

SECURING AMERICAN NONPROFIT ORGANIZATIONS
AGAINST TERRORISM ACT OF 2019

MAY 30, 2019.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 2476]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2476) to amend the Homeland Security Act of 2002 to provide funding to secure nonprofit facilities from terrorist attacks, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 2476, the “Securing American Nonprofit Organizations Against Terrorism Act of 2019” would amend the Homeland Security

riety Act of 2002 to provide grant funding to secure nonprofit facilities from terrorist attacks, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In recent years, there has been an increase in violence and threats of violence against nonprofit institutions. The latest of which occurred on April 27, where a gunman opened fire on congregants at a Passover celebration in a California synagogue, killing one person and injuring three others.¹ Other noteworthy attacks against innocent people in houses of worship include the April 21 coordinated terrorist attacks on churches and hotels in Sri Lanka that killed nearly 250 people and injured more than 500 people²; the March 15 deadly New Zealand mosque shootings, where 51 people were killed³; the 2018 Pittsburgh “Tree of Life” synagogue shooting, where 11 people were killed⁴; the 2017 Sutherland Springs, Texas church shooting, where 26 people killed⁵; the 2015 Charleston, South Carolina Emanuel African Methodist Episcopal church shooting, where nine people were killed⁶; and the 2012 shooting at a Sikh Temple in Milwaukee, Wisconsin.⁷

Introduced by Representative Bennie G. Thompsons, H.R. 2476, the “Securing American Nonprofit Organizations Against Terrorism Act of 2019” would, for the first time, authorize the Department of Homeland Security’s Nonprofit Security Grant Program (NSGP), which between fiscal years (FY) 2005 and 2017 had been funded as a carve out from the Urban Area Security Initiative (UASI) grant program. As such, only nonprofit organizations located inside UASI jurisdictions were eligible recipients. In FY 2018 and FY 2019, however, through appropriations, NSGP funding became available to at risk nonprofit organizations located outside of UASI jurisdictions, where \$50 million was made available for UASI nonprofit organizations and \$10 million was reserved for nonprofit organizations located outside of UASI jurisdictions.⁸ H.R. 2476 would authorize the NSGP at \$75 million; with \$50 million being reserved

¹Deanna Paul and Katie Mettler, “Authorities identify suspect in hate crime’ synagogue shooting that left 1 dead, 3 injured,” *The Washington Post*. April 28, 2019. Accessed on May 23, 2019. Available at: https://www.washingtonpost.com/nation/2019/04/27/california-synagogue-shooting-multiple-injuries/?utm_term=.4a8fa8923ff4.

²Sugam Pokharel, Euan McKirdy, and Tara Johnson, “Bombs tear through Sri Lankan churches and hotels, killing 250 people,” *CNN*. April 25, 2019. Accessed on May 23, 2019. Available at: <https://www.cnn.com/2019/04/21/asia/sri-lanka-explosions/index.html>.

³Nick Perry, “Christchurch Mosque Shooting Death Toll Rises to 51,” *Time*. May 3, 2019. Accessed on May 23, 2019. Available at: <http://time.com/5582877/new-zealand-shooting-death-toll-rises/>.

⁴Mallory Simon and Sara Sidner, “A gunman slaughtered 11 Jewish worshippers. Then people hunted for hate online,” *CNN*. May 15, 2019. Accessed on May 23, 2019. Available at: <https://www.cnn.com/2019/05/15/us/anti-semitic-searches-pittsburgh-poway-shootings-soh/index.html>.

⁵Christina Maxouris, “Nearly two years since the Sutherland Springs church massacre, a new sanctuary marks an era of healing,” *CNN*. May 20, 2019. Accessed on May 23, 2019. Available at: <https://www.cnn.com/2019/05/20/us/sutherland-springs-new-sanctuary-trnd/index.html>.

⁶Matt Zapotosky, “Charleston church shooter: ‘I would like to be crystal clear, I do not regret what I did,’” *The Washington Post*. January 4, 2017. Accessed on May 23, 2019. Available at: https://www.washingtonpost.com/world/national-security/charleston-church-shooter-i-would-like-to-make-it-crystal-clear-i-do-not-regret-what-i-did/2017/01/04/05b0061e-d1da-11e6-a783-cd3fa950f2fd_story.html?utm_term=.ab66c380bf07.

⁷Jerry Markon and Michael Laris, “At Sikh Temple in Wisconsin, gunman kills 6; suspect is shot dead by police,” *The Washington Post*. August 5, 2012. Accessed on May 23, 2019. Available at: https://www.washingtonpost.com/national/7-killed-including-gunman-in-shooting-at-wisconsin-sikh-temple/2012/08/05/70692158-df2b-11e1-a19c-fcfa365396c8_story.html?utm_term=.489618709399.

⁸“Nonprofit Security Grant Program,” Federal Emergency Management Agency, Department of Homeland Security. Accessed on May 23, 2019. Available at: <https://www.fema.gov/nonprofit-security-grant-program>

for nonprofit organizations located in UASI jurisdictions, and \$25 million for nonprofit organizations located outside of UASI jurisdictions.

A similar measure, H.R. 1486, passed the Committee on Homeland Security and the House of Representatives last Congress on January 9, 2018. Language from H.R. 1486 was included in H.R. 2825, the “Department of Homeland Security Authorization Act,” which passed the Committee on Homeland Security on June 28, 2017, and subsequently passed the House of Representatives on July 20, 2017. Subsequently, the \$50,000,000 funding level authorized under H.R. 1486 was adopted in H.R. 3354, the “Make America Secure and Prosperous Appropriations Act, 2018,” that passed the House of Representatives on September 14, 2017. Similarly, H.J. Res. 31, the “Consolidated Appropriations Act, 2019,” made \$60,000,000 available for nonprofit organizations that are at a high risk of terrorist attacks. This measure became law on February 15, 2019.

The Senate companion to H.R. 2476 is S. 1539, which is sponsored by Senator Rob Portman (R–OH).

HEARINGS

The Committee did not hold a legislative hearing on H.R. 2476 in the 116th Congress. However, on May 23, 2019, at a Full Committee Hearing entitled “A Review of the Fiscal Year 2020 Budget Request for the Department of Homeland Security,” Members received testimony from Hon. Kevin McAleenan, Acting Secretary of Homeland Security, where he stated:

“ . . . Our responsibility . . . is to address targeted violence, regardless of the motivation or ideology, and I am concerned about white supremacists, extremists and the growing attacks, especially, that we’ve seen on houses of worship. It’s why I responded right away to the chairman and ranking member’s challenge to ask the Homeland Security Advisory Council to set up a subcommittee to protect faith-based organizations in houses of worship. And they’re going to bring a report back that tells us how we can improve our prevention efforts in this regard. And I absolutely agree. It’s a problem, and we need to work to address it, not only at DHS but with our investigative partners at the FBI and with state and local.”

On May 8, 2019 the Committee also received like testimony at a Full Committee Hearing entitled “Confronting the Rise of Domestic Terrorism in the Homeland.”

Similarly, in the 115th Congress, the Committee received related testimony on November 30, 2017, at a Full Committee hearing entitled “World Wide Threats: Keeping America Secure in the New Age of Terror.”

These hearings were in addition to other Committee oversight activities that focused on the evolving terrorist threat, including the threat of complex, coordinated terrorist attacks, and the activities and resources needed to address these threats.

COMMITTEE CONSIDERATION

The Committee met on May 15, 2019, with a quorum being present, to consider H.R. 2476 and ordered the measure to be re-

ported to the House with a favorable recommendation, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2476.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2476 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2476 would require the Secretary of the Department of Homeland Security, acting through the Federal Emergency Management Agency Administrator to make grants to eligible nonprofit organizations through

the state in which the organization is located, for target hardening and other security enhancements to protect against terrorist attacks. The Federal Emergency Management Agency Administrator is also required to submit a report to the Committee on Homeland Security in the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate annually for each of fiscal years 2020 through 2024 on the expenditures by each grant recipient.

The goal and objective of H.R. 2476 is to establish the Nonprofit Security Grant Program within the Department of Homeland Security in order to ensure that eligible nonprofit organizations have available resources to implement security enhancements that will protect against terrorist attacks.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Securing American Nonprofit Organizations Against Terrorism Act of 2019”.

Sec. 2. Nonprofit Security Grant Program

This section establishes the Nonprofit Security Grant Program within the Department of Homeland Security. It identifies eligible recipients of the Nonprofit Security Grant Program funding to include 501(c)(3) organizations, exempt from tax under 501(a) of the Internal Revenue Code and determined to be at risk of a terrorist attack by the Administrator of the Federal Emergency Management Agency.

Additionally, it enumerates the permitted uses of Nonprofit Security Grant Program funding to include: (1) target hardening activities, including physical security enhancement equipment and inspection and screening systems; (2) fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness; and (3) Any other appropriate activity, including cybersecurity resilience activities, as determined by the Administrator. This section further requires the period of performance for the use of the Nonprofit Security Grant Program to be 36 months.

Moreover, this section requires the Federal Emergency Management Agency Administrator to submit a report to the Committee on Homeland Security in the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate annually for each of fiscal years 2020 through 2024 on the expenditures by each grant recipient.

Additionally, this section authorizes \$75,000,000 for each of fiscal years 2020 through 2024 to carry out this section. Of that, \$50,000,000 is authorized for eligible recipients located in Urban Area Security Initiative jurisdictions, and \$25,000,000 is authorized for eligible recipients located outside of UASI jurisdictions.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

*	*	*	*	*	*	*
TITLE XX—HOMELAND SECURITY GRANTS						
Sec. 2001. Definitions.						
*	*	*	*	*	*	*
Sec. 2009. <i>Nonprofit security grant program.</i>						
*	*	*	*	*	*	*

TITLE XX—HOMELAND SECURITY GRANTS

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Subtitle A—Grants to States and High-Risk Urban Areas**SEC. 2002. HOMELAND SECURITY GRANT PROGRAMS.**

(a) **GRANTS AUTHORIZED.**—The Secretary, through the Administrator, may award grants under [sections 2003 and 2004] *sections 2003, 2004, and 2009* to State, local, and tribal governments.

(b) **PROGRAMS NOT AFFECTED.**—This subtitle shall not be construed to affect any of the following Federal programs:

(1) Firefighter and other assistance programs authorized under the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

(2) Grants authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(3) Emergency Management Performance Grants under the amendments made by title II of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(4) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized under title XIV and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 and the amendments made by such titles.

(5) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(6) The Interoperable Emergency Communications Grant Program authorized under title XVIII.

(7) Grant programs other than those administered by the Department.

(c) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The grant programs authorized under sections 2003 and 2004 shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

(2) ALLOCATION.—The allocation of grants authorized under section 2003 or 2004 shall be governed by the terms of this subtitle and not by any other provision of law.

* * * * *

SEC. 2009. NONPROFIT SECURITY GRANT PROGRAM.

(a) *ESTABLISHMENT.*—There is established in the Department a program to be known as the “Nonprofit Security Grant Program” (in this section referred to as the “Program”). Under the Program, the Secretary, acting through the Administrator, shall make grants to eligible nonprofit organizations described in subsection (b), through the State in which such organizations are located, for target hardening and other security enhancements to protect against terrorist attacks.

(b) *ELIGIBLE RECIPIENTS.*—Eligible nonprofit organizations described in this subsection (a) are organizations that are—

(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) determined to be at risk of a terrorist attack by the Administrator.

(c) *PERMITTED USES.*—The recipient of a grant under this section may use such grant for any of the following uses:

(1) Target hardening activities, including physical security enhancement equipment and inspection and screening systems.

(2) Fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness.

(3) Any other appropriate activity, including cybersecurity resilience activities, as determined by the Administrator.

(d) *PERIOD OF PERFORMANCE.*—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

(e) *REPORT.*—The Administrator shall annually for each of fiscal years 2020 through 2024 submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure by each grant recipient of grant funds made under this section.

(f) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) IN GENERAL.—There is authorized to be appropriated \$75,000,000 for each of fiscal years 2020 through 2024 to carry out this section.

(2) *SPECIFICATION.—Of the amounts authorized to be appropriated pursuant to paragraph (1)—*

(A) \$50,000,000 is authorized for eligible recipients located in jurisdictions that receive funding under section 2003; and

(B) \$25,000,000 is authorized for eligible recipients in jurisdictions not receiving funding under section 2003.

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