

ing 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 604, 605, or 609a of this title, 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**

**(1) Application requirement**

If an applicant for a grant under section 604 or 605 of this title 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 747 of this title, 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.

**(2) Review process**

The Administrator shall implement a uniform process for reviewing applications that, in accordance with paragraph (1), contain explanations to use grants provided under section 604 or 605 of this title to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 747 of this title.

**(3) Factors**

In carrying out the review process under paragraph (2), the Administrator shall consider the following:

(A) Current or past use of proposed equipment or systems by Federal agencies or the Armed Forces.

(B) The absence of a national voluntary consensus standard for such equipment or systems.

(C) The existence of an international consensus standard for such equipment or systems, and whether such equipment or systems meets such standard.

(D) The nature of the capability gap identified by the applicant and how such equipment or systems will address such gap.

(E) The degree to which such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed existing consensus standards.

(F) Any other factor determined appropriate by the Administrator.

**(g) Review process**

The Administrator shall implement a uniform process for reviewing applications to use grants provided under section 604 or 605 of this title to purchase equipment or systems not included on

the Authorized Equipment List maintained by the Administrator.

(Pub. L. 107–296, title XX, §2008, as added Pub. L. 110–53, title I, §101, Aug. 3, 2007, 121 Stat. 283; amended Pub. L. 110–412, §2, Oct. 14, 2008, 122 Stat. 4336; Pub. L. 114–113, div. M, title VII, §711, Dec. 18, 2015, 129 Stat. 2934; Pub. L. 114–190, title III, §3603, July 15, 2016, 130 Stat. 665; Pub. L. 115–278, §2(g)(7)(B), Nov. 16, 2018, 132 Stat. 4180; Pub. L. 116–260, div. U, title IX, §904(c), Dec. 27, 2020, 134 Stat. 2302; Pub. L. 117–263, div. G, title LXXXI, §7101(c), Dec. 23, 2022, 136 Stat. 3619; Pub. L. 118–165, §2(a), Dec. 23, 2024, 138 Stat. 2581.)

**Editorial Notes**

REFERENCES IN TEXT

Section 3 of the DOTGOV Online Trust in Government Act of 2020, referred to in subsec. (a)(14), probably means section 903 of title IX of div. U of Pub. L. 116–260, which defines “online service” and is set out as a note under section 665 of this title.

Subsection (a)(10), referred to in subsec. (b)(3)(B), was redesignated subsec. (a)(11) by Pub. L. 114–190, title III, §3603(1), July 15, 2016, 130 Stat. 665.

The Fair Labor Standards Act of 1938, referred to in subsec. (d)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

AMENDMENTS

2024—Subsec. (f). Pub. L. 118–165, §2(a)(1), designated existing provisions as par. (1), inserted heading, and added pars. (2) and (3).

Subsec. (g). Pub. L. 118–165, §2(a)(2), added subsec. (g).  
2022—Subsec. (c). Pub. L. 117–263, §7101(c)(1), substituted “sections 604, 605, and 609a of this title” for “sections 604 and 605 of this title”.

Subsec. (e). Pub. L. 117–263, §7101(c)(2), substituted “section 604, 605, or 609a of this title” for “section 604 or 605 of this title”.

2020—Subsec. (a)(14), (15). Pub. L. 116–260 added par. (14) and redesignated former par. (14) as (15).

2018—Subsec. (a)(3). Pub. L. 115–278 substituted “section 664(a)(2) of this title” for “section 124(a)(2) of this title”.

2016—Subsec. (a)(9) to (14). Pub. L. 114–190 added par. (9) and redesignated former pars. (9) to (13) as (10) to (14), respectively.

2015—Subsec. (a). Pub. L. 114–113 inserted “including by working in conjunction with a National Laboratory (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 203, 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 203, 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 (1) shall include at least one representative from each of the following significant stakeholders:

(i) Local or tribal government officials.

(ii) Emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical services, and emergency managers.

(iii) Public health officials and other appropriate medical practitioners.

(iv) Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education.

(v) State and regional interoperable communications coordinators, as appropriate.

(vi) State and major urban area fusion centers, as appropriate.

**(B) Geographic representation**

The members of the State planning committee or urban area working group, as the