

Committee on Appropriations
Subcommittee on Homeland Security

FY 2022 Department of Homeland Security Appropriations Bill
Full Committee Markup

MANAGER'S AMENDMENT
Offered by Ms. Roybal-Allard of California
(Roybal-Allard #1)

In the BILL:

On page **14**, lines 18-19 strike “Operations and Support” and insert “Federal Assistance”.

On page **15**, line 7, reduce the amount by \$22,344,000 and make conforming changes in the report.

On page **15**, line 19, reduce the amount by \$22,344,000 and make conforming changes in the report.

On page **15**, line 23, increase the amount by \$22,344,000 and make conforming changes in the report.

On page **16**, line 19, increase the first amount by \$5,000,000 and make conforming changes in the report.

On page **18**, line 5, reduce the amount by \$5,000,000 and make conforming changes in the report.

At the appropriate place under the heading “Administrative Provisions” in title II of the bill, insert the following:

“Sec. 2__ . (a) Notwithstanding section 2110 of title 46, United States Code, none of the funds made available in this Act shall be used to charge a fee for an inspection of a towing vessel, as defined in 46 CFR Section 136.110, that utilizes the Towing Safety Management System option for a Certificate of Inspection issued under subchapter M of title 46, Code of Federal Regulations.”

“(b) Subsection (a) shall not apply after the date the Commandant of the Coast Guard implements section 815 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Public Law 115-282).”

On page **46**, line 10, increase the amount by \$36,000.

On page **46**, line 20, decrease the amount by \$36,000.

On page **91**, line 13 strike “116–6” and insert “116–93”.

In the REPORT:

On p. 5, in the first full paragraph, strike the word, “million” after “\$99,735,000”.

On page 10, after the paragraph entitled "*Freedom of Information Act (FOIA) Backlog Reduction Plan*", insert the following:

"Homeland Security Academic Advisory Council (HSAAC).—The HSAAC was formed in 2012 to serve as a convening forum for the higher education community and homeland security officials to discuss shared interests and exchange best practices on a range of issues, including foreign influence, cybersecurity, international students and scholars, and emergency preparedness. HSAAC has not had any public meetings since 2017 and DHS quietly disbanded the council last year, citing an executive order cutting back on the number of federal advisory committees. Universities are grappling with a host of issues within DHS jurisdiction, including processing delays for international students and concerns about foreign efforts to influence faculty or gain access to research. By facilitating regular communications between leaders in the homeland security and higher education community, the HSAAC can ensure universities have the information they need to provide a safe and productive education experience while being kept abreast of real or potential threats to the academic community. The Committee urges the Secretary to reconstitute the HSAAC as soon as possible."

On page 13, in the paragraph entitled "*Minority Serving Institutions*", strike “historically Black colleges and universities, Hispanic-Serving institutions” and insert “Historically Black Colleges and Universities, Hispanic-Serving Institutions, Asian American and Native American Pacific Islander Serving Institutions, Tribal Colleges and Universities,”.

On page 19, in the paragraph entitled "*Facility Consolidations*", strike the current language and insert the following:

“Facility Consolidations.—Not later than 90 days after the date of enactment of this Act, CRSO shall brief the Committee on its ongoing efforts to consolidate DHS facilities and leverage partnerships with local governments, colleges, universities, and other federal agencies in South Texas. The briefing should include associated schedules, anticipated cost savings, and resource requirements, particularly for near term partnership opportunities and including potential agreements with community colleges to secure training space for CBP and ICE.”

On page 34, prior to the paragraph entitled "*Trade Remedy Enforcement*", insert the following:

“Secure Corridor Strategy.—Collaboration between CBP, the Federal Railroad Administration (FRA), Servicio de Administración Tributaria (SAT), and freight railroads has resulted in the implementation of a Secure Corridor Strategy that has improved the safety, security, and efficiency of our nation’s cross-border trade and freight movement. As part of this strategy, trains operated by certified crews are no longer required to stop for up to an hour on the Laredo International Rail Bridge in order to change crews, reducing the vulnerability of these trains to theft, vandalism, trespassing, and smuggling and decreasing the likelihood of potential delays that cause blocked highway-rail grade crossings on both sides of the border. Furthermore, by unifying cargo processing and enhancing technologies used during customs inspections, processing times have been greatly improved. The Committee encourages CBP to continue working with FRA, SAT, and freight railroads to further implement this strategy.”

Beginning on page 35, strike the paragraph entitled "*Border Technology Procurement*" and insert the following:

“Border Technology Procurement.—The Committee recommends \$50,000,000 for border security technology, which shall only be available for cross border tunnel threats, aerostats, autonomous surveillance, geospatial capabilities, mobile surveillance, search and rescue capabilities, and mesh networks. The Commissioner is directed to prioritize procurement of the most cost-effective

technologies based on lifecycle costs, system availability, reduced requirements for personnel and physical infrastructure, and input from sector leadership. In addition, the Commissioner shall prioritize technologies that enhance search and rescue capabilities. CBP shall provide a briefing to the Committee on a plan for the obligation of these funds at least 15 days prior to any obligation. The plan shall require the direct approval of the CBP Commissioner and include:

- (1) details about the process for prioritizing the use of funds;
- (2) a summary of planned obligations for fiscal year 2022 delineated by technology type;
- (3) metrics that will be used to assess the cost effectiveness of each type of technology for which funds will be obligated and a plan for collecting the data required for such metrics; and
- (4) for continuing procurements, operational effectiveness data that supports continued investment, including evidence of support from sector leadership based on actual use of the technology.

CBP shall notify the Committee at least 15 days prior to the obligation of any funds based on a change to the initial obligation plan.

On page **36**, at the end of the paragraph entitled “Innovative Technology”, insert the following new paragraph:

The Committee notes that Congress has for several years provided funding for testing and evaluation of innovative technologies that might not otherwise come timely to CBP’s attention through the normal procurement process. Not later than 30 days after the date of enactment of this Act, CBP is directed to provide a briefing on the use of innovative technology funding over the last five fiscal years, including:

- (1) the technologies tested and evaluated;
- (2) the results of those evaluations in terms of meeting CBP requirements;
- (3) an analysis of the cost effectiveness of those technologies compared to alternatives;
- (4) CBP’s process for determining whether to establish programs of record for cost effective innovative technologies; and

(5) investments to date in such programs of record and planned investments in fiscal year 2022 and the two following fiscal years.”

On page 46, insert the following new paragraph immediately preceding the paragraph entitled "*Removal and Detention Reporting*":

"Religious Minorities.—Congress and the Department of State have recognized that genocide has been committed by foreign terrorist organizations and their affiliates against religious and ethnic minorities in Iraq, including Yezidis and Christians. The Committee recommends that ICE refrain from prioritizing the deportation of people who will be subject to violent persecution and death in their countries of origin."

On page 53, in the first paragraph under "Operations & Support", strike "\$6,900,000 to continue polyfluoroalkyl substances investigations and response" and insert "\$11,900,000 for cyber readiness".

On page 54, before the paragraph entitled "*Interoperable Gateway System Technology (IGS)*", insert the following:

"Illegal, Unreported, and Unregulated (IUU) Fishing.—The Committee understands that IUU fishing is related to piracy, drug trafficking, human trafficking, and forced labor, and has accounted for billions of dollars in losses for the global fishing industry. The Coast Guard is directed, not later than 180 days after the date of enactment of this Act, to submit an international IUU strategy to preserve the integrity and free flow of commerce, protect natural resources and food security, and contribute to socioeconomic stability in the regions impacted by IUU. The strategy should identify resource requirements for increased monitoring; the collection of enforcement-quality data and intelligence; real-time response by surface-based enforcement assets; and IUU enforcement personnel and training."

On page 57, strike the first sentence in the first paragraph under the heading “Research and Development”.

On page 62, immediately under the heading “Cyber Security”, insert the following:

Capabilities to Nullify Cyber Attacks.—Not later than 180 days after the date of enactment of this Act, CISA shall issue a Request for Information (RFI) from private sector providers, universities, and Department of Defense entities to identify existing software solutions for nullifying cybersecurity attacks before they infect systems and cause damage. Not later than 210 days after the date of enactment of this Act, CISA shall brief the Committee on the results of the RFI and the feasibility of using such programs to support CISA missions.

On page 64, immediately preceding the paragraph entitled, “*Multi-State Information Sharing and Analysis Center (MS-ISAC)*”, insert the following new paragraph:

Monitoring Internet-facing Attack Surfaces.—Department of Defense (DoD) internet operations management capabilities, as outlined in the “Department of Defense network external visibility” report required by the FY21 NDAA, enable continuous discovery, monitoring, and management of DoD Internet-facing systems and assets. Unlike DoD, CISA remains heavily-dependent on manual self-reporting for situational awareness of internet-facing attack surfaces, creating a fractured and inaccurate snapshot of vulnerabilities in the federal civilian cybersecurity ecosystem. Therefore, not later than 180 days after the date of enactment of this Act, CISA shall brief the Committee on its existing attack surface management capabilities and its plan to enhance the visibility of department and agency network activity and vulnerabilities with state-of-the-art technologies, including assessments of both government-developed technologies and commercially-available solutions.

On page 73, in the first paragraph under the heading “Operations and Support”, strike “Emergency Alert System” and insert “Integrated Public Alert and Warning System”.

On page 75, in the first paragraph under the heading “Preparedness and Protection”, strike “Emergency Alert System” and insert “Integrated Public Alert and Warning System”.

On Page 75, before the heading “Response and Recovery”, insert the following:

“Regional Operations

The Committee recommends the requested funding for a pilot for Regional Assessment Teams in two regions consistent with the findings from FEMA’s COVID 19 Initial Assessment Report.”

On page 78, after the paragraph entitled "Assistance to Firefighter Grants, insert the following:

*“Continuing Training Grants.—*The total under this heading includes \$12,000,000 for Continuing Training Grants to support competitively awarded training programs to address specific national preparedness gaps such as cybersecurity, economic recovery, housing, and rural and tribal preparedness. Of this amount, not less than \$3,000,000 shall be prioritized to be competitively awarded for FEMA-certified rural and tribal training.”

On page 83, insert the following at the end of the table entitled "Community Project Funding Grants":

"Wauconda Fire Department"; "Emergency Operations Center Generator Replacement"; "\$36,000"; "Emergency Operations Center".

On page **87** in the paragraph entitled "*Equity in Disaster Assistance under IHP*", insert "and" in the first paragraph after "rural disadvantaged communities;".

On page **87**, at the end of the first paragraph insert the following:

"The Committee encourages FEMA to allow disaster survivors to provide alternative documentation for establishing property ownership, including self-certification, as appropriate, beyond the jurisdictions where it is currently allowed."

On page **90**, in the last paragraph, strike "Presidents" and insert "Residents".

On page **111**, insert the following at the end of the table entitled "Homeland Security", "[Community Project Funding Items]":

"FEMA"; "Federal Assistance: Emergency Operations Center Grants"; "Wauconda Fire Department"; "Emergency Operations Center Generator Replacement"; "\$36,000"; "Underwood".

On page **150**, under the heading "Operations Coordination and Planning", transpose each of the funding levels for "Operations Center" and "Intelligence".