

Calendar No. 507

117TH CONGRESS
2^D SESSION

H. R. 6825

[Report No. 117–165]

IN THE SENATE OF THE UNITED STATES

MAY 17, 2022

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

SEPTEMBER 27, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

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.

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. ENHANCEMENTS TO FUNDING AND ADMINISTRA-**
5 **TION OF NONPROFIT SECURITY GRANT PRO-**
6 **GRAM OF THE DEPARTMENT OF HOMELAND**
7 **SECURITY.**

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

10 (1) in subsection (a), by inserting “and
11 threats” before the period at the end;

12 (2) in subsection (b)—

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

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

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

19 (3) in subsection (c)—

20 (A) by redesignating paragraphs (1), (2),
21 and (3) as subparagraphs (A), (B), and (E), re-
22 spectively, and moving such subparagraphs, as
23 so redesignated, two ems to the right;

24 (B) in the matter preceding subparagraph
25 (A), as so redesignated, by striking “The recipi-
26 ent” and inserting the following:

1 “(1) IN GENERAL.—The recipient”;

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

8 (D) by inserting after subparagraph (B),
9 as so redesignated, the following new subparagraphs:
10

11 “(C) Facility security personnel costs, including
12 costs associated with contracted security.
13

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

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

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

24 (4) in subsection (c)—

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

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

13 (5) by redesignating subsection (f) as sub-
14 section (j);

15 (6) by inserting after subsection (e) the fol-
16 lowing new subsections:

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

1 “(1) Outreach, engagement, education, and
2 technical assistance and support to eligible nonprofit
3 organizations described in subsection (b), with par-
4 ticular attention to such organizations in under-
5 served communities, prior to, during, and after the
6 awarding of grants, including web-based training
7 videos for eligible nonprofit organizations that pro-
8 vide guidance on preparing an application and the
9 environmental planning and historic preservation
10 process.

11 “(2) Establishment of mechanisms to ensure
12 program office processes are conducted in accord-
13 ance with constitutional, statutory, regulatory, and
14 other legal and agency policy requirements that pro-
15 tect civil rights and civil liberties and, to the max-
16 imum extent practicable, advance equity for mem-
17 bers of underserved communities.

18 “(3) Establishment of mechanisms for the Ad-
19 ministrator to provide feedback to eligible nonprofit
20 organizations that do not receive grants.

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

24 “(5) Establishment and enforcement of stand-
25 ardized baseline operational requirements for States,

1 including requirements for States to eliminate or
 2 prevent any administrative or operational obstacles
 3 that may impact eligible nonprofit organizations de-
 4 scribed in subsection (b) from receiving grants under
 5 the Program.

6 “(6) Carrying out efforts to prevent waste,
 7 fraud, and abuse, including through audits of grant-
 8 ees.

9 “(g) GRANT GUIDELINES.—For each fiscal year,
 10 prior to awarding grants under this section, the Adminis-
 11 trator—

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

15 “(2) may prohibit States from closing applica-
 16 tion processes prior to the publication of such guide-
 17 lines.

18 “(h) ALLOCATION REQUIREMENTS.—

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

21 “(A) 50 percent of amounts appropriated
 22 pursuant to the authorization of appropriations
 23 under subsection (k) is provided to eligible re-
 24 cipients located in high-risk urban areas that
 25 receive funding under section 2003 in the cur-

1 rent fiscal year or received such funding in any
2 of the preceding ten fiscal years, inclusive of
3 any amounts States may retain pursuant to
4 paragraph (2) of subsection (c); and

5 “(B) 50 percent of amounts appropriated
6 pursuant to the authorizations of appropri-
7 ations under subsection (k) is provided to eligible
8 recipients located in jurisdictions not receiving
9 funding under section 2003 in the current fiscal
10 year or have not received such funding in any
11 of the preceding ten fiscal years, inclusive of
12 any amounts States may retain pursuant to
13 paragraph (2) of subsection (c).

14 “(2) EXCEPTION.—Notwithstanding paragraph
15 (1), the Administrator may allocate a different per-
16 centage if the Administrator does not receive a suffi-
17 cient number of applications from eligible recipients
18 to meet the allocation percentages described in ei-
19 ther subparagraph (A) or (B) of such paragraph. If
20 the Administrator exercises the authorization under
21 this paragraph, the Administrator shall, not later
22 than 30 days after such exercise, report to the Com-
23 mittee on Homeland Security of the House of Rep-
24 resentatives and the Committee on Homeland Secu-

1 rity and Governmental Affairs of the Senate regard-
 2 ing such exercise.

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

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

10 (A) in paragraph (1), by striking “\$75 mil-
 11 lion for each of fiscal years 2020 through
 12 2024” and inserting “\$75,000,000 for fiscal
 13 year 2022 and \$500,000,000 for each of fiscal
 14 years 2023 through 2028”; and

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

17 “(2) OPERATIONS AND MAINTENANCE.—Of the
 18 amounts authorized to be appropriated pursuant to
 19 paragraph (1), not more than five percent is author-
 20 ized—

21 “(A) to operate the program office; and

22 “(B) for other costs associated with the
 23 management, administration, and evaluation of
 24 the Program.”; and

1 (8) by adding at the end the following new sub-
2 section:

3 “(k) TREATMENT.—Nonprofit organizations deter-
4 mined by the Secretary to be at risk of extremist attacks
5 other than terrorist attacks and threats under subsection
6 (a) are deemed to satisfy the conditions specified in sub-
7 section (b) if protecting such organizations against such
8 other extremist attacks would help protect such organiza-
9 tions against such terrorist attacks and threats.”.

10 (b) PLAN.—Not later than 90 days after the date of
11 the enactment of this Act, the Administrator of the Fed-
12 eral Emergency Management Agency shall submit to the
13 Committee on Homeland Security of the House of Rep-
14 resentatives and the Committee on Homeland Security
15 and Governmental Affairs of the Senate a plan for the
16 administration of the program office for the Nonprofit Se-
17 curity Grant Program established under subsection (f) of
18 section 2009 of the Homeland Security Act 2002 (6
19 U.S.C. 609a), as amended by subsection (a), including a
20 staffing plan for such program office.

21 (c) CONFORMING AMENDMENT.—Section 2008 of the
22 Homeland Security Act of 2002 (6 U.S.C. 609) is amend-
23 ed—

1 (1) in subsection (c) by striking “sections 2003
2 and 2004” and inserting “sections 2003, 2004, and
3 2009”; and

4 (2) in subsection (c), by striking “section 2003
5 or 2004” and inserting “sections 2003, 2004, or
6 2009”.

7 **SECTION 1. SHORT TITLE.**

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

10 **SEC. 2. ENHANCEMENTS TO FUNDING AND ADMINISTRA-**
11 **TION OF NONPROFIT SECURITY GRANT PRO-**
12 **GRAM OF THE DEPARTMENT OF HOMELAND**
13 **SECURITY.**

14 (a) *IN GENERAL.*—Section 2009 of the *Homeland Se-*
15 *curity Act of 2002 (6 U.S.C. 609a) is amended—*

16 (1) *in subsection (a), by inserting “and other*
17 *threats” before the period at the end;*

18 (2) *in subsection (b)—*

19 (A) *in the matter preceding paragraph (1),*
20 *by striking “(a)”;* and

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

23 “(2) *determined by the Secretary to be at risk of*
24 *terrorists attacks and other threats.”;*

25 (3) *in subsection (c)—*

1 (A) by redesignating paragraphs (1), (2),
2 and (3) as subparagraphs (A), (B), and (E), re-
3 spectively, and adjusting the margins accord-
4 ingly;

5 (B) in the matter preceding subparagraph
6 (A), as so redesignated, by striking “The recipi-
7 ent” and inserting the following:

8 “(1) *IN GENERAL.*—*The recipient*”;

9 (C) in subparagraph (A), as so redesign-
10 ated, by striking “equipment and inspection
11 and screening systems” and inserting “equip-
12 ment, inspection and screening systems, and al-
13 teration or remodeling of existing buildings or
14 physical facilities”;

15 (D) by inserting after subparagraph (B), as
16 so redesignated, the following:

17 “(C) *Facility security personnel costs, in-*
18 *cluding contracted security.*

19 “(D) *Expenses directly related to the ad-*
20 *ministration of the grant, except that those ex-*
21 *penditures may not exceed 5 percent of the amount*
22 *of the grant.*”; and

23 (E) by adding at the end the following:

24 “(2) *RETENTION.*—*Each State through which a*
25 *recipient receives a grant under this section may re-*

tain 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 some 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.”;

(4) in subsection (e)—

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

1 (B) by striking “on the expenditure” and
2 inserting “on—
3 “(1) the expenditure”;

4 (C) in paragraph (1), as so designated, by
5 striking the period at the end and inserting a
6 semicolon; and

7 (D) by adding at the end the following:

8 “(2) the number of applications submitted by eli-
9 gible nonprofit organizations to each State;

10 “(3) the number of applications submitted by
11 each State to the Administrator; and

12 “(4) the operations of the program office of the
13 Program, including staffing resources and efforts with
14 respect to subparagraphs (A) through (D) of sub-
15 section (c)(1).”; and

16 (5) by striking subsection (f) and inserting the
17 following:

18 “(f) ADMINISTRATION.—Not later than 120 days after
19 the date of enactment of the Nonprofit Security Grant Pro-
20 gram Improvement Act of 2022, the Administrator shall en-
21 sure that within the Federal Emergency Management Agen-
22 cy, a program office for the Program (in this subsection
23 referred to as the ‘program office’) shall—

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

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

4 “(A) *outreach, engagement, education, and*
5 *technical assistance and support to eligible non-*
6 *profit organizations described in subsection (b),*
7 *with particular attention to those organizations*
8 *in underserved communities, before, during, and*
9 *after the awarding of grants, including web-*
10 *based training videos for eligible nonprofit orga-*
11 *nizations that provide guidance on preparing an*
12 *application and the environmental planning and*
13 *historic preservation process;*

14 “(B) *the establishment of mechanisms to en-*
15 *sure program office processes are conducted in*
16 *accordance with constitutional, statutory, and*
17 *regulatory requirements that protect civil rights*
18 *and civil liberties and advance equal access for*
19 *members of underserved communities;*

20 “(C) *the establishment of mechanisms for*
21 *the Administrator to provide feedback to eligible*
22 *nonprofit organizations that do not receive*
23 *grants;*

1 “(D) the establishment of mechanisms to
2 identify and collect data to measure the effective-
3 ness of grants under the Program;

4 “(E) the establishment and enforcement of
5 standardized baseline operational requirements
6 for States, including requirements for States to
7 eliminate or prevent any administrative or oper-
8 ational obstacles that may impact eligible non-
9 profit organizations described in subsection (b)
10 from receiving grants under the Program;

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

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

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

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

22 “(2) may prohibit States from closing applica-
23 tion processes before the publication of those guide-
24 lines.

1 “(h) *PAPERWORK REDUCTION ACT.*—Chapter 35 of
 2 *title 44, United States Code (commonly known as the ‘Pa-*
 3 *perwork Reduction Act’), shall not apply to any changes*
 4 *to the application materials, Program forms, or other core*
 5 *Program documentation intended to enhance participation*
 6 *by eligible nonprofit organizations in the Program.*

7 “(i) *ALLOCATION REQUIREMENTS.*—

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

10 “(A) 50 percent of amounts appropriated
 11 *pursuant to the authorization of appropriations*
 12 *under subsection (j) is provided to eligible recipi-*
 13 *ents located in high-risk urban areas that receive*
 14 *funding under section 2003 in the current fiscal*
 15 *year or received such funding in any of the pre-*
 16 *ceding 10 fiscal years, inclusive of any amounts*
 17 *States may retain pursuant to subsection (c)(2);*
 18 *and*

19 “(B) 50 percent of amounts appropriated
 20 *pursuant to the authorizations of appropriations*
 21 *under subsection (j) is provided to eligible recipi-*
 22 *ents located in jurisdictions not receiving fund-*
 23 *ing under section 2003 in the current fiscal year*
 24 *or have not received such funding in any of the*
 25 *preceding 10 fiscal years, inclusive of any*

1 *amounts States may retain pursuant to sub-*
2 *section (c)(2).*

3 “(2) *EXCEPTION.—*

4 “(A) *IN GENERAL.—*Notwithstanding para-
5 *graph (1), the Administrator may allocate a dif-*
6 *ferent percentage if the Administrator does not*
7 *receive a sufficient number of applications from*
8 *eligible recipients to meet the allocation percent-*
9 *ages described in subparagraph (A) or (B) of*
10 *such paragraph.*

11 “(B) *REPORT.—*If the Administrator exer-
12 *cises the authorization under subparagraph (A),*
13 *the Administrator shall, not later than 30 days*
14 *after the exercise, report to the Committee on*
15 *Homeland Security and Governmental Affairs of*
16 *the Senate and the Committee on Homeland Se-*
17 *curity of the House of Representatives regarding*
18 *the exercise.*

19 “(j) *AUTHORIZATION OF APPROPRIATIONS.—*

20 “(1) *IN GENERAL.—*There is authorized to be ap-
21 *propriated \$360,000,000 for each of fiscal years 2023*
22 *through 2028 to carry out this section.*

23 “(2) *TRANSFERS AUTHORIZED.—*During a fiscal
24 *year, the Administrator may transfer not more than*
25 *5 percent of amounts appropriated under this sub-*

1 *section or other amounts appropriated or otherwise*
 2 *made available to carry out the Program for the fiscal*
 3 *year to an account of the Federal Emergency Manage-*
 4 *ment Agency for costs incurred for the management,*
 5 *administration, or evaluation of this section.”.*

6 *(b) REPORT.—*

7 *(1) IN GENERAL.—Not later than 180 days after*
 8 *the date of enactment of this Act, the Administrator*
 9 *shall seek to enter into a contract or other agreement*
 10 *with an independent research organization pursuant*
 11 *to which the organization will conduct a study that*
 12 *analyzes and reports on—*

13 *(A) the effectiveness of the Nonprofit Secu-*
 14 *rity Grant Program established under section*
 15 *2009(a) of the Homeland Security Act 2002 (6*
 16 *U.S.C. 609a(a)), as amended by subsection (a),*
 17 *for preparedness against terrorism and other*
 18 *threats;*

19 *(B) the risk-based formula and allocations*
 20 *under that program; and*

21 *(C) the risk profile of and any identifiable*
 22 *factors leading to the low participation of tradi-*
 23 *tionally underrepresented groups and States*
 24 *under that program.*

1 (2) *SUBMISSION.*—*The final report required*
2 *under paragraph (1) shall be submitted to the Com-*
3 *mittee on Homeland Security and Governmental Af-*
4 *fairs of the Senate, the Committee on Homeland Secu-*
5 *rity of the House of Representatives, and the Commit-*
6 *tees on Appropriations of the Senate and the House*
7 *of Representatives.*

8 (3) *FUNDING.*—*The Administrator may use*
9 *funding authorized under subsection (j) of section*
10 *2009 of the Homeland Security Act of 2002 (6 U.S.C.*
11 *609a)), as amended by subsection (a), to carry out*
12 *this subsection.*

13 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—
14 *Section 2008 of the Homeland Security Act of 2002 (6*
15 *U.S.C. 609) is amended—*

16 (1) *in subsection (c) by striking “sections 2003*
17 *and 2004” and inserting “sections 2003, 2004, and*
18 *2009”; and*

19 (2) *in subsection (e), by striking “section 2003 or*
20 *2004” and inserting “section 2003, 2004, or 2009”.*

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