

113TH CONGRESS
1ST SESSION

H. R. 592

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2013

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

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 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Hurricane Sandy inflicted catastrophic
2 damage in the Northeastern United States.

3 (2) Houses of worship across the Northeast's
4 many faiths and denominations were among the pri-
5 vate nonprofit facilities that sustained damage.

6 (3) Churches, synagogues, mosques, temples,
7 and other houses of worship throughout communities
8 in New York, New Jersey, Connecticut, and else-
9 where play an essential role in the daily lives of the
10 communities.

11 (4) The Federal Emergency Management Agen-
12 cy's (FEMA) public assistance program provides fi-
13 nancial grants for the repair of various types of pri-
14 vate nonprofit facilities.

15 (5) Among the types of nonprofits to which
16 FEMA provides such grants are those in which citi-
17 zens gather and engage in a variety of educational,
18 enrichment, and social activities. These activities are
19 essential to community building and occur in houses
20 of worship.

21 (6) Under the Robert T. Stafford Disaster Re-
22 lief and Emergency Assistance Act (42 U.S.C. 5121
23 et seq.), FEMA's disaster relief program is a general
24 government program under which assistance is pro-

1 vided in the wake of a natural disaster using criteria
2 that are neutral with regard to religion.

3 (7) Congress has previously enacted legislation
4 providing financial assistance to religious nonprofit
5 institutions, including houses of worship, on terms
6 equal to other eligible nonprofit institutions.

7 (8) Such legislation is consistent with recent
8 precedents of the Supreme Court of the United
9 States and legal opinions issued by the Office of
10 Legal Counsel of the Department of Justice.

11 **SEC. 3. INCLUSION OF HOUSES OF WORSHIP AS PRIVATE**
12 **NONPROFIT FACILITIES ELIGIBLE FOR DIS-**
13 **ASTER RELIEF.**

14 (a) DEFINITION OF PRIVATE NONPROFIT FACIL-
15 ITY.—Section 102(10)(B) of the Robert T. Stafford Dis-
16 aster Relief and Emergency Assistance Act (42 U.S.C.
17 5122(10)(B)) is amended to read as follows:

18 “(B) ADDITIONAL FACILITIES.—In addi-
19 tion to the facilities described in subparagraph
20 (A), the term ‘private nonprofit facility’ in-
21 cludes any private nonprofit facility that pro-
22 vides essential services of a governmental na-
23 ture to the general public (including museums,
24 zoos, performing arts facilities, community arts
25 centers, community centers, including houses of

1 worship exempt from taxation under section
2 501(c) of the Internal Revenue Code of 1986,
3 libraries, homeless shelters, senior citizen cen-
4 ters, rehabilitation facilities, shelter workshops,
5 and facilities that provide health and safety
6 services of a governmental nature), as defined
7 by the President.”.

8 (b) REPAIR, RESTORATION, AND REPLACEMENT OF
9 DAMAGED FACILITIES.—Section 406(a)(3) of the Robert
10 T. Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5172(a)(3)) is amended by adding at the end
12 the following:

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

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

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