026 request;
- not included in the House Appropriations Committee-reported bill but included in the House-passed bill; and
- retained in the FY2026 measure as Section 217.

Modification

The Administration proposed modifying three Title II administrative provisions. Two of these provisions were deleted and are listed above with their proposed modifications (Sections 213 and 216).

[15] It first appeared as a general provision in the FY2008 DHS appropriations act (P.L. 110-161, Division E, §548), then as an administrative provision beginning in FY2017 (P.L. 115-31, Division F, §220).

[16] It first appeared as a general provision in the FY2008 DHS appropriations act (P.L. 110-161, Division E, §549), then as an administrative provision beginning in FY2017 (P.L. 115-31, Division F, §221).

[17] It first appeared as a general provision in the FY2007 DHS appropriations act (P.L. 109-295, §552), as a complete restriction on the use of funds to alter or reduce operations within the Civil Engineering Program until the appropriations committees approved a plan for such changes. A general provision in a supplemental appropriations measure altered the restriction, barring the use of funds for such changes until enactment of a law authorizing them and indicating that the restriction applied to funds provided in "this or any other Act" (P.L. 110-28, §6403). In the FY2009 DHS annual appropriations measure, the language changes to specifically allow alteration of operations but not reduction of operations within any unit until specifically authorized by a subsequent act (P.L. 110-329, Division D, §524). It became an administrative provision in FY2017 (P.L. 115-31, Division F, §222).

FY2025 Section 220: Included since FY2020, this administrative provision requires the administrator of the TSA to submit to certain congressional committees a single report that fulfills the requirements of a Capital Investment Plan, a five-year technology investment plan, and an Advanced Integrated Passenger Screening Technologies report within a certain amount of time.

The Trump Administration proposed dropping language that had been added to the description of the Capital Investment Plan in the FY2023 act that required it to be "both constrained and unconstrained."[18] The modification was not included in any iteration of the measure.

Addition

Proposed Section 223: The Administration proposed restoring an administrative provision that would provide greater flexibility for the USCG to reprogram certain funds: up to $10 million each in its Operations and Support appropriation to or from its Military Personnel category and between its Field Operations funding subcategories. The former flexibility was first provided in FY2014 and the latter was added in FY2022.[19] The provision did not appear in the FY2024 DHS appropriations act. The section was not included in any iteration of the FY2026 measure.

Protection, Preparedness, Response, and Recovery Administrative Provisions (Title III)[20]

Title III of annual DHS appropriations measures currently covers appropriations for

- the Cybersecurity and Infrastructure Security Agency (CISA); and
- Federal Emergency Management Agency (FEMA).

Title III of the FY2024 act had included 11 administrative provisions, all which were carried forward by the FY2025 full-year CR. The FY2026 act includes 14 administrative provisions for Title III: Two provisions were modified, and three provisions were added.

Modifications

FY2025 Section 303: Included in some form since FY2004 (the first annual DHS appropriations act), this administrative provision provided a timeline for the application process for several preparedness grants funded through FEMA's Federal Assistance appropriation. The original provision, a proviso in the State and Local Programs appropriation for the Office for Domestic Preparedness, required the agency to meet a timeline for formula-based grants and law enforcement terrorism prevention grants.[21] The Administration proposed deleting this section.

[18] The Biden Administration had made a similar proposal in its FY2024 and FY2025 requests.

[19] The Military Personnel flexibility was the final proviso under the USCG Operating Expenses appropriation in P.L. 113-76. It became an administrative provision in FY2017 (P.L. 115-31, Division F, §219). The Field Operations flexibility first appeared in the FY2022 act (P.L. 117-103, Division §224).

[20] CRS analysis of Office of Management and Budget, Fiscal Year 2026 Budget of the U.S. Government: Appendix, May 30, 2025, pp. 498-499, https://www.govinfo.gov/content/pkg/BUDGET-2025-APP/pdf/BUDGET-2025-APP.pdf (hereinafter, FY2025 Appendix); P.L. 119-4, Division A; P.L. 118-47, Division C; and House Appropriations Committee (HAC)-reported H.R. 4213.

[21] Appropriations language became more specific as to grant funding levels over time, and the direction to (what had become) FEMA took on its current general structure in the FY2012 act (P.L. 112-74). The proviso became an administrative provision in the FY2017 act (P.L. 115-31, §304).

This provision was retained as FY2026 Section 303, and a subsection was added reducing FEMA's Operations and Support appropriation by $100,000 each day past the 60-day requirement that grant applications are not made available to qualified applicants as required by this section.

FY2025 Section 304: Included since FY2017, this administrative provision required FEMA to brief the appropriations committees on the award of certain preparedness grants at least five business days prior to the public announcement of the award. In FY2023, the provision was modified to add a reduction of the FEMA Operations and Support appropriation should FEMA announce such grant awards without meeting that requirement. The Trump Administration proposed not including the reduction clause.[22]

This provision was retained as FY2026 Section 304, and the scope of the covered grants expanded to include Regional Catastrophic Preparedness Grants. The reduction subsection was modified to add a technical fix to ensure better accounting for any such reduction.

Additions

FY2026 Section 312: This new administrative provision provides that most of the grant program funded through FEMA's Federal Assistance appropriation have a period of performance between three and five years.[23]

FY2026 Section 313: This new administrative provision requires the FEMA administrator to publicly post any request for reimbursement under public or individual assistance not more than 90 days after FEMA has received the request and not more than 60 days after the request is under final review by DHS.

FY2026 Section 314: This new administrative provision bars the use of funds to pause a grant or training funded under FEMA's Federal Assistance appropriation without notifying the appropriations committee 10 days in advance.

Other Administration-Proposed Changes

Deletions

FY2025 Section 307: Included in some form in DHS appropriations legislation since the FY2011 full-year CR,[24] this administrative provision waives certain requirements of the Staffing for Adequate Fire and Emergency Response grant program.[25] After FY2015, this provision did not appear for two years but returned in FY2018, allowing, but not requiring, FEMA to grant waivers of requirements that such grants

- be used to hire additional, new firefighters,
- meet a certain level of cost sharing,
- only be provided for a limited period of time,
- not be allowed to supplant other nonfederal funding, and

[22] The Biden Administration proposed a similar change in FY2025, which was not adopted.

[23] "Period of performance" is the time frame under which a grant recipient can make obligations under a grant award.

[24] P.L. 112-10, §1633.

[25] Waivers of Staffing for Adequate Fire and Emergency Response (SAFER) Act requirements first appeared in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5, §603), waiving matching requirements for grants. A legislative history of the waiver provisions is available in CRS Report RL33375, *Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program*, by Lennard G. Kruger and Jill C. Gallagher.

- include requirements that recipients maintain a certain level of funding for fire services and emergency response (also known as "maintenance of expenditure" or "maintenance of effort"),

The Administration proposed deleting this provision, but it was retained as FY2026 Section 307.

FY2025 Section 309: Included since FY2021, this administrative provision allows FEMA to grant waivers of the matching and maintenance of expenditure requirements of the Assistance to Firefighters Grant Program.[26] These waivers are usually granted for communities facing economic hardship.

The Administration proposed deleting this provision, but it was retained as FY2026 Section 309.

Administration-Proposed Addition

Proposed Section 309: This new administrative provision would extend the requirements of the State and Local Cybersecurity Grant Program, which had been set to expire at the end of FY2025, through FY2026.

This extension was provided in P.L. 119-75 and thus was not included in P.L. 119-86.

Research, Development, Training, and Services Administrative Provisions (Title IV)[27]

Title IV of annual DHS appropriations measures currently covers appropriations for

- U.S. Citizenship and Immigration Services (USCIS);
- Federal Law Enforcement Training Centers (FLETC);
- the Science and Technology Directorate (S&T); and
- the Countering Weapons of Mass Destruction Office.[28]

There were seven administrative provisions included at the end of Title IV of the FY2024 act, all of which were in effect for FY2025 under the terms of the FY2025 full-year CR. The FY2026 act also included seven administrative provisions, with no substantive changes.

Administration-Proposed Changes

The Trump Administration proposed seven administrative provisions for Title IV of the FY2026 Act, making no substantive changes from the FY2024 act.

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[26] 15 U.S.C. §2229. The language broadens existing waiver authority already provided in subsection (k).

[27] CRS analysis of Office of Management and Budget, Fiscal Year 2026 Budget of the U.S. Government: Appendix, May 30, 2025, pp. 498-499, https://www.govinfo.gov/content/pkg/BUDGET-2025-APP/pdf/BUDGET-2025-APP.pdf (hereinafter, FY2025 Appendix); P.L. 119-4, Division A; P.L. 118-47, Division C; and House Appropriations Committee (HAC)-reported H.R. 4213.

[28] The FY2026 budget request proposed eliminating this component, and the House Appropriations Committee-reported bill endorsed that action.

Departmental Management, Intelligence, Situational Awareness and Oversight Administrative Provisions (Title I)[29]

Title I of annual DHS appropriations measures currently covers appropriations for

- the Office of the Secretary and Executive Management;
- the Management Directorate;
- Intelligence, Analysis, and Situational Awareness; and
- the OIG.

There were six administrative provisions included at the end of Title I of the FY2024 act, all of which were in effect for FY2025 under the terms of the FY2025 full-year CR. The FY2026 act included nine administrative provisions: One provision was modified, and three were added.

Modification

FY2026 Section 102: This long-standing administrative provision, requiring a monthly budget and staffing report to the appropriations committees for the department, was modified in the enacted measure to note that the initial report for the fiscal year was to provide the baseline for staffing changes under Section 503 of the act. This baseline had previously not been explicitly stated in legislative language.

Additions

FY2026 Section 107: This new administrative provision, first appearing as HAC Section 107, bars the use of funds by the DHS Office of Intelligence and Analysis from conducting "covered activities," which were defined by reference as:

- conducting an interview with anyone with a pending criminal case without the consent of the interviewee after they have consulted with counsel;
- intelligence collection targeting journalists in the performance of journalistic functions; or
- conducting an interview for intelligence collection with a United States person absent a reasonable belief based on fact and circumstances that the person may possess significant foreign intelligence.

This effectively continued a restriction put in place for FY2025 by the Intelligence Authorization Act for Fiscal Year 2025.[30]

FY2026 Section 108: This new administrative provision requires quarterly reports to the appropriations committees from the DHS Office of Inspector general on oversight of DHS funding in P.L. 119-21 (including a review of spending plans and a summary of audits being conducted) as well as an annual comprehensive report that is to include recommendations.

FY2026 Section 109: This new administrative provision provides an additional $20 million to the Office of the Secretary for procurement, deployment, and operations of body-worn cameras for

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[29] CRS analysis of Office of Management and Budget, Fiscal Year 2026 Budget of the U.S. Government: Appendix, May 30, 2025, pp. 498-499, https://www.govinfo.gov/content/pkg/BUDGET-2025-APP/pdf/BUDGET-2025-APP.pdf (hereinafter, FY2025 Appendix); P.L. 119-4, Division A; P.L. 118-47, Division C; and House Appropriations Committee (HAC)-reported H.R. 4213.

[30] P.L. 118-159, Division F, §6303.

law enforcement officers working in immigration enforcement. It also required a spending plan within 30 days of enactment.

Other Administration-Proposed Changes

Deletion

FY2025 Section 106: Carried since FY2022, this administrative provision required the DHS Under Secretary for Management to report to the appropriations committees on new pilot or demonstration programs before DHS could obligate money from the act for them. To trigger the reporting, the program would need to use more than 10 full-time equivalents (FTE) or $5 million, with some exceptions provided for IT contract work and programs specifically directed by Congress.

This provision was retained as FY2026 Section 106.

General Provisions (Title V)[31]

As noted earlier, Title V of the annual DHS appropriations act has historically contained general provisions, the impact of which may reach across the government, apply to the entire department, affect multiple components, or focus on a single activity. Title V often includes provisions that make additional appropriations and others that make rescissions—cancellations of previously provided but unobligated budget authority. They reduce the net budget authority provided by the bill, lowering its "score" against budget allocations and statutory budget limits. Traditionally, they are found at the end of Title V of the DHS Appropriations Act. As they are distinct in form and function from the policy provisions of Title V, those provisions are addressed separately at the end of the section.

The FY2024 act had included 51 general provisions, 47 of which were carried forward by the FY2025 full-year CR.[32] The FY2026 act included 49 general provisions: 11 FY2024 provisions were deleted, five were modified, and nine were added.

Some Provisions Are More General Than Others

There are general provisions not included in this report that affect DHS; their effect is so broad they cover the entire federal government. Title VII of the Financial Services and General Government Appropriations Act includes these broad general provisions, which address a range of issues.

Deletions

FY2025 Section 539: This general provision was a one-time amendment of the authorization of the DHS Nonrecurring Expenses Fund, which had been established in the FY2022 DHS appropriations act to help fund DHS information technology and facilities improvements through

[31] CRS analysis of Office of Management and Budget, Fiscal Year 2026 Budget of the U.S. Government: Appendix, May 30, 2025, pp. 498-499, https://www.govinfo.gov/content/pkg/BUDGET-2025-APP/pdf/BUDGET-2025-APP.pdf (hereinafter, FY2025 Appendix); P.L. 119-4, Division A; P.L. 118-47, Division C; and House Appropriations Committee (HAC)-reported H.R. 4213.

[32] Several of the anomalies that affected DHS in the FY2025 full-year CR were similar in structure and function to previous general provisions. The structure and function of the CR does not distinguish between what might otherwise be considered administrative or general provisions. Therefore, CR sections are not included in the tally of DHS provisions.

reuse of unobligated balances of expired appropriations.[33] It required the passage of the full-year appropriation measure for DHS before resources in the fund could be used in a given year, and require advance notification to the appropriations committees for the use of fund resources. As the amendment was made in FY2024, this provision had no further effect.

FY2025 Section 542: This general provision, new in the FY2024 DHS appropriations act, required $5 million to be transferred to ICE Operations and Support for necessary operations of the Blue Campaign, a national anti-human-trafficking initiative.

This general provision was not included in the FY2026 enacted measure, as there was no funding for ICE in P.L. 119-86.

Five general provisions included in the FY2024 act with rescissions and score-reducing directions were specifically not carried forward by the FY2025 full-year CR, and similar provisions were not included in the FY2026 act:

- **FY2024 Section 543:** rescissions of emergency funding;
- **FY2024 Section 544:** rescissions of unobligated balances of operations and support appropriations that were extended by Section 505 of the DHS appropriations act rather than being allowed to expire;
- **FY2024 Section 545:** rescission of nonrecurring expenses funding; and
- **FY2024 Sections 546 and 547:** rescissions of various DHS and non-DHS funding and repurposing of unobligated balances to offset costs.

FY2024 Sections 548-551 included technical fixes to other enacted legislation unrelated to DHS and were not carried forward in the FY2025 full-year CR or included in the FY2026 act.

Modifications

FY2025 Section 507: This general provision, included in every DHS appropriations act since the establishment of the Department, sets advance notification requirements for DHS grant and contract awards. Subsection (a) was modified to include grants from the Disaster Relief Fund in excess of $100,000. It also reduced the size of covered contracts from $4 million to $2 million, and covered task or delivery orders using multiyear funds from $10 million to $5 million. Subsection (b) allows the advance notification requirement to be set aside so long as the appropriations committees are notified after the fact: The subsection was modified to shorten the length of time for such notification to be provided from five business days to three.

FY2025 Section 513: This general provision first appeared in FY2007 and bars the use of funds to carry out departmental reorganization under Section 872 of the Homeland Security Act[34] unless explicitly authorized by Congress. In FY2022, an exception was included in the provision to allow a specific reorganization of certain functions that had been under the Countering Weapons of Mass Destruction Office (CWMD). The Administration proposed an exception to allow for the complete dismantling of that office and transferring its functions and resources to other elements of DHS.

The modified provision was included as FY2026 Section 513 with specific directions in the explanatory statement for the distribution of CWMDs programs and resources included in the law by reference.

[33] P.L. 117-103, Division F, §538.

[34] 6 U.S.C. 452.

FY2025 Section 524: This general provision, requiring public posting of reports provided by DHS to the appropriations committees, was modified to suspend DHS's authority to transfer or reprogram funds if the requirements of the section are not met. The provision first appeared in the FY2024 DHS appropriations act.[35]

The modified provision was included as FY2026 Section 524.

FY2025 Section 525: This general provision, first included in the FY2919 DHS appropriations act,[36] allows a certain amount of Operations and Support appropriations to be used for minor procurement, construction, and improvements. The modification raises the threshold for "minor" activities from $2 million to $4 million for real property.

The modified provision was included as FY2026 Section 525.

FY2025 Section 538: This general provision, first included in the FY2023 DHS appropriations act,[37] required the Secretary to develop and share bimonthly estimates on noncitizens anticipated to arrive at the U.S.-Mexico border and use those estimates to inform policymaking and budget processes. If the reporting requirements are not met, DHS's authority under Section 503 to transfer and reprogram funds would be suspended until the reports are provided. The section was proposed for elimination by the Administration.

A modified version of the provision was included in the FY2026 act as Section 537:

- Reports on estimated border arrivals are to be provided monthly rather than bimonthly; and
- Estimates are to be made of anticipated arrivals of "migrants" as opposed to "noncitizens."

Additions

FY2026 Section 538: This new general provision requires monthly estimates of the number of individuals anticipated to be detained and removed from the United States. If the reporting requirements are not met, DHS's authority to transfer or reprogram funds would be suspended. This is structurally similar to FY2025 Section 538, described above.

FY2026 Section 541: This new general provision imposes a $100,000 daily reduction on certain funding for the Office of the Secretary and Executive Management for every day when

- the statutory deadline for filing the monthly report on Disaster Relief Fund activity is missed; or
- the number of requests for disaster assistance reimbursement from declared disasters for individual or public assistance that have been in "final review" for more than 60 days exceeds 500.

FY2026 Section 542: This general provision extends, through FY2026, a COVID-19 pandemic-era authority for medical personnel working for DHS to practice medicine (as part of their federal duties) anywhere in the country, as long as they have a current, valid license, and are not affirmatively excluded from practicing. This authority was initially granted by the CARES Act and was extended through general provisions in FY2022 and FY2023.[38]

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35 P.L. 118-47, Division C, §524.

36 P.L. 116-31, Division A, §528.

37 P.L. 117-328, Division F, §545.

38 P.L. 116-136, §16005; P.L. 117-103, Division F, §541; P.L. 117-328, Division F, §543.

FY2026 Section 543: This new general provision indicates that statutory funding directions for classified appropriated amounts are included in a classified annex accompanying the bill.

FY2026 Section 544: This new general provision authorizes the Director of National Intelligence, with the approval of the DHS Secretary and OMB, to transfer funds for the National Intelligence Program under the transfer and reprogramming authorities and limits in Section 503 of the FY2026 DHS appropriations act.

FY2026 Section 545: This new general provision requires an obligation plan for all appropriations for DHS and fee revenues retained by DHS pursuant to P.L. 119-21, the FY2025 reconciliation act.

FY2026 Section 547: This new general provision provides a $30 million supplemental appropriation for security for Supreme Court Justices.

FY2026 Section 548: This new general provision provides a $140 million supplemental appropriation for a pay raise for air traffic controllers.

FY2026 Section 549: This new general provision bars funds provided in the bill from being transferred to CBP Operations and Support for Border Security Operations.

Other Administration-Proposed Changes

Deletions

FY2025 Section 527: This general provision, which first appeared in the FY2019 DHS appropriations act in a slightly different form,[39] prevents DHS from blocking oversight visits to immigration detention facilities by Members of Congress or their designated staff.

This section was included as FY2026 Section 546.

FY2025 Section 531: This general provision, which first appeared in DHS annual appropriations acts in FY2021,[40] required the DHS Under Secretary for Management to submit an unfunded requirements list to the appropriations committees for any activities funded as a part of the defense budget function.

This section was included as FY2026 Section 530.

FY2025 Section 533: This general provision, which first appeared in DHS annual appropriations acts in FY2022,[41] requires DHS components applying to the Technology Modernization Fund for resources to provide information to the appropriations committees on their proposals and for the Technology Modernization Fund to report as well, including copies of the proposal and interagency agreements, as well as plans for repayment.

This section was included as FY2026 Section 532.

FY2025 Section 534: This general provision, first included in the FY2017 DHS appropriations act,[42] required the Administration to identify discretionary offsets when legislatively unauthorized fee increase proposals are made in the budget request to support current activities, despite the prospective nature of those additional revenue sources.

[39] P.L. 116-6, §532.

[40] P.L. 115-31, Division F, §544.

[41] P.L. 117-103, Division F, §539.

[42] P.L. 115-31, Division F, §532.

This section was included as FY2026 Section 533.

FY2025 Section 537: This general provision, first included in the FY2012 DHS appropriations act,[43] prohibited the use of funds for the transfer or release of certain individuals detained at U.S. Naval Station Guantanamo Bay, Cuba, into or within the United States.

This section was included as FY2026 Section 536.

FY2025 Section 540: This general provision, new in the FY2024 DHS appropriations act, required alternatives and cost-benefit analyses before the Secretary of DHS could request assistance from the Department of Defense for border security operations. It also required reporting to appropriations committees on the support requested, analyses, and operational impact on DHS operations.

This section was included as FY2026 Section 539.

Modifications

FY2025 Section 503: This section is one of the original general provisions included in the annual DHS appropriations bill since FY2004.[44] The Administration proposed removing restrictions on transfers (moving budget authority between appropriations) and reprogrammings (changing the distribution of budget authority between programs, projects, and activities [PPAs] within an appropriation) that were added in the FY2024 act. The additional restrictions prevented the use of transfers or reprogrammings to change grant program funding levels or to create new PPAs not approved by Congress.[45] The Administration also proposed that any funds transferred to an "immigration emergency fund" established in 1986[46] remain available until expended—unlike most DHS funds, which are available only for one to five years. Such transfers have been authorized from DHS periodically since an FY2010 supplemental appropriations measure.[47]

The modification was not included.

[43] P.L. 112-74, Division D, §541. The provision was also carried in the Full Year Continuing Appropriations Act, 2010 (P.L. 112-10, Division B) as Section 1112.

[44] P.L. 108-90, §503.

[45] P.L. 118-47, Division C, §§503(d)(2) and (d)(3).

[46] P.L. 99-603, §113.

[47] P.L. 111-212, §601. The provision first appeared in an annual appropriations measure for DHS in the FY2011 full-year CR (P.L. 112-10, §1654).

Appendix A. Glossary of Abbreviations

Glossary

Acronym	Meaning
CAS	Common Appropriations Structure
CBP	U.S. Customs and Border Protection
CISA	Cybersecurity and Infrastructure Security Agency
CR	Continuing Resolution
CRS	Congressional Research Service
DHS	U.S. Department of Homeland Security
DRF	Disaster Relief Fund
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Centers
FTE	Full-Time Equivalents
HAC	House Appropriations Committee
ICE	U.S. Immigration and Customs Enforcement
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSEM	Office of the Secretary and Executive Management
O&S	Operations and Support
PC&I	Procurement, Construction, and Improvements
R&D	Research and Development
S&T	Science and Technology Directorate
SAC	Senate Appropriations Committee
TSA	Transportation Security Administration
USCG	U.S. Coast Guard
USSS	U.S. Secret Service

Appendix B. Enacted Changes to Appropriations Language

Although administrative and general provisions provide most of the direction to DHS in the appropriations measure, if the language of the appropriations themselves changes, it may have an effect on the way the department does its business. From FY2024 to the FY2026 process, a handful of such changes were proposed by the President in the FY2026 budget request, and some were enacted in the FY2026 act (P.L. 119-86).

Title II

U.S. Customs and Border Protection

Operations and Support (O&S)

- The Administration proposed dropping transfers to FEMA for the Shelter and Services Program and to the Bureau of Indian Affairs for repairing roads on reservations used by the U.S. Border Patrol. The transfers were not included in P.L. 119-86.

Procurement, Construction, and Improvements (PC&I)

- Three-year funding was provided for this account, rather than a mixture of three-year and five-year funding.[48]
- A provision was added that specified that the amount provided was for the purposes outlined in the explanatory statement.

U.S. Immigration and Customs Enforcement

No appropriations were provided in P.L.119-86 for ICE.

PC&I

- The Administration proposed three-year funding for this account, rather than a mixture of three-year and five-year funding.

U.S. Coast Guard

O&S

- The Administration proposed dropping language making a portion of the funding available for obligation for three years. The language was retained.
- The limit on purchase or lease of passenger motor vehicles was increased from 25 to 30.

[48] Appropriations are generally available for obligation for a certain period of time, usually from one to five years. After that time, the appropriation is "expired" and no longer available for obligation except in special circumstances. For example, most Operations and Support appropriations are "one-year" money, expiring at the end of the fiscal year for which they were provided. For additional information, see CRS In Focus IF12329, *Expiration and Cancellation of Unobligated Funds*, by Taylor N. Riccard.

- The language setting aside funding for depot level maintenance in P.L. 119-86 no longer specifies that it is for "vessel depot level maintenance."

Research and Development (R&D)

- The Administration proposed dropping "maintenance, rehabilitation, lease, and operation of facilities and equipment" as an explicitly acceptable use of the appropriation. The language was retained.

U.S. Secret Service

O&S

- A portion of the appropriation was provided as three-year money, as well as portions provided for one- and two-year periods.

PC&I

- A mixture of three-year and five-year funding was provided for this account, rather than just three-year funding.

Title III

Cybersecurity and Infrastructure Security Agency

O&S

- A provision was added that specified that the amount provided was for the purposes outlined in the explanatory statement.
- A provision was added specifying that funding for the National Infrastructure Simulation Analysis Center would be available for two years, rather than one year.

PC&I

- A provision was modified, specifying that funding would be available for three years, rather than two.

Federal Emergency Management Agency

O&S

- A provision was added setting aside funding for the Emergency Management Assistance Compact.

Federal Assistance (FA)

- The Administration proposed removing the set-aside for the Tribal Homeland Security Grant Program Security Grant program. The set-aside was retained.
- The Administration proposed removing the requirement of an even split in the Nonprofit Security Grant Program between high-risk urban areas and other areas. The requirement was retained.

- The Administration proposed adding a 25% nonfederal cost share for each grant awarded under the State Homeland Security Grant Program, Urban Area Security Initiative, Public Transportation Security Assistance, Railroad Security Assistance, and Over-the Road Bus Security Assistance programs. No cost share was added.
- The Administration proposed eliminating funding for Regional Catastrophic Preparedness Grants, the Emergency Food and Shelter Program, and the Next Generation Warning System. The grant programs were funded.
- Language was added specifying, in statute, funding levels for the institutions, programs, and activities funded through the portion of the appropriation set aside for training, exercises, technical assistance, and other programs.

Disaster Relief Fund (DRF)

- The Administration proposed authorizing a $3 million transfer from the DRF to the Disaster Assistance Direct Loan Program Account to pay the administrative expenses of the Community Disaster Loan Program. The transfer was not included.

Title IV

U.S. Citizenship and Immigration Services

O&S

The Administration proposed removing funding for Refugee and International Operations Programs and backlog reduction, as well as a limitation on the use of funded for official reception and representation expenses. While the provisions regarding programming were removed, the limitation on the use of funds for official reception and representation expenses was retained.

Countering Weapons of Mass Destruction Office

The Administration proposed dismantling the office, and Congress agreed, so appropriations for the component no longer appear in the measure.

Title I

Office of the Secretary and Executive Management

O&S

- The Administration proposed dropping a proviso that would withhold $5 million until DHS submits responses to all questions for the record on the budget submission from hearings held before July 1. The provision was retained.
- A provision was added that specified that the amount provided was for the purposes outlined in the explanatory statement.
- A provision was added clarifying that the multiyear funding provided was for Management and Oversight, specifically for the Office of Health Security.

Management Directorate

O&S

- The Administration proposed dropping "vehicle modernization" as an explicitly acceptable use of the appropriation. The language was retained.
- A provision was added that specified that the amount provided was for the purposes outlined in the explanatory statement.

PC&I

- Rather than the appropriation being divided between two-year and four-year periods of availability, the entire appropriation is available for obligation for two fiscal years.

Office of Inspector General

O&S

- New provisions set aside $20 million for inspection and oversight of detention facilities and $12.8 million for oversight of execution of funding provided in P.L. 119-21.

Appendix C. Evolution of Administrative and General Provisions in the DHS Appropriations Act

The structure of the annual DHS appropriations act has evolved significantly since its initial development in the FY2004 cycle.

Initial appropriations structures were not consistent across the bill, and departmental reorganizations shifted parts and responsibilities across the department. Even so, some of the original general provisions from the FY2004 act are included in the current annual appropriations act.

The overall structure of the department stabilized with the FY2008 act, and for a decade, the structure of the bill was relatively stable from year to year. With the enactment of the FY2017 act, two major changes occurred: a common appropriations structure was applied over almost all of the DHS components; and directive language was shifted from individual appropriations provisos and some Title V General Provisions into groups of "administrative provisions" at the end of each title. The structure of the bill has remained relatively consistent since.

The following appendix looks at each of these years—FY2004, as the first year; FY2008, as the year after the last wave of secretarial reorganization; and FY2017, as the first year of the Common Appropriations Structure and administrative provisions—to highlight where many of the long-standing provisions of the DHS appropriations act originated.[49]

The First DHS Appropriations Act: FY2004

The first annual appropriations measure for DHS was passed by Congress a week before the beginning of its fiscal year. Initial budget justification materials presented to Congress were minimal, but the bill moved relatively quickly and passed with near-unanimity.

While the titles of the DHS appropriations measure have changed slightly, and several components have been reorganized, the general structure of the titles of the measure has remained consistent:

- **Title I – Departmental Management and Operations**—headquarters functions;
- **Title II – Security, Enforcement, and Investigations**—law enforcement operational components;
- **Title III – Preparedness and Recovery**—FEMA and related functions;
- **Title IV – Research and Development, Training, Assessments, and Services**—specialized components; and
- **Title V – General Provisions**.

Appropriations Titles I-IV

Within the first four titles, however, component appropriations were structured differently. New components, like DHS headquarters and management functions, and the U.S. Visitor and Immigrant Status Indicator Technology project received single appropriations. Others, like USCG, received appropriations in structures paralleling what they had received in FY2003. New

[49] P.L. 108-90, P.L. 110-161, and P.L. 115-31, respectively.

major components—CBP and ICE—generally followed the structure of legacy Customs Service appropriations.

These appropriations included direction to the individual components through provisos within the statement of appropriations themselves, rather than as administrative or general provisions. Some of these were statutory directions to use certain amounts for certain activities, such as facilities improvements, while others were prohibitions on the use of funds, such as prohibitions on construction of border checkpoints. Some appropriations were withheld until certain conditions were met, such as providing a spend plan to the appropriations committees that met certain parameters. Administrative provisions were included in some appropriations measures at the time, often providing direction across multiple appropriations, but no such provisions appeared in the initial DHS appropriations act.

In what was standard practice for the time, rescissions, or cancellation of previously appropriated budget authority were included immediately after the statement of appropriations for the target account.

General Provisions

Twenty-one general provisions were included in the initial DHS appropriations act, and eight continue to be carried forward each year as general provisions in the annual act:

- **FY2004 Section 501**—Budget authority provided by the act is not available after the fiscal year unless the bill specifically provides for it (FY2026 Section 501);
- **FY2004 Section 502**—Budget authority provided in prior acts for activities funded in this act may be transferred to and merged with funds in the applicable accounts (FY2026 Section 502);
- **FY2004 Section 503**—Establishes parameters for reprogrammings and transfers of budget authority in the bill (a modified version continued as FY2026 Section 503);
- **FY2004 Section 504**—Authorizes continued availability of up to 50% of unobligated salaries and expenses balances at the end of the fiscal year to be used in the following fiscal year (FY2026 Section 505);
- **FY2004 Section 508**—Deems funding for intelligence programs to be authorized until an intelligence authorization act for the fiscal year was signed into law (a modified version continued as FY2026 Section 506);
- **FY2004 Section 510**—Requires advance notice of grant awards (an expanded version continued as FY2026 Section 507);
- **FY2004 Section 511**—Blocks other agencies from building new federal law enforcement training facilities separate from existing ones without prior approval of the appropriations committees (FY2026 Section 508);
- **FY2004 Section 516**—Requires certain construction projects to have an approved prospectus to be funded (FY2026 Section 509); and
- **FY2004 Section 518**—No funds in the bill may be used in contravention of the Buy American Act (a modified version continued as FY2026 Section 511).

Several of these general provisions were one-time provisions that provided authorizations or restrictions beyond FY2004, or converted structure and functions of formerly independent components into DHS functions.

- **FY2004 Section 505**—Provided flexibility for DHS to use certain funds for specific types of purchases "in fiscal year 2004 and thereafter, unless otherwise provided"[50];
- **FY2004 Section 506**—Made the FEMA "Working Capital Fund" account available to DHS, and renamed it as "Department of Homeland Security Working Capital Fund";
- **FY2004 Section 507**—Made the FEMA "Bequests and Gifts" account available to DHS, and renamed it as "Department of Homeland Security, Gifts and Donations";
- **FY2004 Section 513**—Required customs declarations to ask "whether the passenger had been in the proximity of livestock";
- **FY2004 Sections 514 and 515**—Blocked funding for certain DHS actions that would prevent enforcement of certain laws against forced child labor,[51] or allow goods made with such labor to be brought into the country; and
- **FY2004 Section 520**—Authorized the Secretary to charge fees to pay for credentialing transportation workers.

Others provided direction to the department or its components:

- **FY2004 Section 509**—Directed FLETC to establish an accrediting body for assessing federal law enforcement training programs, facilities, and instructors;[52]
- **FY2004 Section 512**—Required the Director of FLETC to ensure all its facilities are operated at optimal capacity;
- **FY2004 Section 517**—Blocked regulations requiring airport sponsors to provide space or services to TSA without compensation other than for security checkpoints;
- **FY2004 Section 519**—Blocked deployment of a particular passenger prescreening system until GAO reported to Congress that the system met certain thresholds; and
- **FY2004 Section 521**—Directed the Secretary to get certified systems to inspect and screen air cargo on passenger aircraft, and until it is online, to use the known shipper program to prevent high-risk cargo from being carried on passenger planes.

The Post-Katrina DHS Appropriations Act: FY2008

After several years of reorganization, and the refocusing of departmental priorities through the Post Katrina Emergency Management Reform Act (PKEMRA), the structure of DHS and its funding had shifted.

The DHS Appropriations Act, 2008, was enacted in a different fashion than its predecessors. The FY2004 act was a stand-alone measure, signed into law on the first day of the fiscal year. Each of

[50] Future appropriations measures restated some of these authorities in different fashions: therefore, these should not be considered enduring authorities.

[51] As defined under Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307).

[52] This body, the Federal Law Enforcement Training Accrediting Board, was established, and has continued to receive direction from the administrative provisions under Title IV in the Department of Homeland Security Appropriations Act.

the next three years, the bill was enacted as a stand-alone measure within the first month of the fiscal year. The FY2008 act was signed into law as a division of a consolidated appropriations measure almost three months into the fiscal year. Some observers note this as an indicator of increasing challenges in passing the measure.

Appropriations Titles I-IV

The FY2008 act included several components that had not appeared in the first DHS appropriations act, as well as a reconstituted FEMA. New components are noted below, but the general structure of the titles of the measure remained, with slight changes to the names of Titles III and IV:

- **Title I—Departmental Management and Operations**—headquarters functions, now including specific appropriations for the Office of the Chief Financial Officer, the Office of the Chief Information Officer, Analysis and Operations, and Office of the Federal Coordinator of Gulf Coast Rebuilding;
- **Title II—Security, Enforcement, and Investigations**—law enforcement operational components;
- **Title III—Protection, Preparedness, Response and Recovery**—the new National Protection and Programs Directorate, the Office of Health Affairs, and the reconstituted FEMA;
- **Title IV—Research and Development, Training, and Services**—specialized components, including the Domestic Nuclear Detection Office;[53] and
- **Title V—General Provisions**

The structure of direction through appropriations provisos remained unchanged. However, rescissions now were included in the general provisions in Title V, in part because the evolved structure of the appropriations themselves did not necessarily align with the desired rescissions, which by their nature come from prior year accounts.

General Provisions—Title V

Seventy-three general provisions were included in the FY2008 DHS appropriations act. They included several sections of significant length making changes to the *U.S. Code*, including legislation on the secure handling of ammonium nitrate (Section 563), modifications to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Section 564), and modifications to the International Registered Traveler Program (Section 565). In addition, a sixth title was included in the act, containing the "Border Infrastructure and Technology Modernization Act of 2007."

Several other general provisions that are still part of the current structure of the DHS appropriations act appeared in FY2008:

- **FY2008 Section 514**—Barred funding in the bill from being used to amend the Oath of Allegiance (FY2026 Section 512);
- **FY2008 Section 515**—Blocked funding for privatization of certain jobs at USCIS (a modified version appears in the FY2026 act as Section 402);

[53] The Information Analysis and Infrastructure Protection Directorate, which had appeared in this title in FY2004, was reorganized into Analysis and Operations and the National Protection and Programs Directorate, and no longer appeared in this title in the FY2008 Act.

- **FY2008 Section 526**—Required a monthly budget and staffing report (a modified version appears in the FY2026 act as Section 102);
- **FY2008 Section 529**—Classifies FLETC instructor staff positions as inherently governmental functions (FY2026 Section 407);
- **FY2008 Section 537**—Blocks alteration of operations withing the Civil Engineering Program of the USCG absent prior legislative authorization (a modified version appears in the FY2026 act as Section 217);
- **FY2008 Section 539**—Blocked obligation of funding from DHS headquarters accounts for grants or contracts not awarded under full and open competition, with some exceptions, which require reporting (a modified version appears in the FY2026 act as Section 101, requiring reporting on such contract awards);
- **FY2008 Section 541**—Blocked the use of funding for "any position designated as a Principal Federal Official" for Stafford Act-declared incidents (a modified version appears in the FY2026 act as Section 529);
- **FY2008 Section 546**—Blocked the Secretary's authority to reorganize the Department under Section 872 of the Homeland Security Act (FY2026 Section 513);
- **FY2008 Section 548**—Blocked reductions of the USCG's Operations Systems Center mission or its staffing levels (a modified version appears in the FY2026 act as Section 215);
- **FY2008 Section 549**—Blocked funding for privatization of certain jobs at USCG National Vessel Documentation Center (FY2026 Section 216);
- **FY2008 Section 558**—Blocked CBP from preventing private individuals from importing certain prescription drugs for their personal use (FY2026 Section 227); and
- **FY2008 Section 567**—Blocked the use of funds "for planning, testing, piloting, or developing a national identification card" (FY2026 Section 514).

The Common Appropriations Structure DHS Appropriations Act: FY2017

When DHS was established in 2003, components of other agencies were brought together over a matter of months, in the midst of ongoing budget cycles. Rather than developing a new structure of appropriations for the entire department, Congress and the Administration continued to provide resources through existing account structures when possible.

At the direction of Congress, in 2014 DHS began to work on a new Common Appropriations Structure (CAS), which would standardize the format of DHS appropriations across components. This would be the most significant restructuring of DHS appropriations since its establishment. In an interim report in 2015, DHS noted that operating with "over 70 different appropriations and over 100 Programs, Projects, and Activities ... has contributed to a lack of transparency, inhibited comparisons between programs, and complicated spending decisions and other managerial decision-making."[54]

[54] Office of the Chief Financial Officer, *A Common Appropriations Structure for DHS: FY2016 Crosswalk*, U.S. Department of Homeland Security, February 2, 2015, p. 2.

After several years of work and negotiations with Congress, DHS made its first budget request in the CAS for FY2017, and implemented it while operating under the continuing resolutions funding the department in October 2016.[55] Part of the restructuring of the appropriations included the addition of administrative provisions, shifting instructions that had been included in language of specific appropriations or in general provisions into sections at the end of each title. **Table C-1** shows total general provisions and administrative provisions for enacted DHS appropriations acts since FY2015.

Table C-1. Tally of General and Administrative Provisions, FY2015-FY2026

(Annual appropriations measures)

	General Provisions	Administrative Provisions				
Fiscal Year	Title V	Title I	Title II	Title III	Title IV	Total
2015	78					78
2016	75					75
2017	44	8	28	12	9	101
2018	45	7	31	8	8	99
2019	40	6	31	9	8	94
2020	40	5	36	7	7	95
2021	42	6	35	11	7	101
2022	48	8	36	11	8	111
2023	49	8	36	11	7	111
2024	51	6	31	11	7	106
2025[a]						
2026[b]	49	9	29	13	7	117

Source: CRS analysis of enacted Department of Homeland Security (DHS) appropriations.

Note: Administrative provisions first appeared in DHS annual appropriations in the FY2017 act (P.L. 115-56, Division F).

a. In FY2025, DHS was funded through a full-year continuing resolution (CR), which essentially carried forward the terms of the administrative and general provisions from the FY2024 act (P.L. 118-47, Division C), with the exception of four general provisions and one administrative provision from Title II. FY2025 provisions are not shown, as those from FY2024 were only included by reference, and CR provisions do not meaningfully crosswalk into this analysis.

b. FY2026 DHS appropriations did not include appropriations for U.S. Border Patrol or U.S. Immigration and Customs Enforcement and therefore did not include administrative or general provisions specific to those elements of DHS.

[55] The Coast Guard, due to limitations of its financial management system, did not implement the system until FY2019.

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