

117TH CONGRESS
2^D SESSION

H. R. 6825

IN THE SENATE OF THE UNITED STATES

MAY 17, 2022

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

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 nated, by striking “equipment and inspection
4 and screening systems” and inserting “equip-
5 ment, inspection and screening systems, and al-
6 teration or remodeling of existing buildings or
7 physical facilities”;

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

11 “(C) Facility security personnel costs, in-
12 cluding costs associated with contracted secu-
13 rity.

14 “(D) Expenses directly related to the ad-
15 ministration of the grant, except that such ex-
16 penses 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 re-
22 tain up to five percent of each grant for expenses di-
23 rectly related to the administration of the grant.”;

24 (4) in subsection (e)—

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 appropria-
7 tions 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—

