

	<b>FY2022 Budget Request</b>	<b>FY2022 House Homeland Security Appropriations bill</b>	<b>FY2022 Senate Homeland Security Appropriations Bill</b>
Overall Funding Level	\$77,700,656	\$76,154,086,000	\$73,684,519,000

### **Intro**

The Committee recognizes that border security continues to be of critical importance to the national security of the United States and remains concerned about the increasing polarization with respect to securing the homeland, particularly over the last 5 years. The Committee recommends significant funding increases at Customs and Border Protection for proven and cost-effective investments to strengthen the security of U.S. borders. Recognizing that a border wall across the entire southern border was both exceptionally costly and ineffective, particularly when compared to investments in other border security capabilities, the recommendation rescinds previously provided funds for border barriers, making it possible to support new investments in: technologies that serve as key workforce multipliers for front-line law enforcement; life-saving search and rescue capabilities; port of entry scanning equipment to detect illicit cargo; employee resiliency programs and training capacity to support the CBP workforce; and, the detection of goods and materials produced by forced labor. The recommendation also includes funding for new permanent multi-purpose facilities on the southwest border that provide space for multiple agencies to improve processing of noncitizens encountered at the border.

The Committee continues critical investments in the future of the Nation's security by recommending funding above the requested amount for research and development [R&D] capabilities across the Department. The Science and Technology Directorate [S&T] is at the center of the Department's R&D activities, supporting advancements in developing surveillance technologies, and partnering with universities to ensure innovation is considered in protecting the homeland. These R&D capabilities ensure the Department is able to acknowledge and mitigate evolving risks, reduce interference with legitimate commerce, and maintain a technological advantage over those seeking to harm the United States.

### **TITLE I—ADMINISTRATIVE PROVISIONS**

#### Bill Language

SEC. 101. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2022, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2021 or 2022.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2023.

#### Report Language

Section 101. The Committee continues a provision regarding grants or contracts awarded by means other than full and open competition and requires OIG to review them and report the results to the Committee.

### **TITLE II SECURITY, ENFORCEMENT, AND INVESTIGATIONS U.S. CUSTOMS AND BORDER PROTECTION**

*Strengthening Border Security Capabilities at and Between Ports of Entry.*—The bill rescinds \$1,893,662,867 in prior year funding for border barriers, and repurposes those funds to provide significant increases to improve the security of and operations at our borders and ports of entry. Many of these investments are proven and innovative capabilities that serve as key workforce multipliers for front-line personnel. Others are much needed investments to address critical gaps in DHS and CBP capabilities, including building multi-purpose facilities that will support the operations of several agencies involved in the processing of noncitizens encountered at the border. By design, these new facilities will streamline processing, reducing the time-in-CBP custody and the operational challenges that result from surges to the border. Further, the repurposed funds will also support a range of critical investments to aid the CBP workforce such as obtaining the services of suicide prevention clinicians.

The rescission of these funds makes possible a wide range of investments in critical areas, including: (1) \$415,000,000 in support of pay raises and retirement benefits for CBP's 64,000+ workforce; (2) \$124,000,000 for border security technologies, \$70,000,000 above the request, for a range of capabilities including relocatable surveillance capabilities, team awareness kits, and small unmanned aerial systems; (3) \$68,000,000 for non-intrusive inspection equipment, \$36,000,000 above the request to continue upgrading CBP scanning capabilities at ports of entry to detect and seize narcotics and other illicit cargo; (4) \$130,000,000 for three Central Processing Centers, \$100,000,000 above the request to build permanent capacity on the border; (5) \$105,000,000 for CBP costs associated with the three new LPOE modernization projects funded at GSA; (6) \$50,000,000 for the new land variant Multi-Role Enforcement Aircraft; (7) \$50,000,000 for transfer to the Department of the Interior to begin environmental remediation efforts to mitigate the impacts of border barrier construction; (8) \$40,000,000 for IT modernization efforts to simplify CBP processing of noncitizens, including automation of A-files and development of identity verification capabilities that will reduce redundant biographic and biometric collection of recidivists; (9) \$21,000,000 to expand training capacity for CBP personnel; (10) \$20,000,000 for the deployment and use of body-worn cameras for Border Patrol agents; (11) \$20,000,000 to combat the rising number of suicides of employees and to increase caregiver and child care services; and (12) \$14,550,000 to obtain the services of child welfare professionals at CBP facilities along the border.

## **CBP OPERATIONS AND SUPPORT COMMITTEE RECOMMENDATIONS**

*Northern Border Strategy Implementation Plan.*—The Committee remains concerned about threats to the United States passing through the northern border. In 2016, through the Northern Border Security Review Act (Public Law 114–267), Congress directed the Department to conduct a northern border threat analysis, which culminated in a strategy to secure the northern border and an accompanying implementation plan in order to achieve the strategy. The Northern Border Strategy Implementation Plan is a 5-year action plan identifying the milestones necessary to fully achieve the strategic plan by 2023. Within 90 days of the date of enactment of this act and quarterly thereafter, CBP shall brief the Committee on the status of the Northern Border Strategy Implementation Plan, including whether the fiscal year 2020 milestones have been achieved, the status of the fiscal year 2021 milestones, and, in the case where a milestone has not been achieved, detailed justifications explaining the failure to achieve the milestone. Further, the Committee expects the fiscal year 2023 budget request to detail specific northern border staffing and technology requirements and request specific funding for implementation of planned northern border enforcement initiatives enumerated in the analysis.

## **BORDER SECURITY OPERATIONS**

*Border Security Technology Gaps.*—The Committee notes the requirement in Public Law 116–260, the Consolidated Appropriations Act of 2021, for DHS to examine technology gaps along the southwest border—both at ports of entry and between ports of entry. This critical analysis should guide CBP decisions on improving its technology development and acquisition. Within 180 days of the date of enactment of this act, CBP shall brief the Committee on its efforts to improve border security technology development and acquisition based on the analysis required by Public Law 116–260.

## **PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS**

*Identifying Impact of Border Security Investments.*—The Committee is committed to providing funding to strengthen the security of U.S. borders in a smart, data-driven manner that is informed by robust, cost-benefit analysis that incorporates all types of border security assets and is tied to identified capability gaps. To assist CBP with the development of both a baseline of what existing investments provide in terms of operational capabilities, and the creation of a tool that can project the impact of new investments on capabilities and CBP performance measures, the Committee provides funding to the Science and Technology Directorate [S&T]. S&T will partner with CBP and academic experts to develop an independent evaluation of CBP’s existing border security related assets (personnel, technology, and infrastructure), quantifying the impact of those resources on operational capabilities, and capturing how changes in one type of border security investment may impact another area.

*Border Surveillance Technology.*—The recommendation includes \$124,000,000 for border security technology, \$70,000,000 above the request. The Committee directs CBP to reallocate funding as appropriate to ensure technology is deployed at the locations where it will have the greatest impact on CBP’s ability to identify and interdict illicit activity. The Committee directs CBP to ensure that the appropriate amount of technology is piloted, tested, and deployed along the northern border, in addition to the southern border. This funding is available for relocatable autonomous towers, search and rescue capabilities, mobile surveillance capabilities, team awareness kits, cross-border tunnel detection capabilities, and small unmanned aerial systems and to increase the integration of data from across CBP’s surveillance capabilities into a common operating picture.

## **FEDERAL EMERGENCY MANAGEMENT AGENCY PREPAREDNESS AND PROTECTION**

*Rebuilding and Repair Standards for Disaster Assistance.*—The Committee recognizes the high cost of the rebuilding and repair of infrastructure following natural disasters. Further, the Committee understands that both the cost and the frequency of such events is increasing. As such, the Committee suggests that for applicable rebuilding and repair projects for certain infrastructure, such as electric grids, pipeline, water and wastewater, and transportation systems, FEMA should ensure that all replacement and repair projects are resilient and cost-effective under applicable national and local consensus codes and standards.

## **SCIENCE AND TECHNOLOGY**

*Projecting and Planning For Future Flow to U.S. Southwest Border.*—The Committee commends the ongoing collaboration between S&T’s System of Systems Operational Analytics and CBP’s Operations Support on the development of integrated models that can project impacts to Federal agencies based on changes in flow to the border, changes in policies, and changes in agency resources. These models have the ability to project what is likely to happen, when it’s likely to happen, and where along the border. To appropriately plan and budget for the impacts of flow to the southwest border, it is essential that the output from these models are routinely updated, monitored, and shared ensuring they reflect the most accurate data from

relevant Federal agencies. The Committee provides \$15,000,000 above the request to S&T to expand and evolve the interagency models developed with CBP. The Committee recognizes that by modeling the different paths for different demographics (single adults, family units, and unaccompanied children) and applying predictive tools the Federal government, for the first time, will have a shared baseline across all Federal agencies with a role to play in the lifecycle of the process for a noncitizen encountered at the border. Working with the Department's Office of the Chief Financial Officer, and Policy Office (including the Office of Immigration Statistics), S&T and CBP shall work with ICE and USCIS, as well as the Department of Justice, and the Department of Health and Human Services to provide the output of such models in a timely manner to inform other agency models and the development of internal agency budget requests. Within 60 days of the date of enactment of this act, S&T and CBP, along with DHS partners, shall provide a briefing to the Committee on execution of these funds and timeframe for delivery of model output to all impacted agencies.

*Data Analytics and Predictive Models to Secure Critical U.S. Energy Infrastructure.*—The Committee continues to be concerned by the vulnerability of critical U.S. energy infrastructure to natural disasters and cyberattacks and requests S&T, in coordination with CISA, to assess opportunities to develop and deploy advanced data analytics and predictive models to better understand, predict, prevent, and mitigate cascading failures in power grids while factoring in the interdependencies among the power grid, the supporting communication and control network, and the human operators, including human-computer interaction.

*Maritime Border Security.*—The Committee is encouraged by S&T's partnership with the U.S. Coast Guard, industry performers and academia to conduct research, development, testing and evaluation of wind and solar powered unmanned maritime vessels with surface and subsurface capabilities that can directly enhance the S&T mission and the operational partners they serve by improving support to missions such as counter-narcotics, search and rescue, aids to navigation, marine safety, marine environmental and defense readiness. In carrying out this activity, S&T shall consider the ways in which unmanned aerial systems [UAS] could be fully employed and utilized for such missions and shall strongly consider the current and future operational requirements of the Coast Guard. The Committee also recognizes the vast data threat facing the U.S. maritime sector and the direct threat this poses against critical infrastructure components for mission critical functions. The Committee includes up to \$1,500,000 for the ongoing maritime port resiliency and security research testbed to support the design and development of tactics, techniques, and procedures for effective threat response to critical maritime infrastructure.

*Natural Disaster Resiliency.*—The recommendation includes, up to \$5,000,000 for S&T to enter into an Educational Partnership Agreement with the U.S. Army Corps of Engineers and one or more educational institutions with expertise in water infrastructure resiliency, civil engineering, and material sciences and experience with collaborating with relevant Federal agencies, including the Department of Agriculture's Natural Resources Conservation Service, for the purpose of developing capabilities for maintaining and improving the integrity of the U.S. levee and dams systems. Furthermore, the Committee includes up to \$5,000,000 to research viable alternatives of concrete dam design and performance, including characterization of structural demands and resistance, assessment of structural health and vulnerabilities, and development of repair and retrofit technologies including applications of advanced materials toward growing the industries and workforce of the future to strengthen our national resiliency.