

NONPROFIT SECURITY GRANT PROGRAM IMPROVEMENT
 ACT OF 2022

MAY 6, 2022.—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. 6825]

The Committee on Homeland Security, to whom was referred the bill (H.R. 6825) to amend the Homeland Security Act of 2002 to enhance the funding and administration of the Nonprofit Security Grant Program of the Department of Homeland Security, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nonprofit Security Grant Program Improvement Act of 2022”.

SEC. 2. ENHANCEMENTS TO FUNDING AND ADMINISTRATION OF NONPROFIT SECURITY GRANT PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 2009 of the Homeland Security Act of 2002 (6 U.S.C. 609a) is amended—

- (1) in subsection (a), by inserting “and threats” before the period at the end;
- (2) in subsection (b)—

- (A) in the matter preceding paragraph (1), by striking “this” before “subsection”; and

- (B) by amending paragraph (2) to read as follows:

- “(2) determined by the Secretary to be at risk of terrorist attacks and threats.”;

- (3) in subsection (c)—

- (A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (E), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

- (B) in the matter preceding subparagraph (A), as so redesignated, by striking “The recipient” and inserting the following:

- “(1) IN GENERAL.—The recipient”;

- (C) in subparagraph (A), as so redesignated, by striking “equipment and inspection and screening systems” and inserting “equipment, inspection and screening systems, and alteration or remodeling of existing buildings or physical facilities”;

- (D) by inserting after subparagraph (B), as so redesignated, the following new subparagraphs:

- “(C) Facility security personnel costs, including costs associated with contracted security.

- “(D) Expenses directly related to the administration of the grant, except that such expenses may not exceed five percent of the amount of the grant.”; and

- (E) by adding at the end the following new paragraph:

- “(2) RETENTION.—Each State through which a recipient receives a grant under this section may retain up to five percent of each grant for expenses directly related to the administration of the grant.”;

- (4) in subsection (e)—

- (A) by striking “2020 through 2024” and inserting “2022 through 2028”;

- and

- (B) by adding at the end the following new sentence: “Each such report shall also include information on the number of applications submitted by eligible nonprofit organizations to each State, the number of applications submitted by each State to the Administrator, and the operations of the Nonprofit Security Grant Program Office, including staffing resources and efforts with respect to subparagraphs (A) through (E) of subsection (c)(1).”;

- (5) by redesignating subsection (f) as subsection (j);

- (6) by inserting after subsection (e) the following new subsections:

- “(f) ADMINISTRATION.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall establish within the Federal Emergency Management Agency a program office for the Program (in this subsection referred to as the ‘program office’). The program office shall be headed by a senior official of the Agency. The Administrator shall administer the Program (including, where appropriate, in coordination with States), including relating to the following:

- “(1) Outreach, engagement, education, and technical assistance and support to eligible nonprofit organizations described in subsection (b), with particular attention to such organizations in underserved communities, prior to, during, and after the awarding of grants, including web-based training videos for eligible nonprofit organizations that provide guidance on preparing an application and the environmental planning and historic preservation process.

- “(2) Establishment of mechanisms to ensure program office processes are conducted in accordance with constitutional, statutory, regulatory, and other legal and agency policy requirements that protect civil rights and civil liberties and, to the maximum extent practicable, advance equity for members of underserved communities.

- “(3) Establishment of mechanisms for the Administrator to provide feedback to eligible nonprofit organizations that do not receive grants.

- “(4) Establishment of mechanisms to collect data to measure the effectiveness of grants under the Program.

“(5) Establishment and enforcement of standardized baseline operational requirements for States, including requirements for States to eliminate or prevent any administrative or operational obstacles that may impact eligible nonprofit organizations described in subsection (b) from receiving grants under the Program.

“(6) Carrying out efforts to prevent waste, fraud, and abuse, including through audits of grantees.

“(g) GRANT GUIDELINES.—For each fiscal year, prior to awarding grants under this section, the Administrator—

“(1) shall publish guidelines, including a notice of funding opportunity or similar announcement, as the Administrator determines appropriate; and

“(2) may prohibit States from closing application processes prior to the publication of such guidelines.

“(h) ALLOCATION REQUIREMENTS.—

“(1) IN GENERAL.—In awarding grants under this section, the Administrator shall ensure that—

“(A) 50 percent of amounts appropriated pursuant to the authorization of appropriations under subsection (k) is provided to eligible recipients located in high-risk urban areas that receive funding under section 2003 in the current fiscal year or received such funding in any of the preceding ten fiscal years, inclusive of any amounts States may retain pursuant to paragraph (2) of subsection (c); and

“(B) 50 percent of amounts appropriated pursuant to the authorizations of appropriations under subsection (k) is provided to eligible recipients located in jurisdictions not receiving funding under section 2003 in the current fiscal year or have not received such funding in any of the preceding ten fiscal years, inclusive of any amounts States may retain pursuant to paragraph (2) of subsection (c).

“(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may allocate a different percentage if the Administrator does not receive a sufficient number of applications from eligible recipients to meet the allocation percentages described in either subparagraph (A) or (B) of such paragraph. If the Administrator exercises the authorization under this paragraph, the Administrator shall, not later than 30 days after such exercise, report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such exercise.

“(i) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’), shall not apply to any changes to the application materials, Program forms, or other core Program documentation intended to enhance participation by eligible nonprofit organizations in the Program.”;

(7) in subsection (j), as so redesignated—

(A) in paragraph (1), by striking “\$75 million for each of fiscal years 2020 through 2024” and inserting “\$75,000,000 for fiscal year 2022 and \$500,000,000 for each of fiscal years 2023 through 2028”; and

(B) by amending paragraph (2) to read as follows:

“(2) TRANSFERS AUTHORIZED.—During a fiscal year, the Administrator may transfer not more than five percent of amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or other amounts appropriated or otherwise made available to carry out the Program for such fiscal year to an account of the Federal Emergency Management Agency for costs incurred for the management, administration, or evaluation of this section.”; and

(8) by adding at the end the following new subsection:

“(k) TREATMENT.—Nonprofit organizations determined by the Secretary to be at risk of extremist attacks other than terrorist attacks and threats under subsection (a) are deemed to satisfy the conditions specified in subsection (b) if protecting such organizations against such other extremist attacks would help protect such organizations against such terrorist attacks and threats.”.

(b) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall 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 plan for the administration of the program office for the Nonprofit Security Grant Program established under subsection (f) of section 2009 of the Homeland Security Act 2002 (6 U.S.C. 609a), as amended by subsection (a), including a staffing plan for such program office.

(c) CONFORMING AMENDMENT.—Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

- (1) in subsection (c) by striking “sections 2003 and 2004” and inserting “sections 2003, 2004, and 2009”; and
- (2) in subsection (e), by striking “section 2003 or 2004” and inserting “sections 2003, 2004, or 2009”.

PURPOSE AND SUMMARY

H.R. 6825, the “Nonprofit Security Grant Program Improvement Act,” amends the Homeland Security Act of 2002 to enhance the funding and administration of the Nonprofit Security Grant Program (NSGP) of the Department of Homeland Security (DHS). Specifically, the bill requires DHS to establish a program office within the Federal Emergency Management Agency (FEMA) for the Nonprofit Security Grant Program to provide dedicated outreach, engagement, education, technical assistance, and support to eligible nonprofits, with particular attention to nonprofits in underserved communities. The bill would increase the level at which the NSGP is authorized to \$500 million annually and require funding to be split evenly between nonprofits located within and outside of Urban Area Security Initiative (UASI) jurisdictions. The bill also authorizes a percentage of funding for States, FEMA, and grantees to utilize for administering the program.

BACKGROUND AND NEED FOR LEGISLATION

Recent acts of violence, or threats of violence, illustrate the security challenges currently facing nonprofit institutions, such as houses of worship.¹ On January 15, 2022, an armed individual entered Congregation Beth Israel synagogue in Colleyville, Texas, and held four people hostage for 11 hours.² However, Rabbi Charlie Cytron-Walker grabbed a chair and heaved it at the gunman, allowing the congregants to escape.³ The rabbi credited his quick actions to years of security training⁴ which was funded, in part, by the NSGP. Additionally, over the past year, nonprofits such as Historically Black Colleges and Universities (HBCUs), and other Black institutions, have faced a disturbing number of bomb threats.⁵ For example, in 2022 alone, there have been at least 36 bomb threats to HBCUs.⁶ According to hearing testimony, most HBCUs have not traditionally applied to the NSGP but many are now looking to pursue resources under the program to make vital security enhancements.⁷

¹ See, e.g., in August 5, 2012, a gunman killed six worshipers at a Gurdwara in Oak Creek, Wisconsin; on October 27, 2018, a gunman who had espoused anti-Semitic and racist beliefs shot 17 people in the Tree of Life Synagogue in Pittsburgh, PA, killing 11 people; on April 27, 2019, a gunman, shot four people inside the Chabad of Poway Synagogue in Poway, CA, killing one woman.

² Alaa Elassar, Michelle Watson, and Alanne Orjoux, “FBI Identifies Hostage-Taker at Texas Synagogue,” CNN, (Jan. 17, 2022), available at <https://www.cnn.com/2022/01/16/us/colleyville-texas-hostage-situation-sunday/index.html>.

³ *Id.*

⁴ *Id.*

⁵ Roby Chavez, “After bomb threats at HBCUs across the country, students wonder why there’s not more urgency,” PBS, (Feb. 9, 2022), available at <https://www.pbs.org/newshour/nation/close-to-20-bomb-threats-have-targeted-hbcus-this-month-students-say-they-want-more-safety-measures>.

⁶ Kiara Alfonseca and Justin Gomez, “Vice President Harris Boosts HBCU Funding Following Bomb Threats,” ABC News, (Mar. 16, 2022), available at <https://abcnews.go.com/US/vice-president-harris-boosts-hbcu-funding-bomb-threats/story?id=83476589>.

⁷ House Committee on Homeland Security, *The Targeting of Black Institutions: From Church Violence to University Bomb Threats*, 117th Cong., 2d sess., (Mar. 17, 2022) (testimony of Mr. Thomas K. Hudson, President, Jackson State University).

The threats to HBCUs and hostage crisis in Colleyville, Texas, come at a time when the terrorism landscape is complex, diffuse, and dynamic with heightened threats and violence against houses of worship and other nonprofits.⁸ In 2020, Congress enacted Chairman Bennie G. Thompson’s bill to authorize the NSGP, a risk-based program to bolster the security of non-profits against terrorism.⁹ Importantly, that measure, in recognition of the diffuse threat landscape, made funding available to at-risk nonprofit organizations regardless of where they are located. H.R. 6825 builds upon the prior authorization to improve the effectiveness and accessibility of this critical homeland security grant program.

The NSGP funds physical security enhancements to, and other security-related activities of, nonprofit organizations that are at high risk of a terrorist attack, such as houses of worship and universities.¹⁰ Eligible security-related activities include active shooter training, fencing, barriers, and surveillance cameras.¹¹ In response to growing threats against nonprofits, in Fiscal Year (FY) 2021, NSGP was appropriated at \$180 million, which was double the funding level of the prior year.¹² In FY 2022, \$250 million was appropriated for the NSGP.¹³ Even with the significant increase in funding, the demand for the program has never been greater. In FY 2021, 3,361 NSGP applicants requested approximately \$400 million, a \$200 million gap between requests and funding.¹⁴ As the needs of nonprofits to combat the threats they face rise, commensurate resources are needed for FEMA and its partners at the State level to ensure effective administration and oversight the program.

On February 8, 2022, witnesses at a joint Committee on Homeland Security subcommittee hearing testified in support of dedicated funding to administer this vital and growing program.¹⁵ Specifically, witnesses explained that the lack of technical assistance and feedback to applicants, particularly under-resourced or inexperienced applicants, impeded at-risk nonprofits access to needed security support.¹⁶ At the same hearing, the president and chief executive officer of the Jewish Federations of North America, explained that the lack of dedicated resources to administer this program, “undermines the application review and oversight processes and challenges the capacity of FEMA and the State Administrative Agencies workforce to coordinate the NSGP program in an efficient and effective way.”¹⁷ H.R. 6825, authorizes States, FEMA, and grantees to utilize a percentage of NSGP grants for the costs of administering the program, which can help reduce the capacity chal-

⁸“National Terrorism Advisory System Bulletin,” Department of Homeland Security, (Feb. 7, 2022), available at <https://www.dhs.gov/publication/national-terrorism-advisory-system-bulletin-february-7-2022-translations>.

⁹Pub. L. 116–108.

¹⁰“Fiscal Year 2021 Nonprofit Security Grant Program Fact Sheet,” Department of Homeland Security, (accessed Jan. 25, 2022), available at https://www.fema.gov/sites/default/files/documents/fema_fy2021-nsgp-nofu_3-2-2021.pdf.

¹¹*Id.*

¹²*Id.*

¹³Pub. L. 117–103.

¹⁴Documents on file with the Committee (FEMA Briefing Slides for Staff Briefing on July 22, 2021).

¹⁵House Committee on Homeland Security, *The Nonprofit Security Grant Program and Protecting Houses of Worship: A View from the American Jewish Community*, 117th Cong., 2d sess., (Feb. 8, 2022) (testimony of the Honorable Eric Fingerhut, President and CEO, The Jewish Federations of North America and former Member of Congress).

¹⁶*Id.*

¹⁷*Id.*

lenges faced by both FEMA and the State Administrative Agencies (SAA).

H.R. 6825, in addition to authorizing NSGP at a level responsive to the heightened threats and violence against houses of worship and other nonprofits, makes improvements to the program to ensure additional resources are accessible to at-risk nonprofits.

HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop H.R. 6825:

On April 28, 2021, the Subcommittee on Emergency Preparedness Response, and Recovery held a hearing entitled “State and Local Perspectives on DHS Preparedness Grant Programs.” The Subcommittee received testimony from the Honorable David Ige, Governor, Hawaii (testifying on behalf of the National Governors Association); Mr. Jared Maples, Director, New Jersey Office of Homeland Security and Preparedness; Mr. Orlando Rolón, Chief of Police, City of Orlando, Florida (testifying on behalf of the Major Cities Chiefs Association); Mr. Robert Altman, Battalion Chief, Ocala Fire Rescue.

On February 2, 2022, the Committee on Homeland Security held a full Committee hearing entitled “The Dynamic Terrorism Landscape and What It Means for America.” The Committee received testimony from the Honorable Nicholas J. Rasmussen, Executive Director, Global Internet Forum to Counter Terrorism; Mr. Jonathan Greenblatt, Chief Executive Officer, Anti-Defamation League; Cynthia Miller-Idriss, PhD, Professor, American University; Mr. Bill Roggio, Senior Fellow, Foundation for Defense of Democracies.

On February 8, 2022, the Subcommittees on Emergency Preparedness, Response, and Recovery and Intelligence and Counterterrorism held a joint hearing entitled “The Nonprofit Security Grant Program and Protecting Houses of Worship: A View from the American Jewish Community.” The Subcommittees received testimony from Mr. Charlie Cytron-Walker, Rabbi, Congregation Beth Israel, Colleyville, Texas; Mr. Yosef Konikov, Rabbi, Chabad of South Orlando; the Honorable Eric Fingerhut, President and CEO, the Jewish Federations of North America; and Mr. Michael Masters, National Director and CEO, Secure Community Network.

Subsequent to the Committee’s consideration of H.R. 6825, the Committee also held the following relevant hearing:

On March 17, 2022, the Committee on Homeland Security held a hearing entitled “The Targeting of Black Institutions: From Church Violence to University Bomb Threats.” The Committee received testimony from the Reverend Eric S.C. Manning, Senior Pastor, Mother Emanuel AME Church, Charleston, SC; Mr. Thomas K. Hudson, President, Jackson State University, Jackson, MS; and Ms. Janai Nelson, President and Director-Counsel, NAACP Legal Defense Fund.

COMMITTEE CONSIDERATION

The Committee met on March 2, 2022, a quorum being present, to consider H.R. 6825 and ordered the measure to be favorably reported to the House, as amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII 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. 6825.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, 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 and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, 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. 6825 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 6825 is to enhance the funding and administration of the Nonprofit Security Grant Program within the Department of Homeland Security.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with rule XXI, 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 rule XXI.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 6825 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section states that the Act may be cited as the “Nonprofit Security Grant Program Improvement Act of 2022”.

Sec. 2. Enhancements to funding and administration of Nonprofit Security Grant Program of the Department of Homeland Security.

Subsection (a) amends section 2009 of the Homeland Security Act of 2002 to:

- expand the definition of what qualifies as a threat to include terrorist attacks and threats;
- allow grant funding to be utilized for alteration or remodeling of existing buildings or physical facilities;
- allow grant funding to be utilized for facility security personnel; and
- requires the FEMA Administrator to establish a dedicated NSGP program office headed by a senior official of the Agency.

The NSGP program office is charged with focusing on increasing outreach and technical support to nonprofits, implementing mechanisms to provide feedback to eligible nonprofit organizations that do not receive grants, increasing program oversight, and creating baseline operational requirements for States executing the program.

The section also authorizes States, FEMA, and grantees to utilize a percentage of NSGP grants for the costs of administering the program. Additionally, it requires the FEMA Administrator to publish guidelines, including a notice of funding opportunity (NOFO) or similar announcement, and may prohibit States from closing application processes prior to the publication of guidelines.

The Committee observes, as currently administered by FEMA, the NSGP does not incentivize States to manage the ever-growing number of applications. In carrying out oversight of the program, the Committee was troubled to learn that application periods in several States, including Texas, Hawaii, Iowa, Mississippi, and Vermont had been opened and closed prior to FEMA’s issuance of the NOFO for FY 2022. Given that the NOFO may have changes which nonprofits would need to address in their applications, closing application periods prior to the issuance of the NOFO is troubling. The Committee is concerned that it could lead to eligible applicants from such States being disadvantaged in this competitive grant program as their applications may not include key requirements set forth in the NOFO that FEMA utilizes to evaluate applications. Further, for nonprofits who need external support to pre-

pare their grant application, the prospect of having to update their applications to meet the NOFO's requirements, after already submitting their application to the State, could be costly or even cost prohibitive. Officials from State Administrative Agencies with early deadlines have told the Committee that they did so because of the significant increase in the number of applications received and the lack of dedicated resources available to the State to evaluate them. H.R. 6825 addresses this matter in two ways. First, it allows States to receive operation and maintenance funding to administer the program. Second, it explicitly gives FEMA authority to prohibit States from closing the application period prior to the NOFO's publication.

The section authorizes \$500,000,000 for each fiscal year 2023 through 2028 for the NSGP. The allocation of funds is evenly divided between nonprofits located within and outside of UASI jurisdictions, but the FEMA Administrator may allocate a different percentage of funds if the office does not receive a sufficient number of applications from eligible recipients.

Additionally, the section ensures that the Paperwork Reduction Act does not apply to any changes to application materials, program forms, or other documents that are intended to enhance participation.

Subsection (b) requires the FEMA Administrator to 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 plan for the administration of the program office for the NSGP established by the bill, including a staffing plan, within 90 days of enactment.

Subsection (c) makes a technical and conforming change to section 2008 of the Homeland Security Act of 2002.

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 italics, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE XX—HOMELAND SECURITY GRANTS

* * * * *

Subtitle A—Grants to States and High-Risk Urban Areas

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SEC. 2008. USE OF FUNDS.

(a) **PERMITTED USES.**—The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, including by working in conjunction with a National Laboratory (as defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3))), through—

(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;

(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);

(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 2214(a)(2);

(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;

(5) ensuring operability and achieving interoperability of emergency communications;

(6) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

(7) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

(8) enhancing school preparedness;

(9) enhancing the security and preparedness of secure and nonsecure areas of eligible airports and surface transportation systems;

(10) supporting public safety answering points;

(11) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts, regardless of whether such analysts are current or new full-time employees or contract employees;

(12) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

(13) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program;

(14) migrating any online service (as defined in section 3 of the DOTGOV Online Trust in Government Act of 2020) to the.gov internet domain; and

(15) any other appropriate activity, as determined by the Administrator.

(b) **LIMITATIONS ON USE OF FUNDS.**—

(1) **IN GENERAL.**—Funds provided under section 2003 or 2004 may not be used—

(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

(B) for any State or local government cost-sharing contribution.

(2) **PERSONNEL.**—

(A) **IN GENERAL.**—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

(B) **WAIVER.**—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

(3) **LIMITATIONS ON DISCRETION.**—

(A) **IN GENERAL.**—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for personnel costs in accordance with paragraph (2) of this subsection, the Administrator may not—

(i) impose a limit on the amount of the award that may be used to pay for personnel, or personnel-related, costs that is higher or lower than the percent limit imposed in paragraph (2)(A); or

(ii) impose any additional limitation on the portion of the funds of a recipient that may be used for a specific type, purpose, or category of personnel, or personnel-related, costs.

(B) **ANALYSTS.**—If amounts awarded to a grant recipient under section 2003 or 2004 are used for paying salary or benefits of a qualified intelligence analyst under subsection (a)(10), the Administrator shall make such amounts available without time limitations placed on the period of time that the analyst can serve under the grant.

(4) **CONSTRUCTION.**—

(A) **IN GENERAL.**—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

(B) **EXCEPTIONS.**—

(i) **IN GENERAL.**—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

(ii) **REQUIREMENTS FOR EXCEPTION.**—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

(I) specifically approved by the Administrator;

(II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

(III) the amount allocated for purposes under clause (i) does not exceed the greater of \$1,000,000 or 15 percent of the grant award.

(5) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under [sections 2003 and 2004] *sections 2003, 2004, and 2009* in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

(d) REIMBURSEMENT OF COSTS.—

(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under [section 2003 or 2004] *sections 2003, 2004, or 2009*, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

(f) EQUIPMENT STANDARDS.—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

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 *and threats*.

(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.]

(2) determined by the Secretary to be at risk of terrorist attacks and threats.

(c) **PERMITTED USES.**—**[The recipient]**

(1) IN GENERAL.—*The recipient of a grant under this section may use such grant for any of the following uses:*

[(1)] (A) Target hardening activities, including physical security enhancement **[equipment and inspection and screening systems]** *equipment, inspection and screening systems, and alteration or remodeling of existing buildings or physical facilities.*

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

(C) Facility security personnel costs, including costs associated with contracted security.

(D) Expenses directly related to the administration of the grant, except that such expenses may not exceed five percent of the amount of the grant.

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

(2) RETENTION.—*Each State through which a recipient receives a grant under this section may retain up to five percent of each grant for expenses directly related to the administration of the grant.*

(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]** *2022 through 2028* 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. *Each such report shall also include information on the number of applications submitted by eligible nonprofit organizations to each State, the number of applications submitted by each State to the Administrator, and the operations of the Nonprofit Security Grant Program Office, including staffing resources and efforts with respect to subparagraphs (A) through (E) of subsection (c)(1).*

(f) ADMINISTRATION.—*Not later than 120 days after the date of the enactment of this subsection, the Administrator shall establish*

within the Federal Emergency Management Agency a program office for the Program (in this subsection referred to as the “program office”). The program office shall be headed by a senior official of the Agency. The Administrator shall administer the Program (including, where appropriate, in coordination with States), including relating to the following:

(1) Outreach, engagement, education, and technical assistance and support to eligible nonprofit organizations described in subsection (b), with particular attention to such organizations in underserved communities, prior to, during, and after the awarding of grants, including web-based training videos for eligible nonprofit organizations that provide guidance on preparing an application and the environmental planning and historic preservation process.

(2) Establishment of mechanisms to ensure program office processes are conducted in accordance with constitutional, statutory, regulatory, and other legal and agency policy requirements that protect civil rights and civil liberties and, to the maximum extent practicable, advance equity for members of underserved communities.

(3) Establishment of mechanisms for the Administrator to provide feedback to eligible nonprofit organizations that do not receive grants.

(4) Establishment of mechanisms to collect data to measure the effectiveness of grants under the Program.

(5) Establishment and enforcement of standardized baseline operational requirements for States, including requirements for States to eliminate or prevent any administrative or operational obstacles that may impact eligible nonprofit organizations described in subsection (b) from receiving grants under the Program.

(6) Carrying out efforts to prevent waste, fraud, and abuse, including through audits of grantees.

(g) GRANT GUIDELINES.—For each fiscal year, prior to awarding grants under this section, the Administrator—

(1) shall publish guidelines, including a notice of funding opportunity or similar announcement, as the Administrator determines appropriate; and

(2) may prohibit States from closing application processes prior to the publication of such guidelines.

(h) ALLOCATION REQUIREMENTS.—

(1) IN GENERAL.—In awarding grants under this section, the Administrator shall ensure that—

(A) 50 percent of amounts appropriated pursuant to the authorization of appropriations under subsection (k) is provided to eligible recipients located in high-risk urban areas that receive funding under section 2003 in the current fiscal year or received such funding in any of the preceding ten fiscal years, inclusive of any amounts States may retain pursuant to paragraph (2) of subsection (c); and

(B) 50 percent of amounts appropriated pursuant to the authorizations of appropriations under subsection (k) is provided to eligible recipients located in jurisdictions not receiving funding under section 2003 in the current fiscal year or have not received such funding in any of the pre-

ceding ten fiscal years, inclusive of any amounts States may retain pursuant to paragraph (2) of subsection (c).

(2) *EXCEPTION.—Notwithstanding paragraph (1), the Administrator may allocate a different percentage if the Administrator does not receive a sufficient number of applications from eligible recipients to meet the allocation percentages described in either subparagraph (A) or (B) of such paragraph. If the Administrator exercises the authorization under this paragraph, the Administrator shall, not later than 30 days after such exercise, report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such exercise.*

(i) *PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to any changes to the application materials, Program forms, or other core Program documentation intended to enhance participation by eligible nonprofit organizations in the Program.*

[(f)] (j) *AUTHORIZATION OF APPROPRIATIONS.—*

(1) *IN GENERAL.—There is authorized to be appropriated \$75 million for each of fiscal years 2020 through 2024 \$75,000,000 for fiscal year 2022 and \$500,000,000 for each of fiscal years 2023 through 2028 to carry out this section.*

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

[(A)] *\$50 million is authorized for eligible recipients located in jurisdictions that receive funding under section 2003; and*

[(B)] *\$25 million is authorized for eligible recipients in jurisdictions not receiving funding under section 2003.*

(2) *TRANSFERS AUTHORIZED.—During a fiscal year, the Administrator may transfer not more than five percent of amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or other amounts appropriated or otherwise made available to carry out the Program for such fiscal year to an account of the Federal Emergency Management Agency for costs incurred for the management, administration, or evaluation of this section.*

(k) *TREATMENT.—Nonprofit organizations determined by the Secretary to be at risk of extremist attacks other than terrorist attacks and threats under subsection (a) are deemed to satisfy the conditions specified in subsection (b) if protecting such organizations against such other extremist attacks would help protect such organizations against such terrorist attacks and threats.*

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