

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PETERS (for himself and Mr. PORTMAN)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Nonprofit Security
- 5 Grant Program Improvement Act of 2022”.

1 **SEC. 2. ENHANCEMENTS TO FUNDING AND ADMINISTRA-**  
2 **TION OF NONPROFIT SECURITY GRANT PRO-**  
3 **GRAM OF THE DEPARTMENT OF HOMELAND**  
4 **SECURITY.**

5 (a) IN GENERAL.—Section 2009 of the Homeland  
6 Security Act of 2002 (6 U.S.C. 609a) is amended—

7 (1) in subsection (a), by inserting “and other  
8 threats” before the period at the end;

9 (2) in subsection (b)—

10 (A) in the matter preceding paragraph (1),  
11 by striking “(a)”; and

12 (B) by amending paragraph (2) to read as  
13 follows:

14 “(2) determined by the Secretary to be at risk  
15 of terrorists attacks and other threats.”;

16 (3) in subsection (c)—

17 (A) by redesignating paragraphs (1), (2),  
18 and (3) as subparagraphs (A), (B), and (E), re-  
19 spectively, and adjusting the margins accord-  
20 ingly;

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

24 “(1) IN GENERAL.—The recipient”;

25 (C) in subparagraph (A), as so redesi-  
26 gnated, by striking “equipment and inspection

1 and screening systems” and inserting “equip-  
2 ment, inspection and screening systems, and al-  
3 teration or remodeling of existing buildings or  
4 physical facilities”;

5 (D) by inserting after subparagraph (B),  
6 as so redesignated, the following:

7 “(C) Facility security personnel costs, in-  
8 cluding contracted security.

9 “(D) Expenses directly related to the ad-  
10 ministration of the grant, except that those ex-  
11 penses may not exceed 5 percent of the amount  
12 of the grant.”; and

13 (E) by adding at the end the following:

14 “(2) RETENTION.—Each State through which a  
15 recipient receives a grant under this section may re-  
16 tain not more than 5 percent of each grant for ex-  
17 penses directly related to the administration of the  
18 grant.

19 “(3) OUTREACH AND TECHNICAL ASSIST-  
20 ANCE.—

21 “(A) IN GENERAL.—If the Administrator  
22 establishes target allocations in determining  
23 award amounts under the Program, a State  
24 may request a project to use some of the target  
25 allocation for outreach and technical assistance

1 if the State does not receive enough eligible ap-  
2 plications from nonprofit organizations located  
3 outside high-risk urban areas.

4 “(B) PRIORITY.—Any outreach or tech-  
5 nical assistance described in subparagraph (A)  
6 should prioritize underserved communities and  
7 nonprofit organizations that are traditionally  
8 underrepresented in the Program.

9 “(C) PARAMETERS.—In determining grant  
10 guidelines under subsection (g), the Adminis-  
11 trator may determine the parameters for out-  
12 reach and technical assistance.”;

13 (4) in subsection (e)—

14 (A) by striking “2020 through 2024” and  
15 inserting “2022 through 2028”;

16 (B) by striking “on the expenditure” and  
17 inserting “on—  
18 “(1) the expenditure”;

19 (C) in paragraph (1), as so designated, by  
20 striking the period at the end and inserting a  
21 semicolon; and

22 (D) by adding at the end the following:

23 “(2) the number of applications submitted by  
24 eligible nonprofit organizations to each State;

1           “(3) the number of applications submitted by  
2           each State to the Administrator; and

3           “(4) the operations of the program office of the  
4           Program, including staffing resources and efforts  
5           with respect to subparagraphs (A) through (D) of  
6           subsection (c)(1).”; and

7           (5) by striking subsection (f) and inserting the  
8           following:

9           “(f) ADMINISTRATION.—Not later than 120 days  
10          after the date of enactment of the Nonprofit Security  
11          Grant Program Improvement Act of 2022, the Adminis-  
12          trator shall ensure that within the Federal Emergency  
13          Management Agency, a program office for the Program  
14          (in this subsection referred to as the ‘program office’)  
15          shall—

16                 “(1) be headed by a senior official of the Agen-  
17                 cy; and

18                 “(2) administer the Program (including, where  
19                 appropriate, in coordination with States), including  
20                 relating to—

21                         “(A) outreach, engagement, education, and  
22                         technical assistance and support to eligible non-  
23                         profit organizations described in subsection (b),  
24                         with particular attention to those organizations  
25                         in underserved communities, before, during,

1 and after the awarding of grants, including  
2 web-based training videos for eligible nonprofit  
3 organizations that provide guidance on pre-  
4 paring an application and the environmental  
5 planning and historic preservation process;

6 “(B) the establishment of mechanisms to  
7 ensure program office processes are conducted  
8 in accordance with constitutional, statutory,  
9 and regulatory requirements that protect civil  
10 rights and civil liberties and advance equal ac-  
11 cess for members of underserved communities;

12 “(C) the establishment of mechanisms for  
13 the Administrator to provide feedback to eligi-  
14 ble nonprofit organizations that do not receive  
15 grants;

16 “(D) the establishment of mechanisms to  
17 identify and collect data to measure the effec-  
18 tiveness of grants under the Program;

19 “(E) the establishment and enforcement of  
20 standardized baseline operational requirements  
21 for States, including requirements for States to  
22 eliminate or prevent any administrative or oper-  
23 ational obstacles that may impact eligible non-  
24 profit organizations described in subsection (b)  
25 from receiving grants under the Program;

1           “(F) carrying out efforts to prevent waste,  
2           fraud, and abuse, including through audits of  
3           grantees; and

4           “(G) promoting diversity in the types and  
5           locations of eligible nonprofit organizations that  
6           are applying for grants under the Program.

7           “(g) GRANT GUIDELINES.—For each fiscal year, be-  
8           fore awarding grants under this section, the Adminis-  
9           trator—

10           “(1) shall publish guidelines, including a notice  
11           of funding opportunity or similar announcement, as  
12           the Administrator determines appropriate; and

13           “(2) may prohibit States from closing applica-  
14           tion processes before the publication of those guide-  
15           lines.

16           “(h) PAPERWORK REDUCTION ACT.—Chapter 35 of  
17           title 44, United States Code (commonly known as the ‘Pa-  
18           perwork Reduction Act’), shall not apply to any changes  
19           to the application materials, Program forms, or other core  
20           Program documentation intended to enhance participation  
21           by eligible nonprofit organizations in the Program.

22           “(i) ALLOCATION REQUIREMENTS.—

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

1           “(A) 50 percent of amounts appropriated  
2 pursuant to the authorization of appropriations  
3 under subsection (j) is provided to eligible re-  
4 cipients located in high-risk urban areas that  
5 receive funding under section 2003 in the cur-  
6 rent fiscal year or received such funding in any  
7 of the preceding 10 fiscal years, inclusive of any  
8 amounts States may retain pursuant to sub-  
9 section (c)(2); and

10           “(B) 50 percent of amounts appropriated  
11 pursuant to the authorizations of appropria-  
12 tions under subsection (j) is provided to eligible  
13 recipients located in jurisdictions not receiving  
14 funding under section 2003 in the current fiscal  
15 year or have not received such funding in any  
16 of the preceding 10 fiscal years, inclusive of any  
17 amounts States may retain pursuant to sub-  
18 section (c)(2).

19           “(2) EXCEPTION.—

20           “(A) IN GENERAL.—Notwithstanding para-  
21 graph (1), the Administrator may allocate a dif-  
22 ferent percentage if the Administrator does not  
23 receive a sufficient number of applications from  
24 eligible recipients to meet the allocation per-



1 centages described in subparagraph (A) or (B)  
2 of such paragraph.

3 “(B) REPORT.—If the Administrator exer-  
4 cises the authorization under subparagraph (A),  
5 the Administrator shall, not later than 30 days  
6 after the exercise, report to the Committee on  
7 Homeland Security and Governmental Affairs  
8 of the Senate and the Committee on Homeland  
9 Security of the House of Representatives re-  
10 garding the exercise.

11 “(j) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There is authorized to be  
13 appropriated \$360,000,000 for each of fiscal years  
14 2023 through 2028 to carry out this section.

15 “(2) TRANSFERS AUTHORIZED.—During a fis-  
16 cal year, the Administrator may transfer not more  
17 than 5 percent of amounts appropriated under this  
18 subsection or other amounts appropriated or other-  
19 wise made available to carry out the Program for  
20 the fiscal year to an account of the Federal Emer-  
21 gency Management Agency for costs incurred for the  
22 management, administration, or evaluation of this  
23 section.”.

24 (b) REPORT.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, the Adminis-  
3 trator shall seek to enter into a contract or other  
4 agreement with an independent research organiza-  
5 tion pursuant to which the organization will conduct  
6 a study that analyzes and reports on—

7           (A) the effectiveness of the Nonprofit Se-  
8 curity Grant Program established under sub-  
9 section (f) of section 2009 of the Homeland Se-  
10 curity Act 2002 (6 U.S.C. 609a), as amended  
11 by subsection (a), for preparedness against ter-  
12 rorism and other threats;

13           (B) the risk-based formula and allocations  
14 under that program; and

15           (C) the risk profile of and any identifiable  
16 factors leading to the low participation of tradi-  
17 tionally underrepresented groups and States  
18 under that program.

19           (2) SUBMISSION.—The final report required  
20 under (1) shall be submitted to the Committee on  
21 Homeland Security and Governmental Affairs of the  
22 Senate, the Committee on Homeland Security of the  
23 House of Representatives, and the Committees on  
24 Appropriations of the Senate and the House of Rep-  
25 resentatives.

1           (3) FUNDING.—The Administrator may use  
2 funding authorized under subsection (j) of section  
3 2009 of the Homeland Security Act of 2002 (6  
4 U.S.C. 609a)), as amended by subsection (a), to  
5 carry out this subsection.

6           (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
7 Section 2008 of the Homeland Security Act of 2002 (6  
8 U.S.C. 609) is amended—

9           (1) in subsection (c) by striking “sections 2003  
10 and 2004” and inserting “sections 2003, 2004, and  
11 2009”; and

12           (2) in subsection (e), by striking “section 2003  
13 or 2004” and inserting “section 2003, 2004, or  
14 2009”.