

Union Calendar No. 232

117TH CONGRESS
2^D SESSION

H. R. 6825

[Report No. 117–312]

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2022

Mr. THOMPSON of Mississippi (for himself, Mr. KATKO, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. PAYNE, Mr. CORREA, Ms. SLOTKIN, Mr. CLEAVER, Mr. GREEN of Texas, Ms. CLARKE of New York, Mr. SWALWELL, Ms. TITUS, Mrs. WATSON COLEMAN, Miss RICE of New York, Mrs. DEMINGS, Ms. BARRAGÁN, Mr. GOTTHEIMER, Mr. MALINOWSKI, and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Homeland Security

MAY 6, 2022

Additional sponsors: Mrs. LURIA, Mr. VAN DREW, Mr. MELJER, Mr. GARBARINO, Mrs. MILLER-MEEKS, Ms. MANNING, Ms. SALAZAR, Mrs. CAROLYN B. MALONEY of New York, Mr. SARBANES, Mr. FITZPATRICK, Mr. SUOZZI, Ms. SCHAKOWSKY, Mr. CARSON, Ms. NORTON, Mrs. BICE of Oklahoma, Mr. MORELLE, Mr. CICILLINE, Ms. STEVENS, Ms. PORTER, Mr. PAPPAS, Mr. COOPER, Mr. BACON, Mrs. DINGELL, Ms. WEXTON, Mrs. HAYES, Mr. PALLONE, Mr. EVANS, Mr. DANNY K. DAVIS of Illinois, Mr. AUCHINCLOSS, Ms. BROWN of Ohio, Mrs. FLETCHER, Ms. MENG, Mr. JOHNSON of Ohio, Ms. SÁNCHEZ, Mr. SCHNEIDER, Mr. CASTEN, Mr. LARSEN of Washington, Mr. ALLRED, Ms. DEAN, Ms. MALLIOTAKIS, Ms. BONAMICI, Mr. GIMENEZ, Mr. BOWMAN, and Ms. STRICKLAND

MAY 6, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 25, 2022]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

14 (2) *in subsection (b)—*

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

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

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

21 (3) *in subsection (c)—*

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

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

4 “(1) *IN GENERAL.—The recipient*”;

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

11 (D) by inserting after subparagraph (B), as
12 so redesignated, the following new subpara-
13 graphs:

14 “(C) *Facility security personnel costs, in-*
15 *cluding costs associated with contracted security.*

16 “(D) *Expenses directly related to the ad-*
17 *ministration of the grant, except that such ex-*
18 *penses may not exceed five percent of the amount*
19 *of the grant.*”; and

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

22 “(2) *RETENTION.—Each State through which a*
23 *recipient receives a grant under this section may re-*
24 *tain up to five percent of each grant for expenses di-*
25 *rectly related to the administration of the grant.*”;

1 (4) in subsection (e)—

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

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

14 (5) by redesignating subsection (f) as subsection
15 (j);

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

18 “(f) *ADMINISTRATION*.—Not later than 120 days after
19 the date of the enactment of this subsection, the Adminis-
20 trator shall establish within the Federal Emergency Man-
21 agement Agency a program office for the Program (in this
22 subsection referred to as the ‘program office’). The program
23 office shall be headed by a senior official of the Agency. The
24 Administrator shall administer the Program (including,

1 *where appropriate, in coordination with States), including*
2 *relating to the following:*

3 “(1) *Outreach, engagement, education, and tech-*
4 *nical assistance and support to eligible nonprofit or-*
5 *ganizations described in subsection (b), with par-*
6 *ticular attention to such organizations in underserved*
7 *communities, prior to, during, and after the award-*
8 *ing of grants, including web-based training videos for*
9 *eligible nonprofit organizations that provide guidance*
10 *on preparing an application and the environmental*
11 *planning and historic preservation process.*

12 “(2) *Establishment of mechanisms to ensure pro-*
13 *gram office processes are conducted in accordance*
14 *with constitutional, statutory, regulatory, and other*
15 *legal and agency policy requirements that protect*
16 *civil rights and civil liberties and, to the maximum*
17 *extent practicable, advance equity for members of un-*
18 *derserved communities.*

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

22 “(4) *Establishment of mechanisms to collect data*
23 *to measure the effectiveness of grants under the Pro-*
24 *gram.*

1 “(5) *Establishment and enforcement of standard-*
 2 *ized baseline operational requirements for States, in-*
 3 *cluding requirements for States to eliminate or pre-*
 4 *vent any administrative or operational obstacles that*
 5 *may impact eligible nonprofit organizations described*
 6 *in subsection (b) from receiving grants under the Pro-*
 7 *gram.*

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

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

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 re-*
 25 *ceive funding under section 2003 in the current*

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

5 *“(B) 50 percent of amounts appropriated*
6 *pursuant to the authorizations of appropriations*
7 *under subsection (k) is provided to eligible re-*
8 *cipients 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 any*
12 *amounts States may retain pursuant to para-*
13 *graph (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 either*
19 *subparagraph (A) or (B) of such paragraph. If the*
20 *Administrator exercises the authorization under this*
21 *paragraph, the Administrator shall, not later than 30*
22 *days after such exercise, report to the Committee on*
23 *Homeland Security of the House of Representatives*
24 *and the Committee on Homeland Security and Gov-*

1 *ernmental Affairs of the Senate regarding such exer-*
 2 *cise.*

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 2024”*
 12 *and inserting “\$75,000,000 for fiscal year 2022*
 13 *and \$500,000,000 for each of fiscal years 2023*
 14 *through 2028”;* and

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

17 “(2) *TRANSFERS AUTHORIZED.*—During a fiscal
 18 *year, the Administrator may transfer not more than*
 19 *five percent of amounts appropriated pursuant to the*
 20 *authorization of appropriations under paragraph (1)*
 21 *or other amounts appropriated or otherwise made*
 22 *available to carry out the Program for such fiscal*
 23 *year to an account of the Federal Emergency Manage-*
 24 *ment Agency for costs incurred for the management,*
 25 *administration, or evaluation of this section.”; 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 (a)*
6 *are deemed to satisfy the conditions specified in subsection*
7 *(b) if protecting such organizations against such other ex-*
8 *tremist attacks would help protect such organizations*
9 *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 Federal*
12 *Emergency Management Agency shall submit to the Com-*
13 *mittee on Homeland Security of the House of Representa-*
14 *tives and the Committee on Homeland Security and Gov-*
15 *ernmental Affairs of the Senate a plan for the administra-*
16 *tion of the program office for the Nonprofit Security Grant*
17 *Program established under subsection (f) of section 2009 of*
18 *the Homeland Security Act 2002 (6 U.S.C. 609a), as*
19 *amended by subsection (a), including a staffing plan for*
20 *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 (e), by striking “section 2003 or
5 2004” and inserting “sections 2003, 2004, or 2009”.

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