To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
FEBRUARY 8, 2013
Mr. Smith of New Jersey (for himself, Ms. Meng, and Mr. King of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL
To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, and for other purposes.

Be it enacted by the Senate and House of Representa-

VES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Federal Disaster Assis-

TANCE NONPROFIT FAIRNESS ACT OF 2013”.

SEC. 2. FINDINGS.
Congress finds the following:

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(1) Hurricane Sandy inflicted catastrophic damage in the Northeastern United States.

(2) Houses of worship across the Northeast’s many faiths and denominations were among the private nonprofit facilities that sustained damage.

(3) Churches, synagogues, mosques, temples, and other houses of worship throughout communities in New York, New Jersey, Connecticut, and elsewhere play an essential role in the daily lives of the communities.

(4) The Federal Emergency Management Agency’s (FEMA) public assistance program provides financial grants for the repair of various types of private nonprofit facilities.

(5) Among the types of nonprofits to which FEMA provides such grants are those in which citizens gather and engage in a variety of educational, enrichment, and social activities. These activities are essential to community building and occur in houses of worship.

(6) Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), FEMA’s disaster relief program is a general government program under which assistance is pro-
vided in the wake of a natural disaster using criteria that are neutral with regard to religion.

(7) Congress has previously enacted legislation providing financial assistance to religious nonprofit institutions, including houses of worship, on terms equal to other eligible nonprofit institutions.

(8) Such legislation is consistent with recent precedents of the Supreme Court of the United States and legal opinions issued by the Office of Legal Counsel of the Department of Justice.

SEC. 3. INCLUSION OF HOUSES OF WORSHIP AS PRIVATE NONPROFIT FACILITIES ELIGIBLE FOR DISASTER RELIEF.

(a) Definition of Private Nonprofit Facility.—Section 102(10)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(10)(B)) is amended to read as follows:

“(B) Additional facilities.—In addition to the facilities described in subparagraph (A), the term ‘private nonprofit facility’ includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, including houses of
worship exempt from taxation under section
501(c) of the Internal Revenue Code of 1986,
libraries, homeless shelters, senior citizen cen-
ters, rehabilitation facilities, shelter workshops,
and facilities that provide health and safety
services of a governmental nature), as defined
by the President.”.

(b) REPAIR, RESTORATION, AND REPLACEMENT OF
DAMAGED FACILITIES.—Section 406(a)(3) of the Robert
T. Stafford Disaster Relief and Emergency Assistance Act
(42 U.S.C. 5172(a)(3)) is amended by adding at the end
the following:

“(C) HOUSES OF WORSHIP.—A church,
synagogue, mosque, temple, or other house of
worship, and a private nonprofit facility oper-
ated by a religious organization, shall be eligible
for contributions under paragraph (1)(B), with-
out regard to the religious character of the fa-
cility or the primary religious use of the facil-
ity.”.

(c) APPLICABILITY.—This section and the amend-
ments made by this section shall apply to the provision
of assistance in response to a major disaster or emergency
declared on or after October 28, 2012.