

**Calendar No. 507**

117TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
117-165 }

NONPROFIT SECURITY GRANT PROGRAM  
IMPROVEMENT ACT OF 2022

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R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

H.R. 6825

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



SEPTEMBER 27, 2022.—Ordered to be printed

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NONPROFIT SECURITY GRANT PROGRAM IMPROVEMENT  
ACT OF 2022

SEPTEMBER 27, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and  
Governmental Affairs, submitted the following

**R E P O R T**

[To accompany H.R. 6825]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 6825) 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, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Purpose and Summary .....	1
II. Background and Need for the Legislation .....	2
III. Legislative History .....	3
IV. Section-by-Section Analysis of the Bill, as Reported .....	4
V. Evaluation of Regulatory Impact .....	5
VI. Congressional Budget Office Cost Estimate .....	5
VII. Changes in Existing Law Made by the Bill, as Reported .....	7

I. PURPOSE AND SUMMARY

H.R. 6825, the *Nonprofit Security Grant Program Improvement Act*, amends the Homeland Security Act of 2002 to enhance the administration of the Nonprofit Security Grant Program (NSGP) of the Department of Homeland Security (DHS) and increase its funding authorization. Specifically, the bill requires the program office within the Federal Emergency Management Agency (FEMA) that administers the NSGP to provide dedicated outreach, engagement,

education, technical assistance, and support to eligible nonprofits, with particular attention to nonprofits in underserved communities, and to set certain guidelines for the program. The bill increases the NSGP’s authorization to \$360 million annually and requires funding to be split evenly between nonprofits located within and outside of Urban Area Security Initiative (UASI) jurisdictions. Contracted security personnel and physical security enhancements are added as eligible uses of funds. The bill also authorizes a percentage of funding for states, FEMA, and grantees to administer the program and requires FEMA to enter into an agreement with an independent research organization to study the effectiveness of the grant program. Additionally, it allows states to request a portion of funds to be used for technical assistance and outreach if certain conditions are met.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

Recent acts of violence, or threats of violence, illustrate the security challenges currently facing nonprofit institutions, such as houses of worship. Religious communities and institutions have been frequent targets of violent extremists, both domestic and international. In 2012, a mass shooting took place at a gurdwara in Oak Creek, Wisconsin that took the lives of six people and wounded four others.<sup>1</sup> In 2015, a mass shooting occurred in Charleston, South Carolina, in which nine African Americans were killed during a Bible study at the Emanuel African Methodist Episcopal Church.<sup>2</sup> The most deadly anti-Semitic attack in U.S. History occurred on October 27, 2018, at the Tree of Life—or L’Simcha Congregation Synagogue. Once Shabbat morning services were underway, the gunman, armed with three handguns and a semi-automatic rifle, shot and killed 11 people and wounded another six.<sup>3</sup> On January 15, 2022, an armed individual entered Congregation Beth Israel synagogue in Colleyville, Texas, and held four people hostage for 11 hours.<sup>4</sup> Additionally, over the past year, nonprofits such as Historically Black Colleges and Universities (HBCUs), and other Black institutions, have faced a disturbing number of bomb threats.<sup>5</sup> In 2022 alone, there have been at least 36 bomb threats to HBCUs.<sup>6</sup>

The threats to HBCUs, houses of worship, and other nonprofits come at a time when the terrorism landscape is complex, diffuse, and dynamic, with heightened threats and violence against these

<sup>1</sup> *Remembering the Oak Creek killings, a harbinger of white supremacist violence*, NPR (August 5, 2022), available at <https://www.npr.org/2022/08/05/1115931555/remembering-the-oak-creek-killings-a-harbinger-of-white-supremacist-violence>.

<sup>2</sup> *Nine Killed in Shooting at Black Church in Charleston*, New York Times, (June 17, 2015), available at <https://www.nytimes.com/2015/06/18/us/church-attacked-in-charleston-south-carolina.html>.

<sup>3</sup> *What’s Known About Robert Bowers, The Suspect In The Pittsburgh Synagogue Shooting*, NPR (Oct. 27, 2018), available at <https://www.npr.org/2018/10/27/661409410/whats-known-about-robert-bowers-the-suspect-in-the-pittsburgh-synagogue-shooting>.

<sup>4</sup> *FBI Identifies Hostage-Taker at Texas Synagogue*, CNN, (Jan. 17, 2022), available at <https://www.cnn.com/2022/01/16/us/colleyvilletexas-hostage-situation-sunday/index.html>.

<sup>5</sup> *After bomb threats at HBCUs across the country, students wonder why there’s not more urgency*, PBS, (Feb. 9, 2022), available at <https://www.pbs.org/newshour/nation/close-to-20-bomb-threats-have-targeted-hbcus-this-month-students-say-they-want-more-safety-measures>.

<sup>6</sup> *Vice President Harris Boosts HBCU Funding Following Bomb Threats*, ABC News, (Mar. 16, 2022), available at <https://abcnews.go.com/US/vice-president-harris-boosts-hbcu-funding-bomb-threats/story?id=83476589>.

institutions.<sup>7</sup> In 2020, Congress enacted H.R. 2476, which authorized the NSGP to bolster the security of nonprofits against terrorism.<sup>8</sup> Importantly, that measure, in recognition of the evolving threat landscape, formally authorized the NSGP to help at-risk nonprofit organizations regardless of where they are located. The NSGP funds physical security enhancements to, and other security-related activities of, nonprofit organizations that are at high risk of a terrorist attack, such as houses of worship and universities.<sup>9</sup> Eligible security-related activities include active shooter training, fencing, barriers, and surveillance cameras.<sup>10</sup> As the need increases for nonprofits to combat the heightened threats they face, commensurate resources are needed for FEMA and its partners at the state level to ensure effective administration and oversight of the program.

On February 8, 2022, witnesses at a Congressional hearing testified in support of dedicated funding to administer this vital and growing program.<sup>11</sup> They testified that due to the growing threats faced by nonprofits across the country, a reauthorization of the program is necessary to address current shortfalls. Specifically, witnesses explained that the lack of technical assistance and feedback to applicants, particularly under-resourced or inexperienced applicants, impedes at-risk nonprofit organizations' access to needed security support.<sup>12</sup> They discussed the need to broaden FEMA's ability to provide resources to nonprofits at risk from threats other than terrorist attacks, such as crimes based on the ideology of the nonprofit or religious institution.<sup>13</sup> At the same hearing, the president and chief executive officer of the Jewish Federations of North America explained that the lack of dedicated resources to administer this program "undermines the application review and oversight processes and challenges the capacity of FEMA and the State Administrative Agencies workforce to coordinate the NSGP program in an efficient and effective way."<sup>14</sup>

H.R. 6825 builds upon the prior authorization to improve the effectiveness and accessibility of this critical homeland security grant program. Furthermore, this legislation authorizes states, FEMA, and grantees to utilize a percentage of NSGP grants for the costs of administering the program, which can help reduce the capacity challenges faced by both FEMA and the State Administrative Agencies (SAA).

### III. LEGISLATIVE HISTORY

Representative Bennie Thompson (D-MS-2) introduced H.R. 6825, the Nonprofit Security Grant Improvement Act of 2022, on

<sup>7</sup>*National Terrorism Advisory System Bulletin*, Department of Homeland Security, (Feb. 7, 2022), available at <https://www.dhs.gov/publication/national-terrorism-advisory-system-bulletinfebruary-7-2022-translations>.

<sup>8</sup>Pub. L. 116-108.

<sup>9</sup>*Fiscal Year 2022 Nonprofit Security Grant Program Fact Sheet*, Department of Homeland Security, (May 15, 2022), available at <https://www.fema.gov/grants/preparedness/nonprofit-security/fy22-fact-sheet>.

<sup>10</sup>*Id.*

<sup>11</sup>House Committee on Homeland Security, *The Nonprofit Security Grant Program and Protecting Houses of Worship: A View from the American Jewish Community*, 117th Cong., 2d sess., (Feb. 8, 2022) (testimony of the Honorable Eric Fingerhut, President and CEO, The Jewish Federations of North America and former Member of Congress).

<sup>12</sup>*Id.*

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*

February 25, 2022, with Representatives Katko (R–NY–24), Jackson Lee (D–TX–18), Langevin (D–RI–2), Payne (D–NJ–10), Correa (D–CA–46), Slotkin (D–MI–8), Cleaver (D–MO–5), Swalwell (D–CA–15), Titus (D–NV–1), Watson Coleman (D–NJ–12), Rice (D–NY–4), Demings (D–FL–10), Barragán (D–CA–44), Gottheimer (D–NJ–5), Malinowski (D–NJ–7), and Torres (D–NY–15). The bill was referred to the House Committee on Homeland Security. On May 16, 2022, the House of Representatives passed the bill under a suspension of the rules by a vote of 288 to 129. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Committee considered H.R. 6825 at a business meeting on August 3, 2022. During the business meeting, Senators Peters (D–MI) and Portman (R–OH) offered a substitute amendment that added outreach and technical assistance for states when certain conditions are met. Additionally, the amendment removed the requirement for FEMA to stand up a specific office for the administration of NSGP, directed FEMA to promote diversity in the types and locations of nonprofits applying to the program, set the authorization of appropriations at \$360 million, and required FEMA to enter into an agreement with an independent research organization to assess the effectiveness of NSGP. The substitute amendment was adopted *en bloc* by voice vote with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley present for the vote.

The Committee ordered the bill, as amended, to be favorably reported by voice vote *en bloc*. Senators present for the vote were: Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley.

#### IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

##### *Sec. 1. Short title*

This section states that the Act may be cited as the “Nonprofit Security Grant Program Improvement Act of 2022”.

##### *Sec. 2. Enhancements to funding and administration of Nonprofit Security Grant Program of the Department of Homeland Security*

Subsection (a) amends section 2009 of the Homeland Security Act of 2002 to:

- expand the definition of what qualifies as a threat to include terrorist attacks and other threats;
- allow grant funding to be utilized for alteration or remodeling of existing buildings or physical facilities; and
- allow grant funding to be utilized for facility security personnel.

It also allows states to use funds for outreach and technical assistance if certain conditions are met. It adds certain reporting requirements for FEMA. It requires FEMA to have a program office to administer NSGP that is charged with focusing on increasing outreach and technical support to nonprofits, implementing mechanisms to provide feedback to eligible nonprofit organizations that do not receive grants, increasing program oversight, and creating

baseline operational requirements for states executing the program.

The section also authorizes states, FEMA, and grantees to utilize a percentage of NSGP grants for the costs of administering the program. Additionally, it requires the FEMA Administrator to publish guidelines, including a notice of funding opportunity (NOFO) of similar announcement, and may prohibit States from closing application processes prior to the publication of guidelines.

The section authorizes \$360,000,000 for each fiscal year 2023 through 2028 for the NSGP. The allocation of funds is to be evenly divided between nonprofits located within and outside of UASI jurisdictions, but the FEMA Administrator may allocate a different percentage of funds if FEMA does not receive a sufficient number of applications from eligible recipients in either bucket.

Additionally, the section ensures that the Paperwork Reduction Act does not apply to any changes to application materials, program forms, or other documents that are intended to enhance participation.

Subsection (b) requires the FEMA Administrator to enter into an agreement with an independent research organization to study the effectiveness and other aspects of the NSGP.

Subsection (c) makes a technical and conforming change to section 2009 of the Homeland Security Act of 2002.

#### V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

#### VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 8, 2022.*

Hon. GARY PETERS,  
*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6825, the Nonprofit Security Grant Program Improvement Act of 2022.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon Sperl.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.





TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 6825—Continued

	By fiscal year, millions of dollars—						
	2022	2023	2024	2025	2026	2027	2022–2027
Estimated Outlays .....	0	18	123	243	315	347	1,046

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**HOMELAND SECURITY ACT OF 2002**

\* \* \* \* \*

**TITLE XX—HOMELAND SECURITY GRANTS**

\* \* \* \* \*

**Subtitle A—Grants to States and High Risk Urban Areas**

\* \* \* \* \*

**SEC. 2008. USE OF FUNDS.**

(a) \* \* \*

(b) \* \* \*

(c) MULTIPLE PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under [sections 2003 and 2004] *sections 2003, 2004, and 2009* in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

(d) \* \* \*

(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under [section 2003 or 2004] *section 2003, 2004, or 2009*, 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) \* \* \*

**SEC. 2009. 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 *and other threats*.

(b) **ELIGIBLE RECIPIENTS.**—Eligible nonprofit organizations described in this subsection **[(a)]** are organizations that are—

(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(2) **[(determined to be at risk of a terrorist attack by the Administrator.)]** *determined by the Secretary to be at risk of terrorists attacks and other threats.*

(c) **PERMITTED USES.**—**[(The recipient)]**

(1) *IN GENERAL.*—*The recipient of a grant under this section may use such grant for any of the following uses:*

**[(1)]** (A) Target hardening activities, including physical security enhancement **[(equipment and inspection and screening systems)]** *equipment, inspection, and screening systems, and alteration or remodeling of existing buildings or physical facilities.*

**[(2)]** (B) Fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness.

(C) *Facility security personnel costs, including contracted security.*

(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.*

**[(3)]** (E) Any other appropriate activity, including cybersecurity resilience activities, as determined by the Administrator.

(2) **RETENTION.**—*Each State through which a recipient 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 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.*

(d) \* \* \*

(e) **REPORT.**—The Administrator shall annually for each of fiscal years **[2020 through 2024]** *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 expenditure]** on—

(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; and*

(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) AUTHORIZATION OF APPROPRIATIONS.—**

**[(1) IN GENERAL.—**There is authorized to be appropriated \$75 million for each of fiscal years 2020 through 2024 to carry out this section.

**[(2) SPECIFICATION.—**Of the amounts authorized to be appropriated pursuant to paragraph (1)—

**[(A) \$50 million is authorized for eligible recipients located in jurisdictions that receive funding under section 2003; and**

**[(B) \$25 million is authorized for eligible recipients in jurisdictions not receiving funding under section 2003.]**

*(f) ADMINISTRATION.—Not later than 120 days after the date of enactment of the Nonprofit Security Grant Program Improvement Act of 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, United States Code (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) **ALLOCATION REQUIREMENTS.**—

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

(A) 50 percent of amounts appropriated pursuant to the authorization of appropriations under subsection (j) is provided to eligible recipients located in high-risk urban areas that receive funding under section 2003 in the current fiscal year or received such funding in any of the preceding 10 fiscal years, inclusive of any amounts States may retain pursuant to subsection (c)(2); and

(B) 50 percent of amounts appropriated pursuant to the authorizations of appropriations under subsection (j) is provided to eligible recipients located in jurisdictions not receiving funding under section 2003 in the current fiscal year or have not received such funding in any of the preceding 10 fiscal years, inclusive of any amounts States may retain pursuant to subsection (c)(2).

(2) **EXCEPTION.**—

(A) **IN GENERAL.**—Notwithstanding paragraph (1), the Administrator may allocate a different percentage if the Administrator does not receive a sufficient number of applications from eligible recipients to meet the allocation percentages described in subparagraph (A) or (B) of such paragraph.

(B) **REPORT.**—If the Administrator exercises the authorization under subparagraph (A), the Administrator shall, not later than 30 days after the exercise, report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the exercise.

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

(1) **IN GENERAL.**—There is authorized to be appropriated \$360,000,000 for each of fiscal years 2023 through 2028 to carry out this section.

*(2) TRANSFERS AUTHORIZED.—During a fiscal year, the Administrator may transfer not more than 5 percent of amounts appropriated under this subsection or other amounts appropriated or otherwise made available to carry out the Program for the fiscal year to an account of the Federal Emergency Management Agency for costs incurred for the management, administration, or evaluation of this section.*

\* \* \* \* \*

○