

Calendar No. 193

118TH CONGRESS }
1st Session }

SENATE

{ REPORT
118-90

PRAY SAFE ACT OF 2023

REPORT

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1886

TO ESTABLISH A FEDERAL CLEARINGHOUSE ON SAFETY AND
BEST PRACTICES FOR NONPROFIT ORGANIZATIONS,
FAITH-BASED ORGANIZATIONS, AND HOUSES OF WORSHIP
WITHIN THE DEPARTMENT OF HOMELAND SECURITY, AND FOR
OTHER PURPOSES



AUGUST 22, 2023.—Ordered to be printed
Filed, under authority of the order of the Senate of July 27, 2023

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

R E P O R T

[To accompany S. 1886]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1886) to establish a Federal Clearinghouse on Safety and Best Practices for Nonprofit Organizations, Faith-based Organizations, and Houses of Worship within 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.

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I. PURPOSE AND SUMMARY

S. 1886, the *Pray Safe Act of 2023*, aims to protect American nonprofit organizations, including faith-based organizations, and houses of worship by creating a clearinghouse to centralize information on improving safety and security best practices and resources. The Federal Clearinghouse on Safety and Security Best

Practices for Nonprofit Organizations, Faith-based Organizations, and Houses of Worship will be a primary federal government online resource to publish best practices and recommendations for the safety and security of these organizations, and to educate about such best practices. The Clearinghouse will also include information on federal grant programs to help nonprofits and houses of worship identify and determine what resources they can access to improve their safety and security. Finally, the bill requires the Department of Homeland Security (DHS) to submit a report to Congress every three years on updates made for the continuous improvement of the Clearinghouse.¹

II. BACKGROUND AND NEED FOR THE LEGISLATION

Violence against faith-based institutions and houses of worship has increased across the United States in recent years.² The nature of these attacks, the numbers of victims, and the geographic regions in which the attacks have occurred vary widely.³ Since 2010, there have been at least 30 likely ideologically-motivated attacks or attempted attacks targeting religious centers and individual members of faith-based communities based on their actual or perceived religious affiliation.⁴ Recent attacks have included arson against mosques; shootings at synagogues, Sikh temples, and churches; and vandalism targeting Catholic churches, mosques, and Jewish institutions.⁵ In 2021, the number of hate crimes in the United States increased 11.6% from 2020, including more than 1,590 hate crimes categorized as anti-religious.⁶ Hate crimes motivated by religious bias comprised an increased proportion of hate crimes overall, up from 13.3% of total hate crimes in 2020 to 14.1% in 2021.⁷

In response to the growing, violent threat against religious institutions, the Homeland Security Advisory Council (HSAC) issued a report, *Preventing Targeted Violence Against Faith-Based Commu-*

¹On July 14, 2021, the Committee approved S. 2123, the Pray Safe Act. That bill is substantially similar to S. 1886. Accordingly, this committee report is, in many respects, similar to the committee report for S. 2123. See S. Rept. 117–81.

²Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, *Mitigating Attacks on Houses of Worship Security Guide*, at 5, 13 (Dec. 2020).

³See, *id.* at 23.

⁴Senate Committee on Homeland Security and Governmental Affairs, Statement Submitted for the Record of Deputy Under Secretary for Intelligence Enterprise Operations, Office of Intelligence and Analysis, Stephanie Dobitsch, Deputy Assistant Administrator, Grant Programs Directorate, Federal Emergency Management Agency, Christopher Logan, and Director of the Center for Faith-Based and Neighborhood Partnerships Marcus T. Coleman Jr., Department of Homeland Security, *Hearing on Violent Extremism and Terrorism: Examining the Threat to Houses of Worship and Public Spaces*, 117th Cong. (Mar. 16, 2022) (S. Hrg. 117–XX).

⁵See American Civil Liberties Union, *Nationwide Anti-Mosque Activity* (May 2021) (<https://www.aclu.org/issues/national-security/discriminatory-profiling/nationwide-anti-mosque-activity>) (hereinafter “*Nationwide Anti-Mosque Activity*”); *11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts*, New York Times (Oct. 27, 2018) (<https://www.nytimes.com/2018/10/27/us/active-shooter-pittsburgh-synagogue-shooting.html>); *Gunman Kills 6 at a Sikh Temple Near Milwaukee*, New York Times (Aug. 5, 2012) (<https://www.nytimes.com/2012/08/06/us/shooting-reported-at-temple-in-wisconsin.html>); *Nine Killed in Shooting at Black Church in Charleston*, New York Times (June 17, 2015) (<https://www.nytimes.com/2015/06/18/us/church-attacked-in-charleston-south-carolina.html>); *Desecration of Catholic Churches Across U.S. Leaves Congregations Shaken*, Wall Street Journal (July 22, 2020) (<https://www.wsj.com/articles/desecration-of-catholic-churches-across-u-s-leaves-congregations-shaken-11595451973>); See *Nationwide Anti-Mosque Activity*, *supra* note 3; Anti-Defamation League, *Audit of Antisemitic Incidents: Year in Review 2020* (April 27, 2021) (<https://www.adl.org/resources/report/audit-antisemitic-incidents-2020>).

⁶Department of Justice, *FBI Releases Supplement to the 2021 Hate Crime Statistics* (Mar. 28, 2023) (<https://www.justice.gov/crs/highlights/2021-hate-crime-statistics>).

⁷*Id.*; Federal Bureau of Investigation, *FBI Releases Updated 2020 Hate Crime Statistics* (Oct. 25, 2021) (<https://www.fbi.gov/news/press-releases/fbi-releases-updated-2020-hate-crime-statistics>).

nities, in December 2019.⁸ The report addressed the lack of consistent, clear, and centralized information regarding training, grants, and security best practices for faith-based communities.⁹ Additionally, findings revealed that faith-based organizations and houses of worship do not have a central point of contact at DHS, which harms coordination efforts and increases confusion among faith-based communities. In fact, HSAC expressed that the need for a central point of contact at DHS was the “single most important recommendation” made in the report.¹⁰

In addition, although religious institutions are prime targets of bias-motivated violence, the evolving threat landscape illustrates the need to enhance the security of similarly vulnerable public places.¹¹ For example, in early 2022, there were 49 threats to Historically Black Colleges and Universities and 19 against Predominantly Black Institutions, many of which are nonprofit organizations.¹² Ensuring the safety and security of all Americans must include helping nonprofit organizations that are at risk of attack, including faith-based organizations, and houses of worship navigate the grants and assistance landscape.

The *Pray Safe Act* helps address these alarming trends by better connecting nonprofits, houses of worship, and religious institutions with resources to protect their communities. It creates a Clearinghouse at DHS for safety and security best practices for nonprofit organizations, including faith-based organizations, and houses of worship. The bill requires the Secretary of DHS to work with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and other agencies to identify and make available evidence-based practices that demonstrate a significant effect on improving the safety and security of nonprofit organizations, including faith-based organizations, and houses of worship. The bill also requires the Secretary to publish materials to help with training and implementation of those best practices and recommendations.

The bill further requires the Clearinghouse to be a primary location for all information regarding DHS grant programs that are available for nonprofit organizations, including faith-based organizations and houses of worship, including direct links and user guides for each grant program application. A specific individual must be listed on the Clearinghouse website as a designated point of contact who can assist organizations with navigating these resources. Finally, the bill requires DHS to submit a report to Congress every three years about updates made to the Clearinghouse during the preceding three-year period.

III. LEGISLATIVE HISTORY

Senator Margaret Hassan (D–NH) introduced S. 1886, the *Pray Safe Act of 2023*, on June 8, 2023, with original cosponsors Sen-

⁸Department of Homeland Security, Homeland Security Advisory Council, *Preventing Targeted Violence Against Faith-Based Communities* (Dec. 17, 2019).

⁹*See id.* at 8.

¹⁰*See id.* at 12.

¹¹Senate Committee on Homeland Security and Governmental Affairs, Opening Statement of Chairman Gary Peters, *Hearing on Violent Extremism and Terrorism: Examining the Threat to Houses of Worship and Public Spaces*, 117th Cong. (Mar. 16, 2022) (S. Hrg. 117–XX).

¹²Department of Homeland Security, *Addressing Bomb Threats at Historically Black Colleges and Universities* (Aug. 30, 2022).

ators Ron Johnson (R–WI), Jacky Rosen (D–NV), and Gary Peters (D–MI). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 1886 at a business meeting on June 14, 2023. At the business meeting, Senator Hassan offered a substitute amendment to the bill as well as a modification to the substitute amendment. The Hassan substitute amendment, as modified, clarified that faith-based organizations should be included in all sections of the bill as one type of nonprofit organization, removed unnecessary definitions, and changed the frequency of the reports to Congress to once every three years. It also added a four-year sunset provision and directed the Government Accountability Office (GAO) to submit a report to Congress regarding the state of federal grants, programs, and resources devoted to the safety and security of nonprofit organizations, including faith-based organizations, and houses of worship. The Committee adopted the modification to the Hassan amendment by unanimous consent, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Paul, Lankford, Romney, Scott, and Hawley present. The Committee adopted the Hassan amendment, as modified, by unanimous consent, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Paul, Lankford, Romney, Scott, and Hawley present. The bill, as amended by the Hassan amendment as modified, was ordered reported favorably by roll call vote of 10 yeas to 1 nay, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley voting in the affirmative, and with Senator Paul voting in the negative. Senators Carper, Blumenthal, Johnson, and Marshall voted yea by proxy, for the record only.

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

Section 1. Short title

This section establishes the short title of the bill as the “Pray Safe Act of 2023.”

Section 2. Definitions

This section defines the terms “Clearinghouse,” “Department,” “faith-based organization,” “house of worship,” “nonprofit organization,” “safety and security,” and “Secretary.”

Section 3. Federal Clearinghouse on Safety and Security Best Practices for Nonprofit Organizations, Faith-Based Organizations, and Houses of Worship

Subsection (a)(1) establishes the “Federal Clearinghouse on Safety and Security Best Practices for Nonprofit Organizations, Faith-Based Organizations, and Houses of Worship” at DHS no later than 270 days after enactment of the bill, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the DHS Secretary deems appropriate. It establishes the purpose of the Clearinghouse as educating and publishing online best practices and providing information about available federal grants for these organizations. This subsection also delineates the personnel and resources needed to operate the Clearinghouse, as well as the qualifications for these personnel, and re-

quires a designated point of contact to provide information and assistance to organizations using the Clearinghouse.

Subsection (a)(2) requires the DHS Secretary, in consultation with other entities, to develop tiers for determining evidence-based safety and security practices for faith-based organizations and houses of worship. The subsection establishes requirements for the development of these tiers and criteria for best practices and recommendations developed by the Clearinghouse. It also requires the Clearinghouse to maintain and make available a comprehensive index of all federal grant programs for which nonprofit organizations, including faith-based institutions, and houses of worship are eligible, including the performance metrics that prospective grant recipients will be required to provide. This subsection also requires the Clearinghouse to identify and present best practices and recommendations previously issued by federal, state, local, tribal, territorial, private sector, and nongovernmental organizations relevant to the safety and security of nonprofit organizations, including faith-based organizations, and houses of worship. Finally, this subsection permits the Secretary to establish and maintain the Clearinghouse on an online platform that is in existence on the date of the bill's enactment.

Subsection (a)(3) authorizes the DHS Secretary to produce and publish materials on the Clearinghouse website to assist and train nonprofit organizations, including faith-based organizations, and houses of worship on the implementation of the safety and security best practices and recommendations detailed by the Clearinghouse.

Subsection (a)(4) requires the DHS Secretary, for the purpose of continuous improvement of the Clearinghouse, to collect: Clearinghouse data analytics; user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse.

This subsection also requires the DHS Secretary, in coordination with other entities, to: assess and identify Clearinghouse best practices and recommendations for which there are no resources available through federal government programs; provide feedback on the implementation of best practices and recommendations; propose additional best practices and recommendations for inclusion in the Clearinghouse; and update the Clearinghouse at least annually, using the information and recommendations collected under this subsection. Finally, this subsection requires the DHS Secretary submit a report to Congress every three years on the updates and changes made to the Clearinghouse during the preceding three-year period.

Subsection (b) requires the DHS Secretary to provide a written notification to the following entities about the establishment of the Clearinghouse, including updates pertaining to grant programs: every state's homeland security advisor; every state's departments of homeland security; other federal agencies with grant programs or initiatives that aid in the safety and security of nonprofit organizations, including faith-based organizations, and houses of worship, as determined appropriate by the Secretary; cyber security advisors; protective security advisors; FBI Joint Terrorism Task Forces; Homeland Security Fusion Centers; state and territorial governors or other chief executives; the Senate Committees on Homeland Se-

curity and Governmental Affairs and the Judiciary; and the House Committees on Homeland Security and the Judiciary.

Subsection (c)(1) requires the DHS Secretary to include a grants program overview on the Clearinghouse website. The grants program overview must be a location for all information regarding federal grant programs that are open to nonprofit organizations, including faith-based organizations, and houses of worship, and must provide a direct link to each grant application and any applicable user guides. It must also: identify all safety and security homeland security assistance programs managed by DHS that may be used to implement best practices and recommendations of the Clearinghouse; provide information related to the required elements of grant applications to assist organizations in meeting grant eligibility criteria; and provide answers to frequently asked questions about the implementing Clearinghouse best practices and recommendations, as well as best practices for applying for a grant.

Subsection (c)(2) requires each federal agency notified under subsection (b) to provide the Clearinghouse with necessary information on any federal grant programs or resources provided by that agency that are available for nonprofit organizations, including faith-based organizations and houses of worship.

Subsection (c)(3) permits states notified under subsection (b) to provide necessary information on any state grant programs or resources available for nonprofit organizations, including faith-based organizations, and houses of worship to the Clearinghouse. It also requires the Clearinghouse, to the extent practicable, to identify each state agency responsible for safety of nonprofit organizations, including faith-based organizations, and houses of worship, and identify any state that does not have a designated agency. The Clearinghouse must also identify, for each state, any grant program that may be used to implement the Clearinghouse's best practices and recommendations and any resources that may be used to assist in targeted violence and terrorism prevention.

Subsection (d) requires the DHS Secretary to include a separate section on the Clearinghouse website for other resources, which provides a centralized list of all available points of contact to seek assistance in grant applications and in carrying out the Clearinghouse's best practices and recommendations. This list must include contact information for DHS personnel, relevant Protective Security Advisors, and Department Fusion Center personnel, as well as DHS "If You See Something, Say Something" campaign information and any other appropriate contacts.

Subsection (e) provides that nothing in Section 3 of the bill shall be construed to create, satisfy, or waive any requirement under federal civil rights laws, including title II of the Americans with Disabilities Act of 1990 and title VI of the Civil Rights Act of 1964.

Subsection (f) includes a sunset provision, providing that the bill remains in effect until four years after the date of its enactment.

Section 4. GAO report

This section requires GAO to submit a report to Congress on the state of federal grants, programs, and resources devoted to safety and security for nonprofit organizations, including faith-based organizations, and houses of worship.

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

S. 1886, Pray Safe Act of 2023			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on June 14, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	13	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 1886 would require the Department of Homeland Security (DHS) to publish information regarding the safety and security of faith-based organizations and houses of worship, including best practices for those entities and information on relevant federal and state grant programs. The bill would require DHS to establish and administer a website as the primary federal source for that information within nine months of enactment. The agency also would be required to designate at least one employee to assist website users and report to the Congress annually on the bill's implementation. The bill's requirements would sunset four years after enactment.

CBO assumes that the bill will be enacted late in fiscal year 2023, and consequently, the bill's requirements are assumed to sunset after fiscal year 2027.

Using information from DHS about similar programs, CBO estimates that implementing the bill would cost about \$4 million in 2024 and \$3 million each year thereafter through 2027, for a total of \$13 million over the 2023–2028 period; such spending would be subject to the availability of appropriated funds. CBO estimates that approximately \$5 million would be needed for staffing over the 2023–2028 period. That estimate includes the initial cost of about 10 agency employees who would establish the website and compile information required in the bill. After 2024, CBO estimates that five employees would be needed to manage the website, develop

content, assist users, and report to the Congress. The remaining \$8 million would be needed for other operational costs, primarily for IT services to design and maintain the website.

In addition, S. 1886 would require the Government Accountability Office (GAO) to evaluate relevant federal programs that provide assistance to faith-based organizations and houses of worship and report to the Congress. Using information from GAO about the cost of similar activities, CBO estimates that implementing that requirement would cost less than \$500,000.

The costs of the legislation, detailed in Table 1, fall within budget function 750 (administration of justice).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 1886

	By fiscal year, millions of dollars—						2023– 2028
	2023	2024	2025	2026	2027	2028	
Estimated Authorization	0	4	3	3	3	0	13
Estimated Outlays	0	4	3	3	3	*	13

* = between zero and \$500,000.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by Emily Stern, Senior Adviser for Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.