

(as defined in section 15801(3) of title 42),” after “plans,” in introductory provisions.

2008—Subsec. (a). Pub. L. 110-412, §2(1)(A), substituted “The Administrator shall permit the recipient of a grant under section 604 or 605 of this title to use grant funds” for “Grants awarded under section 604 or 605 of this title may be used” in introductory provisions.

Subsec. (a)(10). Pub. L. 110-412, §2(1)(B), inserted “, regardless of whether such analysts are current or new full-time employees or contract employees” after “analysts”.

Subsec. (b)(3) to (5). Pub. L. 110-412, §2(2), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

§ 609a. 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 or other threats.

(b) Eligible recipients

Eligible nonprofit organizations described in this subsection are organizations that are—

- (1) described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of such title; and
- (2) determined by the Secretary to be at risk of terrorist attacks or other threats.

(c) Permitted uses

(1) In general

The recipient of a grant under this section may use such grant for any of the following uses:

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

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

(C) Facility security personnel costs.

(D) Expenses directly related to the administration of the grant, except that those expenses may not exceed 5 percent of the amount of the grant.

(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 not more than 5 percent of each grant for expenses directly related to the administration of the grant.

(3) Outreach and technical assistance

(A) In general

If the Administrator establishes target allocations in determining award amounts under the Program, a State may request a

project to use a portion of the target allocation for outreach and technical assistance if the State does not receive enough eligible applications from nonprofit organizations located outside high-risk urban areas.

(B) Priority

Any outreach or technical assistance described in subparagraph (A) should prioritize underserved communities and nonprofit organizations that are traditionally underrepresented in the Program.

(C) Parameters

In determining grant guidelines under subsection (g), the Administrator may determine the parameters for outreach and technical assistance.

(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 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 following:

- (1) The expenditure by each grant recipient of grant funds made under this section.
- (2) The number of applications submitted by eligible nonprofit organizations to each State.
- (3) The number of applications submitted by each State to the Administrator.
- (4) The operations of the program office of the Program, including staffing resources and efforts with respect to subparagraphs (A) through (D) of subsection (c)(1).

(f) Administration

Not later than 120 days after December 23, 2022, the Administrator shall ensure that within the Federal Emergency Management Agency a program office for the Program (in this subsection referred to as the “program office”) shall—

(1) be headed by a senior official of the Agency; and

(2) administer the Program (including, where appropriate, in coordination with States), including relating to—

(A) outreach, engagement, education, and technical assistance and support to eligible nonprofit organizations described in subsection (b), with particular attention to those organizations in underserved communities, before, 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;

(B) the establishment of mechanisms to ensure program office processes are conducted in accordance with constitutional, statutory, and regulatory requirements that protect civil rights and civil liberties and advance equal access for members of underserved communities;

(C) the establishment of mechanisms for the Administrator to provide feedback to eligible nonprofit organizations that do not receive grants;

(D) the establishment of mechanisms to identify and collect data to measure the effectiveness of grants under the Program;

(E) the 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;

(F) carrying out efforts to prevent waste, fraud, and abuse, including through audits of grantees; and

(G) promoting diversity in the types and locations of eligible nonprofit organizations that are applying for grants under the Program.

(g) Grant guidelines

For each fiscal year, before 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 before the publication of those guidelines.

(h) Paperwork Reduction Act

Chapter 35 of title 44 (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.

(i) Authorization of appropriations

(1) In general

There is authorized to be appropriated \$360,000,000 for each of fiscal years 2023 through 2028 for grants under this section, of which—

(A) \$180,000,000 each such fiscal year shall be for recipients in high-risk urban areas that receive funding under section 2003; and

(B) \$180,000,000 each such fiscal year shall be for recipients in jurisdictions that do not so receive such funding.

(2) Operations and support

There is authorized to be appropriated \$18,000,000 for each of fiscal years 2023 through 2028 for Operations and Support at the Federal Emergency Management Agency for costs incurred for the management and administration (including evaluation) of this section.

(Pub. L. 107–296, title XX, § 2009, as added Pub. L. 116–108, § 2(a), Jan. 24, 2020, 133 Stat. 3294; amended Pub. L. 117–263, div. G, title LXXI, § 7101(a), Dec. 23, 2022, 136 Stat. 3616.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–263, § 7101(a)(1), inserted “or other threats” before period at end.

Subsec. (b). Pub. L. 117–263, § 7101(a)(2)(A), struck out “(a)” after “this subsection” in introductory provisions.

Subsec. (b)(2). Pub. L. 117–263, § 7101(a)(2)(B), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “determined to be at risk of a terrorist attack by the Administrator.”

Subsec. (c). Pub. L. 117–263, § 7101(a)(3)(A), (B), (D), (E), designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) to (3) as subpars. (A), (B), and (E), respectively, of par. (1) and realigned margins, added subpars. (C) and (D) of par. (1), and added pars. (2) and (3).

Subsec. (c)(1)(A). Pub. L. 117–263, § 7101(a)(3)(C), substituted “equipment, inspection and screening systems, and alteration or remodeling of existing buildings or physical facilities” for “equipment and inspection and screening systems”.

Subsec. (e). Pub. L. 117–263, § 7101(a)(4)(B), (C), substituted “on the following:” and “(1) The expenditure” for “on the expenditure” and added pars. (2) to (4).

Pub. L. 117–263, § 7101(a)(4)(A), substituted “2022 through 2028” for “2020 through 2024”.

Subsecs. (f) to (i). Pub. L. 117–263, § 7101(a)(5), added subsecs. (f) to (i) and struck out former subsec. (f) which related to authorization of appropriations for fiscal years 2020 through 2024.

PART B—GRANTS ADMINISTRATION

§ 611. Administration and coordination

(a) Regional coordination

The Administrator shall ensure that—

(1) all recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 2003, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) coordinate, as appropriate, their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments; and

(2) all high-risk urban areas and other recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 2003, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) that include or substantially affect parts or all of more than 1 State coordinate, as appropriate, across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans.

(b) Planning committees

(1) In general

Any State or high-risk urban area receiving a grant under section 604 or 605 of this title shall establish a State planning committee or urban area working group to assist in preparation and revision of the State, regional, or local homeland security plan or the threat and hazard identification and risk assessment, as the case may be, and to assist in determining effective funding priorities for grants under such sections.

(2) Composition

(A) In general

The State planning committees and urban area working groups referred to in paragraph