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.

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on ____________________

A BILL

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-tives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This 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.

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

(1) in subsection (c)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (E), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(B) in the matter preceding subparagraph (A), as so redesignated, by striking “The recipient” and inserting the following:

“(1) IN GENERAL.—The recipient”;

(C) in subparagraph (A), as so redesignated, by striking “equipment and inspection and screening systems” and inserting “equipment, inspection and screening systems, and alteration or remodeling of existing buildings or physical facilities”;

(D) by inserting after subparagraph (B), as so redesignated, the following new subparagraphs:
“(C) Facility security personnel costs, including costs associated with contracted security.

“(D) Expenses directly related to the administration of the grant, except that such expenses may not exceed five percent of the amount of the grant.”; and

(E) by adding at the end the following new paragraph:

“(2) RETENTION.—Each State through which a recipient receives a grant under this section may retain up to five percent of each grant for expenses directly related to the administration of the grant.”;

(2) in subsection (e)—

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

(B) by adding at the end the following new sentence: “Each such report shall also include information on the number of applications submitted by eligible nonprofit organizations to each State, the number of applications submitted by each State to the Administrator, and the operations of the Nonprofit Security Grant Program Office, including staffing resources
and efforts with respect to subparagraphs (A) through (E) of subsection (e)(1).”; 
(3) by redesignating subsection (f) as subsection (j); 
(4) by inserting after subsection (e) the following new subsections:

“(f) ADMINISTRATION.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall establish within the Federal Emergency Management Agency a program office for the Nonprofit Security Grant Program (in this subsection referred to as the ‘program office’). The program office shall be headed by a senior official of the Agency. The program office shall administer the Program (including, where appropriate, in coordination with States), including relating to the following:

“(1) Outreach, engagement, education, and technical assistance and support to eligible nonprofit organizations described in subsection (b), with particular attention to such organizations in underserved communities, prior to, 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.

“(2) Establishment of mechanisms to ensure program office processes are conducted in accordance with constitutional, statutory, regulatory, and other legal and agency policy requirements that protect civil rights and civil liberties and, to the maximum extent practicable, advance equity for members of underserved communities.

“(3) Establishment of mechanisms for the Administrator to provide feedback to eligible nonprofit organizations that do not receive grants.

“(4) Establishment of mechanisms to collect data to measure the effectiveness of grants under the Program.

“(5) 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.

“(6) Carrying out efforts to prevent waste, fraud, and abuse, including through audits of grantees.
“(g) Grant Guidelines.—For each fiscal year, prior to 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 prior to the publication of such guidelines.

“(h) 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 jurisdictions that receive funding under section 2003, inclusive of any amounts States may retain pursuant to paragraph (2) of subsection (c); 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, inclusive of any
amounts States may retain pursuant to paragraph (2) of subsection (e).

“(2) EXCEPTION.—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 either subparagraph (A) or (B) of such paragraph. If the Administrator exercises the authorization under this paragraph, the Administrator shall, not later than 30 days after such exercise, report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such exercise.

“(i) 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.”; and

(5) in subsection (j), as so redesignated—

(A) in paragraph (1), by striking “$75 million for each of fiscal years 2020 through 2024” and inserting “$75,000,000 for fiscal
year 2022 and $500,000,000 for each of fiscal years 2023 through 2028”; and

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

“(2) TRANSFERS AUTHORIZED.—During a fiscal year, the Administrator may transfer not more than five percent of amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or other amounts appropriated or otherwise made available to carry out the Program for such fiscal year to an account of the Federal Emergency Management Agency for costs incurred for the management, administration, or evaluation of this section.”.

(b) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall 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 plan for the administration of the program office for the Nonprofit Security Grant Program established under subsection (f) of section 2009 of the Homeland Security Act 2002 (6 U.S.C. 609a), as amended by subsection (a), including a staffing plan for such program office.