

115TH CONGRESS
1ST SESSION

S. 1823

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2017

Mr. BLUNT (for himself, Mr. CORNYN, Mr. LANKFORD, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Disaster As-
5 sistance Nonprofit Fairness Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Churches, synagogues, mosques, temples,
2 and other houses of worship throughout communities
3 nationwide play an essential role in the daily lives of
4 the communities.

5 (2) The Federal Emergency Management Agen-
6 cy’s (referred to in this section as “FEMA”) public
7 assistance program provides financial grants for the
8 repair of various types of private nonprofit facilities.

9 (3) Among the types of nonprofits to which
10 FEMA provides such grants are those in which citi-
11 zens gather and engage in a variety of educational,
12 enrichment, and social activities. These activities are
13 essential to community building and occur in houses
14 of worship.

15 (4) Under the Robert T. Stafford Disaster Re-
16 lief and Emergency Assistance Act (42 U.S.C. 5121
17 et seq.), FEMA’s disaster relief program is a general
18 government program under which assistance is pro-
19 vided in the wake of a natural disaster using criteria
20 that are neutral with regard to religion.

21 (5) Congress has previously enacted legislation
22 providing financial assistance to religious nonprofit
23 institutions, including houses of worship, on terms
24 equal to other eligible nonprofit institutions.

1 (6) Such legislation is consistent with recent
2 precedents of the Supreme Court of the United
3 States and legal opinions issued by the Office of
4 Legal Counsel of the Department of Justice.

5 **SEC. 3. INCLUSION OF HOUSES OF WORSHIP AS PRIVATE**
6 **NONPROFIT FACILITIES ELIGIBLE FOR DIS-**
7 **ASTER RELIEF.**

8 (a) DEFINITION OF PRIVATE NONPROFIT FACIL-
9 ITY.—Section 102(11)(B) of the Robert T. Stafford Dis-
10 aster Relief and Emergency Assistance Act (42 U.S.C.
11 5122(11)(B)) is amended to read as follows:

12 “(B) ADDITIONAL FACILITIES.—In addi-
13 tion to the facilities described in subparagraph
14 (A), the term ‘private nonprofit facility’ in-
15 cludes any private nonprofit facility that pro-
16 vides essential services of a governmental na-
17 ture to the general public (including museums,
18 zoos, performing arts facilities, community arts
19 centers, community centers, including houses of
20 worship exempt from taxation under section
21 501(c) of the Internal Revenue Code of 1986,
22 libraries, homeless shelters, senior citizen cen-
23 ters, rehabilitation facilities, shelter workshops,
24 and facilities that provide health and safety

1 services of a governmental nature), as defined
2 by the President.”.

3 (b) REPAIR, RESTORATION, AND REPLACEMENT OF
4 DAMAGED FACILITIES.—Section 406(a)(3) of the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5172(a)(3)) is amended by adding at the end
7 the following:

8 “(C) HOUSES OF WORSHIP.—A church,
9 synagogue, mosque, temple, or other house of
10 worship, and a private nonprofit facility oper-
11 ated by a religious organization, shall be eligible
12 for contributions under paragraph (1)(B), with-
13 out regard to the religious character of the fa-
14 cility or the primary religious use of the facil-
15 ity.”.

16 (c) APPLICABILITY.—This section and the amend-
17 ments made by this section shall apply to the provision
18 of assistance in response to a major disaster or emergency
19 declared on or after October 28, 2012.

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