

LEGISLATIVE UPDATE

May 11, 2026



Washington Update

Congress returns this week for a two-week work period with budget reconciliation, federal funding, surveillance authorities, agriculture policy, and appropriations expected to dominate the agenda in both chambers.

Before recess, Congress approved legislation to fund most Department of Homeland Security agencies and programs through the remainder of fiscal year 2026, ending a partial government shutdown that had lasted 76 days. The Senate had previously passed the measure twice, and President Donald Trump signed it into law on April 30.

The House also approved the Senate budget resolution on a party-line vote after leadership held the vote open for more than five hours, officially unlocking the budget reconciliation process.

Last week, the Senate Homeland Security and Judiciary Committees released legislative text that would provide a combined \$71.7 billion in spending over three years.

The proposal includes \$38.2 billion for Immigration and Customs Enforcement, \$26 billion for Customs and Border Protection, additional funding for Department of Homeland Security and Department of Justice investigations, and \$1 billion for Secret Service security upgrades related to the White House ballroom project.

The legislation does not include many of the restrictions typically attached to annual appropriations bills, giving the administration broad flexibility over how the funds are spent.

Both Senate committees are targeting May 19 markups, after which the legislation will undergo a procedural review known as a “Byrd bath” to determine whether provisions comply with Senate reconciliation rules under the Byrd Rule. Senate Majority Leader John Thune hopes to bring the package to the Senate floor next week, although the timeline could make it difficult for the House to act before the President’s June 1 target date.

Congress also continued work on extending Section 702 surveillance authorities under the Foreign Intelligence Surveillance Act (FISA). The House initially passed a three-year extension paired with a provision banning the Federal Reserve from issuing a digital currency, but the Senate rejected that version and instead approved a 45-day extension to allow more time for negotiations. The House later accepted the Senate bill by a vote of 261-111. Additional short-term extensions remain possible as bipartisan negotiations continue.

The House passed a new farm bill before recess by a vote of 224-200, marking the furthest progress on farm bill legislation since the last reauthorization in 2018. A proposal to allow year-round sales of E15 ethanol fuel was removed from the broader package after opposition from lawmakers representing oil-producing states.

House leadership plans to consider the standalone E15 measure this week, and Senate leaders have indicated interest in combining the legislation with the broader farm bill package.

Attention is also beginning to shift toward fiscal year 2027 appropriations. House appropriators are aiming to advance all 12 spending bills by July 4, with the Military Construction appropriations bill expected on the floor this week. The Senate is moving more slowly, increasing the likelihood that Congress will need another temporary funding measure before the current fiscal year ends on September 30.

The House returns Tuesday with votes scheduled through Friday on a range of measures, including the Military Construction appropriations bill, the E15 ethanol proposal, legislation related to National Police Week, financial regulation bills affecting smaller banks and credit unions, and several public safety and criminal justice measures.

The Senate also returns this week and is expected to focus heavily on confirming Trump administration nominees, including the nomination of Kevin Warsh to serve as Chair of the Federal Reserve.

DOL Ends Legal Defense of Biden OT Rule

The Department of Labor ended its legal defense of the Biden-era overtime final rule in *Flint Ave v DOL*, the case before for the US Court of Appeals for the Fifth Circuit. DOL issued a joint stipulation with the other parties in the case, putting a formal end to the litigation.

The DOL under the Biden administration had appealed the case to the Fifth Circuit after a Texas district judge ruled the 2024 rule was unlawful, but the case had been stayed while DOL under the Trump administration reconsidered the policy.

The Trump-era 2019 overtime final rule is in effect.

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