



**Legislative Bulletin.....February 12, 2013**

**Contents:**

**H.R. 592 — Federal Disaster Assistance Nonprofit Fairness Act of 2013**

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**H.R. 592 — Federal Disaster Assistance Nonprofit Fairness Act of 2013  
(Christopher Smith, R-NJ)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, February 13, 2013, under a motion to suspend the rules and pass the bill.

**Summary:** The legislation would 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. The legislation further amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include houses of worship as private nonprofit facilities eligible for disaster relief.

The legislation defines the term “private nonprofit facility” as “any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, including houses of worship exempt from taxation under section 501(c) of the Internal Revenue Code of 1986, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature.” Lastly the legislation defines house of worship as “a church, synagogue, mosque, temple, or other house of worship, and a private nonprofit facility operated by a religious organization, shall be eligible for contributions, without regard to the religious character of the facility or the primary religious use of the facility.”

**Background:** According to the legislation’s findings, Congress found the following:

- “Hurricane Sandy inflicted catastrophic damage in the Northeastern United States.
- “Houses of worship across the Northeast’s many faiths and denominations were among the private nonprofit facilities that sustained damage.
- “Churches, synagogues, mosques, temples, and other houses of worship throughout communities in New York, New Jersey, Connecticut, and elsewhere play an essential role in the daily lives of the communities.

- “The Federal Emergency Management Agency’s (FEMA) public assistance program provides financial grants for the repair of various types of private nonprofit facilities.
- “Among the types of nonprofits to which FEMA provides such grants are those in which citizens gather and engage in a variety of educational, enrichment, and social activities. These activities are essential to community building and occur in houses of worship.
- “Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121et seq.), FEMA’s disaster relief program is a general government program under which assistance is provided in the wake of a natural disaster using criteria that are neutral with regard to religion.
- “Congress has previously enacted legislation providing financial assistance to religious nonprofit institutions, including houses of worship, on terms equal to other eligible nonprofit institutions.
- “Such legislation is consistent with recent precedents of the Supreme Court of the United States and legal opinions issued by the Office of Legal Counsel of the Department of Justice.”

**Committee Action:** The legislation was introduced by Rep. Christopher Smith on February 8, 2013.

**Administration Position:** No statement of administration position was available at press time.

**Cost to Taxpayers:** No CBO report was available at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?** Current law does not preclude FEMA from providing funding to houses of worship, but FEMA’s own policy is to restrict such support. H.R. 592 will overrule FEMA’s policy so that in practice it is consistent with the existing statute.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?:** No.

**Does the Bill Delegate Any Legislative Authority to the Executive Branch?:** No.

**Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

**What Is the Constitutional Authority for the Legislation?:** According to the constitutional authority statement Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the Constitution.

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