

115TH CONGRESS  
1ST SESSION

# H. R. 2405

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2017

Mr. SMITH of New Jersey (for himself, Mr. KING of New York, Ms. MENG, and Mr. FRANKS of Arizona) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Disaster As-  
5 sistance Nonprofit Fairness Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Churches, synagogues, mosques, temples,  
2           and other houses of worship throughout communities  
3           nationwide play an essential role in the daily lives of  
4           the communities.

5           (2) The Federal Emergency Management Agen-  
6           cy's (FEMA) public assistance program provides fi-  
7           nancial grants for the repair of various types of pri-  
8           vate nonprofit facilities.

9           (3) Among the types of nonprofits to which  
10          FEMA provides such grants are those in which citi-  
11          zens gather and engage in a variety of educational,  
12          enrichment, and social activities. These activities are  
13          essential to community building and occur in houses  
14          of worship.

15          (4) Under the Robert T. Stafford Disaster Re-  
16          lief and Emergency Assistance Act (42 U.S.C. 5121  
17          et seq.), FEMA's disaster relief program is a general  
18          government program under which assistance is pro-  
19          vided in the wake of a natural disaster using criteria  
20          that are neutral with regard to religion.

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

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

5 **SEC. 3. INCLUSION OF HOUSES OF WORSHIP AS PRIVATE**  
6 **NONPROFIT FACILITIES ELIGIBLE FOR DIS-**  
7 **ASTER RELIEF.**

8           (a) DEFINITION OF PRIVATE NONPROFIT FACIL-  
9 ITY.—Section 102(11)(B) of the Robert T. Stafford Dis-  
10 aster Relief and Emergency Assistance Act (42 U.S.C.  
11 5122(11)(B)) is amended to read as follows:

12                   “(B) ADDITIONAL FACILITIES.—In addi-  
13 tion to the facilities described in subparagraph  
14 (A), the term ‘private nonprofit facility’ in-  
15 cludes any private nonprofit facility that pro-  
16 vides essential services of a governmental na-  
17 ture to the general public (including museums,  
18 zoos, performing arts facilities, community arts  
19 centers, community centers, including houses of  
20 worship exempt from taxation under section  
21 501(c) of the Internal Revenue Code of 1986,  
22 libraries, homeless shelters, senior citizen cen-  
23 ters, rehabilitation facilities, shelter workshops,  
24 and facilities that provide health and safety

1 services of a governmental nature), as defined  
2 by the President.”.

3 (b) REPAIR, RESTORATION, AND REPLACEMENT OF  
4 DAMAGED FACILITIES.—Section 406(a)(3) of the Robert  
5 T. Stafford Disaster Relief and Emergency Assistance Act  
6 (42 U.S.C. 5172(a)(3)) is amended by adding at the end  
7 the following:

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

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

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