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Department of Homeland Security Appropriations: FY2024 State of Play

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Introduction

FY2024 marks the 21th annual appropriations cycle with a Department of Homeland Security (DHS) appropriations measure. In six of the first seven years of its existence, the annual appropriations measure for DHS was enacted within a month of the beginning of the fiscal year it covered. Since FY2010, no annual DHS appropriations measure was enacted before two months of the fiscal year it covered had passed, and in ten of those thirteen years, three months had passed before DHS annual appropriations were enacted. Lapses in annual appropriations for the department lasting more than a week have occurred twice in this period when continuing appropriations were not provided.

This report is a quick reference for tracking the status of DHS appropriations for FY2024 from the end of the August 2023 district work period going forward.

For more in-depth analyses of the FY2024 DHS appropriations request and the House and Senate Appropriations Committee responses, see

- CRS Report R47496, *DHS Budget Request Analysis: FY2024*;
- CRS Report R47678, *Comparing DHS Component Funding, FY2024: In Brief*; and
- CRS Report R47663, *Department of Homeland Security Appropriations: FY2024 Provisions*.

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

Quick Summary: FY2024 DHS Appropriations Current Status

As of the date of publication

DHS annual appropriations were enacted on March 23, 2024, as P.L. 118-47, Division C.

- See “The FY2024 DHS Appropriations Process” for detailed legislative history.
- See “DHS Appropriations Timing” to put this information into historical context.

DHS was operating under the terms of a continuing resolution through March 22, 2024.

- See “Continuing Resolution” for technical details and legislative history.

Some advance and supplemental appropriations have been provided that are available in FY2024.

- See “Advance Supplemental Appropriations” for details on advance appropriations.
- See “Continuing Resolution Enacted” for details on other supplemental appropriations provided as the fiscal year began.

DHS Appropriations Timing

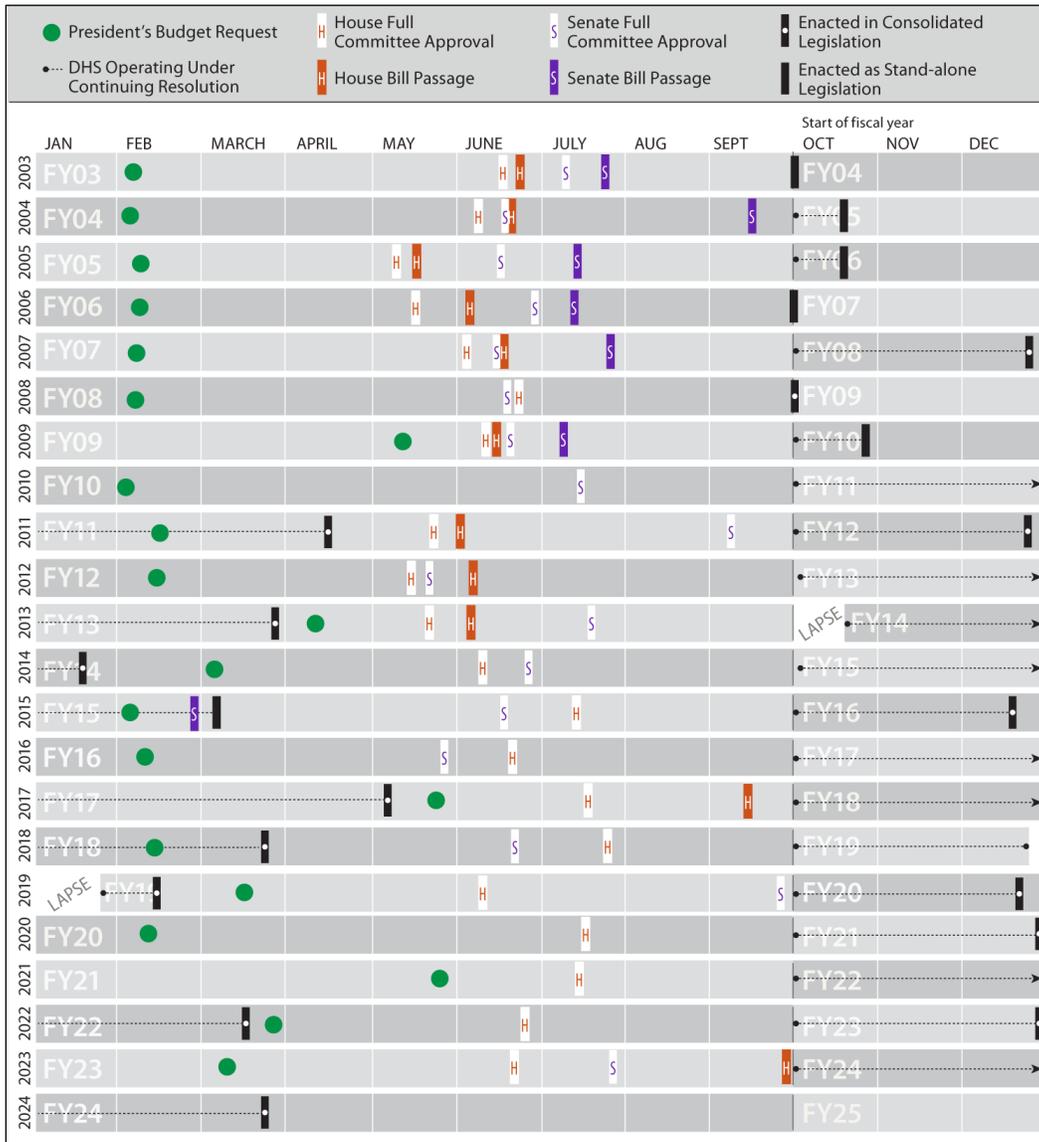
Figure 1 shows a history of the timing of the annual Department of Homeland Security Appropriations Act, since its first development in 2003 (for FY2004). Tracked actions include

- the release of the budget request (green dot);

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

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

Figure I. DHS Appropriations Process Timing, FY2004-FY2024



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

Notes: Final action on annual appropriations for FY2011, FY2013-FY2015, FY2017-FY2019, FY2022, and FY2024 occurred after the beginning of the new calendar year. The FY2019 lapse began in December 2018, and a three-day lapse in January of FY2018 and an hours-long lapse in February of that same year are not displayed due to limitations of scale. A series of measures extended continuing appropriations for DHS through March 22, 2024. DHS FY2024 annual appropriations were enacted March 23, 2024, as P.L. 118-47, Division C.

The FY2024 DHS Appropriations Process

Advance Supplemental Appropriations

On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) was signed into law as P.L. 117-58. Division J of the IIJA included a number of supplemental appropriations, including a total of \$7.96 billion for DHS in Title V. Four appropriations received \$6.1 billion of that total, with \$1.22 billion available in FY2022, and \$4.88 billion to be made available incrementally from FY2022 through FY2026, through a process known as advance appropriations.¹ \$1.32 billion of those advance appropriations become available in FY2024.

Table 1 lists DHS accounts with advance appropriations provided by P.L. 117-58, and includes a breakdown of amounts coming available each fiscal year, with FY2024 highlighted.

Table 1. Accounts with Supplemental and Advance Appropriations for DHS in the Infrastructure Investment and Jobs Act (P.L. 117-58)
(emergency-designated budget authority, in thousands of dollars)

Component / Appropriation / PPA	Total Provided	FY2022	FY2023	FY2024	FY2025	FY2026
Cybersecurity and Infrastructure Security Agency (CISA)						
Cybersecurity Response and Recovery Fund	100,000	20,000	20,000	20,000	20,000	20,000
Federal Emergency Management Agency (FEMA)						
Federal Assistance						
Section 205 Grants (for establishing hazard mitigation revolving loan funds)	500,000	100,000	100,000	100,000	100,000	100,000
Grants For Cybersecurity and Critical Infrastructure	1,000,000	200,000	400,000	300,000	100,000	0
Disaster Relief Fund (for Building Resilient Infrastructure and Communities grants)	1,000,000	200,000	200,000	200,000	200,000	200,000
National Flood Insurance Fund	3,500,000	700,000	700,000	700,000	700,000	700,000
TOTAL ADVANCE APPROPRIATIONS	6,100,000	1,220,000	1,420,000	1,320,000	1,120,000	1,020,000

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

Notes: PPA = program, project, or activity. Division J, Title V also included \$1.86 billion in accounts and PPAs that did not receive advance appropriations, and thus are not shown in **Table 1**.

¹ For more information on advance appropriations, see CRS Report R43482, *Advance Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations*, by Jessica Tollestrup and Megan S. Lynch.

President's Budget Request

On March 9, 2023, the Biden Administration released its annual budget request for FY2024, including a \$103.18 billion budget request for DHS. By the Congressional Budget Office's (CBO's) initial estimation, the request included \$60.37 billion in adjusted net discretionary appropriations and \$20.26 billion in disaster relief-designated funds.² The adjusted net discretionary appropriations request was \$0.31 billion less than was enacted in annual appropriations for DHS in FY2023, but also included a request for up to \$4.7 billion in contingent emergency-designated supplemental appropriations to deal with activities at the U.S.-Mexico border.

For additional analysis of the content of the FY2024 budget request for DHS, see CRS Report R47496, *DHS Budget Request Analysis: FY2024*.

House Action

On June 21, 2023, the House Committee on Appropriations (HAC) marked up H.R. 4367, its version of the Department of Homeland Security Appropriations Act, 2024. H.Rept. 118-123 was filed on June 27, 2023, providing additional direction to DHS, and including minority party views. HAC-reported H.R. 4367 included \$62.79 billion in adjusted net discretionary budget authority. This was \$2.40 billion above the level requested by the Administration (leaving aside the Administration's \$4.70 billion emergency contingency appropriations request, which was not funded in the HAC-reported bill), and \$2.09 billion above the FY2023 enacted level of annual appropriations.

On September 26, 2023, the House Rules Committee reported out H.Res. 723. This rule, which covered three other appropriations bills as well, made in order 80 amendments to H.R. 4367. The House took up the bill on September 27, 2023. Before final disposition of the last four amendments and motion to recommit, a second rule (H.Res. 730) addressing consideration of H.R. 4367 was passed, with a self-executing amendment that struck two provisions and added a third—a provision carried in prior years' consolidated appropriations measures regarding raising the limit on the number of H-2A visas issued to accommodate returning workers.³ Ultimately, 50 of the amendments made in order were adopted, all by voice vote, including 23 in an en bloc amendment. A motion to recommit the bill to the House Appropriations Committee failed on a party-line vote of 210-218, and the bill passed the House 220-208 on September 28, 2023.

Senate Committee Action

On July 27, 2023, the Senate Committee on Appropriations (SAC) marked up S. 2625, its version of the Department of Homeland Security Appropriations Act, 2024. S.Rept. 118-56 was filed the same day. SAC-reported S. 2625 included \$57.08 billion in adjusted net discretionary budget authority. This was \$3.31 billion less than the level requested by the Administration, and \$3.63 billion below the FY2023 enacted level of annual appropriations. However, the Senate bill also included \$4.3 billion in emergency-designated appropriations distributed across nine components. While this would be \$400 million less than the Administration's proposed emergency-designated

² This total evolved over the course of the process, owing in part to the changes in unobligated balances available for rescission. Any analyses in this report refer to CBO's estimates as outlined in the detail table at the end of H.Rept. 118-123.

³ See P.L. 117-328, Division O, §303.

contingency funding, this budget authority would result in a net increase of \$0.67 billion from the enacted annual level for FY2023.

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

The federal government’s fiscal year ends at midnight on September 30. As this deadline approaches, if any of the regular, full-year appropriations measures are not expected to be enacted by the end of the fiscal year, the Administration and Congress may take steps to prepare continuing appropriations legislation—known as a *continuing resolution* (CR), or, colloquially, “stopgap” funding—to extend funding for federal government operations until the unresolved appropriations measures are signed into law. CRs do not provide specific levels of budget authority to agencies. They provide *temporary* budget authority at a specified *rate for operations* (the annualized level of resources available for the period of time covered by the CR) through a fixed expiration date, or until annual appropriations are enacted. Further, the Office of Management and Budget generally apportions those resources gradually over the period of the CR, and there are certain restrictions placed on the use of that temporary budget authority beyond the most basic agency operations. The rate for operations is typically derived from the prior fiscal year’s annual appropriations measures, and the terms and conditions of those appropriations continue to apply under the CR.⁴

These steps first become visible to the public when the Administration provides Congress technical assistance on issues that would need to be addressed in the CR to avoid unintended consequences. These include necessary exceptions to that rate for operations, known as “anomalies.” The technical assistance often includes extensions of authorizations that the Administration either proposes including, or would not object to including, in a CR, in the event other legislation does not address expiring authorities in time. The Biden Administration provided technical assistance for drafting a continuing resolution, including such lists of anomalies and authorization provisions, on August 31, 2023.⁵ Congress weighs that information in formulating a CR, which is generally introduced by the House or Senate Appropriations Committee without going through a formal markup process. A CR may be considered as a stand-alone measure or attached to another bill.

A CR may only cover certain federal government agencies in cases when some annual appropriations have been enacted. For example, in FY2015, when disputes over immigration policy led to the DHS appropriations bill being pulled from a consolidated appropriations measure, for almost three months DHS was the only federal department covered by the CR.⁶

⁴ For more detailed information on continuing resolutions and how they work, see CRS Report R46595, *Continuing Resolutions: Overview of Components and Practices*, coordinated by James V. Saturno.

⁵ The lists were not available on the White House website as of the date of this report’s original publication. The lists of CR issues (hereinafter “FY2024 CR Appropriations Issues”) and authorization issues (hereinafter “FY2024 CR Authorization Issues”) can be found at https://www.crs.gov/products/Documents/FY2024_CR_anomalies_list/pdf/FY2024_CR_anomalies_list.pdf, and https://www.crs.gov/products/Documents/FY2024_CR_authorization_provisions/pdf/FY2024_CR_authorization_provisions.pdf, respectively.

⁶ P.L. 113-235, Division L.

Continuing Resolution

Proposed Anomalies and Authorization Extensions for FY2024

On August 31, 2023, the Biden Administration released technical assistance documents providing guidance to lawmakers on funding and legislative adjustments it considers necessary to avoid disruptions to a range of public services in the event of a short-term CR running through mid-December, 2023.⁷ The request included two adjustments to the rate of spending allowed under the CR to accommodate certain situations:⁸

- potential disaster activity (allowing accelerated apportionment of CR funding to support the disaster response and recovery efforts under the Stafford Act);⁹ and
- increased operational costs (allowing apportionment at a rate to maintain adequate staffing levels to support transportation security screening operations).¹⁰

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

Nine such items were included in the list of issues:¹¹

- Extension of the authority for enforcement of Chemical Facility Anti-Terrorism Standards (CFATS), which had expired on July 27, 2023;¹²
- Extension of the authorization for the National Cybersecurity Protection System (NCPS), which defends federal agencies from known cyberthreats;¹³
- Extension of the authority for the National Flood Insurance Program to issue new policies;¹⁴
- Extension of the waiver of foreign residence requirements for physicians working in underserved areas (also known as the “Conrad State 30” Program);¹⁵
- Extension of authorization for the E-Verify employment eligibility verification program;¹⁶

⁷ FY2024 CR Appropriations Issues, p. 3. https://www.crs.gov/products/Documents/FY2024_CR_anomalies_list/pdf/FY2024_CR_anomalies_list.pdf.

⁸ FY2024 CR Appropriations Issues, pp. 15-16. https://www.crs.gov/products/Documents/FY2024_CR_anomalies_list/pdf/FY2024_CR_anomalies_list.pdf.

⁹ A similar anomaly has been included in every CR starting in FY2018.

¹⁰ While this general type of anomaly has been requested before, this is the first time one has specifically and narrowly addressed transportation security screening.

¹¹ FY2024 CR Authorization Issues, p. 2. https://www.crs.gov/products/Documents/FY2024_CR_authorization_provisions/pdf/FY2024_CR_authorization_provisions.pdf.

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

¹³ 6 U.S.C. §1525(a); expires at the end of FY2023; last extended through P.L. 117-328, Division O, Title I.

¹⁴ 42 U.S.C. §4016(a) and §4026; expires at the end of FY2023; last extended through P.L. 117-328, Division AA, Title IX.

¹⁵ 8 U.S.C. §1182 note; expires at the end of FY2023; last extended through P.L. 117-328, Division O, Title III.

¹⁶ 8 U.S.C. §1324a note; expires at the end of FY2023; last extended through P.L. 117-328, Division O, Title III.

- Extension of authority to grant special immigrant status to religious workers other than ministers;¹⁷
- Providing authority to raise the cap on H-2B visas;¹⁸
- Extension of the authorization of the Countering Weapons of Mass Destruction Office of DHS—unlike other authorizations, the Office’s authorization included a specific sunset date;¹⁹ and
- Extension of authorization of overtime pay for Secret Service personnel performing protective services duty (the existing authority expires December 31, 2023).²⁰

Continuing Resolution Enacted

On September 31, 2023, a continuing resolution (P.L. 118-15) was enacted to cover the first several weeks of FY2024, expiring after November 17, 2023, or the enactment of annual appropriations, whichever happens first.

The measure uses elements of the FY2023 consolidated appropriations act (P.L. 117-328) as its basis for a rate for operations, including

- Division F (the DHS Appropriations Act, 2023);
- Division N, Title VI, Section 2602 (additional resources for customs and immigration inspections through the Immigration User Fee Account); and
- Division O, Title III (extension of several immigration elements).

Section 129 of the measure included an emergency-designated supplemental appropriation of \$16 billion for the Disaster Relief Fund (DRF). Unlike the continuing appropriations provided under Section 101, this appropriation will not expire when the continuing resolution either lapses or is superseded by annual appropriations under the terms of Section 106.²¹

The CR included three other sections related to DHS:

- **Section 128—DRF Accelerated Apportionment:** Section 128 provides that amounts made available by Section 101 for the DRF may be apportioned at a rate for operations necessary to carry out response and recovery activities under the Stafford Act.²² This anomaly ensures that funding would be available to support the federal government’s disaster response and recovery activities associated with disasters and emergency declarations in the event the DRF’s existing unobligated

¹⁷ 8 U.S.C. §1101(a)(27)(C)(ii); expires at the end of FY2023; last extended through P.L. 117-328, Division O, Title III.

¹⁸ 8 U.S.C. §1184 note; expires at the end of FY2023; last extended through P.L. 117-328, Division O, Title III.

¹⁹ December 21, 2023, per 6 U.S.C. §591(e).

²⁰ 5 U.S.C. §5547 note; last extended through P.L. 116-269.

²¹ The supplemental appropriation is technically FY2023 budget authority, but as it is designated as an emergency requirement and available until expended, the fiscal year of the appropriation is an accounting technicality.

²² 42 U.S.C. §5121 et seq.

balances are spent down while the CR is in effect. Similar anomalies have been enacted via continuing appropriations measures each year since FY2018.²³

- **Section 130—Extension of the National Flood Insurance Program:** Section 130 extends the borrowing authority for the NFIP, as well as the authority to issue new flood insurance policies. Similar extensions have been enacted in CRs since FY2018, but CRs have been used intermittently as vehicles for temporary extensions of NFIP authorities since 1998.²⁴
- **Section 131—National Cybersecurity Protection System Extension:** Section 131 extends the authorization for the National Cybersecurity Protection System (NCPS), which authorizes multiple activities by DHS to help defend federal agencies from cyberthreats. Initially provided under the Federal Cybersecurity Enhancement Act of 2015,²⁵ the authority included a specific termination seven years after enactment. This authority was extended to the end of FY2023 in the Consolidated Appropriations Act, 2023.²⁶

Also, in Division B, Section 2221 extended a joint authority for DHS and the Department of Justice (DOJ) to take action to mitigate threats posed by Unmanned Aerial Systems (UAS).²⁷ The authority, which had been set to expire on October 5, 2023, was extended through November 18, 2023.

Continuing Resolution Extensions

Extension #1

On November 16, 2023, P.L. 118-22 was enacted, which extended the expiration date of the FY2024 CR and provided additional anomalies and extensions of key legislation. Division A extended the expiration date for DHS FY2024 continuing appropriations to February 2, 2024. It also included two additional sections related to DHS:

- **Section 143—U.S. Secret Service Coverage of Non-annual Events:** Section 143 allows apportionment of the U.S. Secret Service Operations and Support appropriations “up to a rate for operations necessary to carry out activities related to National Special Security Events and the 2024 Presidential Campaign.” This anomaly ensures that funding will be available to address operational needs related to these events not included in FY2023 appropriations, and thus could be considered new activities or otherwise require resources at a faster rate than would be provided under a CR.²⁸

²³ FY2024 CR Appropriations Issues, pp. 15-16. https://www.crs.gov/products/Documents/FY2024_CR_anomalies_list/pdf/FY2024_CR_anomalies_list.pdf. Prior accelerated apportionments were provided by P.L. 115-56, Division D, §129; P.L. 115-245, Division C, §124; P.L. 116-59, §133; P.L. 116-159, §145; P.L. 117-43, §133; and P.L. 117-80, Division A, §135.

²⁴ For additional information on what expiration of the program might mean, see CRS Insight IN10835, *What Happens If the National Flood Insurance Program (NFIP) Lapses?*, by Diane P. Horn.

²⁵ P.L. 114-113, Division N, Subtitle B.

²⁶ P.L. 117-328, Division O, Title I, Section 101.

²⁷ 6 U.S.C. §124n.

²⁸ Similar flexibility was provided in P.L. 112-36 §126, the interim CR covering FY2012.

- **Section 144—Office of Countering Weapons of Mass Destruction Office:** Section 144 provides the requested extension of the expiration of the authority for the DHS Office of Countering Weapons of Mass Destruction. It has the effect of extending the expiration date from December 21, 2023 to one day after the expiration date of the CR—effectively February 3, 2024, as of the date of enactment.

Section 601 of Division B also further extended the joint counter-UAS authority for DHS and DOJ through February 3, 2024.

Extension #2

On January 18, 2024, P.L. 118-35 was enacted, which extended the expiration date of the FY2024 CR and provided additional anomalies and extensions of key legislation. Division A extended the expiration date for DHS FY2024 continuing appropriations to March 8, 2024.

Section 301 of Division B also further extended the joint counter-UAS authority for DHS and DOJ through March 9, 2024.

Extension #3

On March 1, 2024, P.L. 118-40 was enacted, Division A of which extended the expiration date for DHS FY2024 continuing appropriations through March 22, 2024.²⁹

Consolidated Appropriations

The night of March 20, 2023, House and Senate negotiators released the text of a six-measure consolidated appropriations bill, which included the Department of Homeland Security Appropriations Act, 2024 as Division C. At the same time, explanatory statements were released by the House and Senate Appropriations Committees, in lieu of a conference report.

According to the Congressional Budget Office, Division C included \$61.84 billion in budget authority for DHS, as well as \$20.26 billion in funding for the costs of major disasters under the Stafford Act. On March 22, 2024, under suspension of the rules and by a vote of 286-134,³⁰ the House passed H.Res. 1102, which deemed the consolidated package was included as an amendment to H.R. 2882, an unrelated measure. After the Senate did not agree to a number of amendments, the Senate passed House-amended H.R. 2882 by a vote of 74-24 early in the morning on March 23.³¹ The President signed it into law as P.L. 118-47 later that day.

²⁹ The joint counter-UAS authority was separately extended through May 11, 2024, by P.L. 118-41, Sec. 301.

³⁰ House Roll Call 1102, available at <https://clerk.house.gov/Votes/2024102>.

³¹ Senate Record Vote Number 114, available at https://www.senate.gov/legislative/LIS/roll_call_votes/vote1182/vote_118_2_00114.htm.

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