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Appropriations Update: Senate Appropriations Committee Approves FY 2022 Homeland Security Bill

Lewis-Burke Associates LLC – October 22, 2021

On October 18, the Senate Appropriations Committee approved its version of the fiscal year (FY) 2022 Homeland Security spending bill. The bill includes approximately $74.3 billion in discretionary funding for the Department of Homeland Security (DHS), which is $2.5 billion or 3.6 percent more above the FY 2021 enacted level, $1.04 billion or 1.4 percent above the President's budget request, and $700 million or 1 percent above the House bill. For the DHS Science and Technology Directorate (S&T), the Senate bill would provide $868.9 million, which is $46 million above the President's budget request, $103.3 million above the FY 2021 enacted level, and $38.5 million above the House bill.   This bill would also provide $63 million for the Office of University Programs (OUP), which includes $45.9 million for the university-based Centers of Excellence (COE) program. The bill also includes over $151.9 million for Community Project Funding, or earmarks, mostly in support of local emergency and disaster resiliency efforts.

This legislation is one of the more contentious of the annual appropriations measures, as partisan disagreement over how to address immigration-related issues at the southern border will make its passage difficult. Notably, the bill would allow the U.S. Citizenship and Immigration Service (USCIS) to salvage green cards from 2020 and 2021 because of unprecedented delays in processing, due to backlogs caused by COVID-19. The bill would provide $487 million for USCIS that would mostly be used to reduce the processing backlog. While the bill proposes a large increase to USCIS, other immigration law enforcement agencies, like U.S. Immigration and Customs Enforcement (ICE), would see funding cuts and $1.9 billion for border wall funds would be rescinded.

The bill would also provide investments in ongoing bipartisan priorities, including providing $2.6 billion for the Cybersecurity and Infrastructure Security Agency, which would be a $613 million increase over the FY 2021 enacted level, $500 million over the President's budget request, and $200 million over the House bill. Of the proposed $2.6 billion, the bill would provide for $1.6 billion for cyber activities, which would include information sharing with the private sector and securing federal networks.

As it relates to university research at OUP, the bill would fulfill the White House's request of $45.9 million to support the COE program, a 16.6 percent increase over FY 2021. While the bill did not offer specifics for the COE funding, the budget request proposed $725,000 more to most of the individual COEs and to fund two new COEs with proposed competitions in the early FY 2022. The Senate bill's explanatory statement also highlighted the Center of Excellence for Coastal Resilience (CRC) and encouraged S&T to continue efforts related to CRC's work with research and educational institutions. The bill further expressed support for continued S&T collaboration with ICE Homeland Security Investigations with the development of opioid-related investigative, training, analytical and

other capabilities and to partner with the DHS Center of Excellence for Criminal Investigations and Network Analysis. Also, through this legislation, the Committee encourages the Department to increase "public outreach and engagement to support non-traditional university partners, especially Minority Serving Institutions that serve rural and military populations, in building capacity in Department-relevant cyber research and education efforts." Finally, with increased funds for OUP, the bill calls for $12 million for DHS to conduct an independent assessment on the state of border security and improvements and $5 million for a study on DHS actions and investments on world-wide forced labor levels and the impact on U.S. businesses.

The bill also recommends $530.4 million for S&T's research and development (R&D) activities, which would be $27 million above the President's budget request, $86.5 million above the FY 2021 enacted level, and $22 million above the House bill. Several R&D priorities for S&T were mentioned in the legislation, the highlights of which are provided below. Those in italics align with similar priorities in the FY 2022 House bill.

- *Collaborations with research universities to develop a Water Security Test Bed that advances a "national testing capacity to assess vulnerabilities and mitigate biological risks, including COVID–19, in building air and water handling systems, multibuilding facilities, and wastewater systems."*
- *Continue support for academic partnerships to advance threat detection using canines and associated technologies.* The Senate bill would provide $15.2 million for this program, including up to $10 million for continuing efforts to collaborate with end users.
- *Enable Unmanned Aerial Systems (UAS) testing and technology evaluations at DHS's designated UAS test site.* The Senate bill would provide $9 million for this effort, including $4 million for on-site test and evaluation activities.
- *Continue partnerships between S&T, the Army Corps of Engineers, and the U.S. Department of Agriculture's Natural Resources Conservation Service to "develop capabilities for maintaining and improving the integrity of our nation's existing levee and dam systems."* This legislation includes $5 million to "research viable alternatives to concrete dam design and performance."
- *Research and develop wind and solar powered unmanned vessels with surface and subsurface capabilities to assist in port and coastal surveillance and oceanographic research.*
- *Establish a Maritime/Port Resiliency & Security research program to "support the design and development of tactics, techniques, and procedures for effectively responding to critical maritime infrastructure threats."* The Senate bill would provide $1.5 million for this effort.
- Continue support for the research and prototyping for the IED Defeat Program to address critical public safety requirements.
- Recommends $10 million to support secure shipping capabilities and recommends $6 million for R&D activities aligned with "emerging analytics and data visualization that can enhance tracking from origin to destination of cargo and people with advanced interactive visual analytics to better identify criminal activity while expediting processing."
- Recommends $3 million for a pilot program with an academic partner "to support the use of statewide mesonets that include broad use of boundary layer observations to help establish a replicable state and local model for improved use of weather data for emergency management purposes for both intensely and sparsely populated regions."
- Recommends $2 million for S&T to continue its work with a university partner to assess cybersecurity training for local law enforcement.

- Recommends $2 million to "support university research in partnership with a National Laboratory critical infrastructure testbed to develop and demonstrate timely hierarchical software quality assurance and timely cyber-attack mitigation techniques for hardware in one or more of the following DHS-designated critical infrastructure sectors: Chemical, Information Technology, Critical Manufacturing, Water, and Communications."
- Recommends $4 million for Continuing Training Grants for the National Cybersecurity Preparedness Consortium, which was created to utilize the subject-matter expertise of universities to support "improvement in cybersecurity preparedness among State, Local, Territorial, and Tribal (SLTT) governments and non-governmental partners with the public sector."
- Recommends $3 million above the President's request to collaborate with the Army's Engineer Research Development Center, along with other national labs and universities to address certain technological needs surrounding security for public gatherings.
- Encourages collaboration between S&T and the National Aeronautics and Space Administration on R&D for enhanced air domain awareness.

Finally, unlike the House bill, the Senate measure does not mention the need to reconstitute the Homeland Security Academic Advisory Council (HSAAC), which facilitated discussions between universities and DHS on a range of issues from immigration and foreign influence on cybersecurity before sunsetting in the previous Administration. Regardless of the language, the Secretary has authority to reconvene the Council if he sees fit.

FY 2022 Homeland Security Appropriations
(In thousands)

	FY 2021 Enacted	FY 2022 House	FY 2022 Senate	Senate vs. FY 2021 Enacted	Senate vs. FY Request	Senate vs. House
DHS, total	**71,726,704**	**73,573,519**	**74,273,519**	**2,546,815 (3.55%)**	**1,043,333 (1.42%)**	**700,000 0.95%**
Science and Technology Directorate	**765,558**	**830,403**	**868,903**	**103,345 (13.50%)**	**46,000 (5.59%)**	**38,500 4.64%**
University Programs	44,511	53,537	63,037*	18,526 (41.62%)	12,000 (23.51%)	9,500 17.74%

* There are some inconsistencies with this figure, as some sections of the Committee's explanatory statement state that the final figure for OUP would be $68 million. The $63 million figure in this report is the amount provided in the detailed chart on page 156 of the report.

Sources and Additional Information:
- The explanatory report can be found at https://www.appropriations.senate.gov/imo/media/doc/DHSRept_FINAL.PDF
- A summary of the bill from House Democrats can be found at https://www.appropriations.senate.gov/imo/media/doc/Homeland%20Security.pdf

- The FY 2022 Senate Defense Appropriation
Bill https://www.appropriations.senate.gov/imo/media/doc/DHSFY2022_Final.PDF