



## AAU Analysis of the Final FY22 National Defense Authorization Act (NDAA)

*Last updated: December 8, 2021 (2 pm EDT)*

AAU along with APLU sent a [letter](#) to Armed Services Committee leadership addressing our priorities and recommendations for provisions of concern in both the House and Senate FY22 NDAA bills. Below is the outcome of those provisions in the final compromise NDAA bill, [S. 1605](#). The House approved the measure on December 7, 2021 on a 363-70 vote. The Senate is expected to approve it in the days ahead.

### DOD Science and Technology Authorization Levels

The final NDAA authorizes \$768.1 billion in defense spending, \$25 billion more than the President's FY22 budget request. It includes significant increases above the President's budget request (PBR) in the authorization levels for 6.1 basic research programs:

- University Research Initiatives (URI)
  - o Army URI –\$96.98 million (FY22 PBR: \$66.89 million)
  - o Navy URI –\$167.45 million (FY22 PBR: \$117.44 million)
  - o Air Force URI –\$193.90 million (FY22 PBR: \$162.40 million)
  
- Defense Research Sciences (DRS)
  - o Army DRS –\$328.74 million (FY22 PBR: \$297.24 million)
  - o Navy DRS –\$489.41 million (FY22 PBR: \$484.42 million)
  - o Air Force DRS –\$347.82 million (FY22 PBR: \$328.30 million)
  - o Defense Wide DRS –\$454.28 million (FY22 PBR: \$395.78 million)
  
- Basic Research Initiatives, including the Minerva Research Initiative –\$127.36 million (FY22 PBR: \$119.36 million)
  
- National Defense Education Program –\$132.20 million (FY22 PBR: \$112.19 million)

*\*For a full breakdown of final NDAA research authorization levels, please see [AAU's Defense Funding Table](#)*

### Research Security Provisions

- **Research security training requirement for Federal research grant personnel (Sec. 240)**  
Sec. 240 of H.R. 4350 requires federal research agencies to establish an annual research security training requirement for federal research grant personnel. The Senate amendment contained no similar provision.

**This provision was not included in the final FY22 NDAA.** However, this provision could still be considered during conference negotiations on other legislation including the U.S. Innovation and Competition Act, NSF for the Future Act, and DOE Science for the Future Act.

- **Admission of essential scientists and technical experts to promote and protect National Security Innovation Base (Sec. 6446)**

The House bill contained a provision that would direct the Secretary of Defense to develop and implement a process to select individuals for recommendation to the Secretary of Homeland Security for special immigrant status. The Senate amendment contained no similar provision.

**This provision was not included in the final FY22 NDAA.** However, the Undersecretary of Defense for Research and Engineering is instructed to provide recommendations to the Armed Services Committees on the use of foreign talent in research areas of national interest.

- **National Academies Science, Technology, and Security Roundtable (Sec. 6484)**

The House bill contained a provision that would direct the roundtable to convene an ad-hoc committee to study and make recommendations on the feasibility of establishing an independent, non-profit entity to further protect the U.S. research enterprise against foreign interference, theft, and espionage. The Senate amendment contained no similar provision.

**This provision was not included in the final FY22 NDAA.** However, this provision could still be considered during conference negotiations on other legislation including the U.S. Innovation and Competition Act, NSF for the Future Act, and DOE Science for the Future Act.

- **Malign foreign talent recruitment program prohibition (Sec. 6499E)**

Sec. 6499E of H.R. 4350 prohibits malign talent recruitment program participants from receiving research and development awards from any federal research agency. We appreciate the willingness of the House Armed Services Committee to narrowly tailor the definition of “malign foreign talent program” and to limit the scope to “foreign countries of concern.” The Senate amendment contained no similar provision.

**This provision was not included in the final FY22 NDAA.** However, this provision could still be considered during conference negotiations on other legislation including the U.S. Innovation and Competition Act, NSF for the Future Act, and DOE Science for the Future Act.

### Cybersecurity Provisions

- **Report on Cybersecurity Maturity Model Certification effects on small business (Sec. 866) / (Sec. 848)**

The House bill contained a provision that would require the Secretary of Defense to, not later than 120 days after the date of the enactment of this Act, provide a report to certain congressional committees on the effects of implementation of the Cybersecurity Maturity Model Certification framework on small businesses. The Senate amendment contained no similar provision.

**The final FY22 bill includes the House provision with an amendment that would modify elements of the report.** The amendment would also expand the reporting requirements to include information on training for small businesses on assessment compliance, efforts to work with non-traditional companies, and a plan for oversight of third-party assessors.

- **Study regarding establishment within the Department of Defense of a designated central program office to oversee academic engagement programs relating to establishing cyber talent across the Department (Sec. 1532)**

The House bill contained a provision (sec. 1531) that would require the Secretary of Defense to submit a feasibility study regarding the establishment within the Department of Defense of a designated central program office, headed by a senior Department official, responsible for overseeing all academic engagement programs across the Department focusing on creating cyber talent. The Senate amendment contained no similar provision.

**The final FY22 bill includes the House provision with an amendment that would modify the scope and elements of the study.**

- **Cyber Incident Reporting Requirements**

Senator Peters' Amendment #4799 to the Senate NDAA would have created a new Cyber Incident Reporting Act (CIRA), which requires federal contractors, including many colleges and universities, to report cybersecurity incidents.

**This provision was not included in the final FY22 NDAA.**

### Support Student Service Members and Veterans

- **Report on Implementation of Army IgnitED program**

Would require the Secretary of the Army to submit a report on the status of the Army IgnitED portal through which Army servicemembers access tuition assistance, as well as a timeline for resolving ongoing issues with the system.

**This provision was included in the final FY22 NDAA.**

### Provisions of Concern

- **Department of Defense contractor professional training material disclosure requirements (Sec. 818)**

The Senate amendment contained a provision that would require the Secretary of Defense to require all Department of Defense contractors to disclose certain training materials to make publicly available all diversity, equity, and inclusion training materials, internal policies, and other educational or professional materials "for review and identification of Critical Race Theory.". The House bill contained no similar provision.

**This provision was not included in the final FY22 NDAA.**

- **House Intelligence Authorization Act for FY2022 (H.R. 5412) DOD Pilot Program for Security Vetting of Certain Individuals (Section 701)**

The House Intel Authorization Bill (H.R. 5412) as reported out of committee calls for a new pilot program to vet researchers working on non-classified research. No similar provision was included in the Senate version of the Intelligence Authorization Act (S. 2010) which Senator Warner offered as amendment #4616 to the Senate NDAA.

**The Intelligence Authorization Act was not included in the final FY22 NDAA.** It is highly likely that the Intelligence Authorization Act will be considered separately and might ride on different legislative vehicle, so this provision may still be included in the final conference agreement on the Intelligence Authorization Bill.