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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To direct the Administrator of the Federal Emergency Management Agency to issue guidance and regulations relating to preventing gender-based violence, human trafficking, and sexual exploitation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. MCBATH introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Administrator of the Federal Emergency Management Agency to issue guidance and regulations relating to preventing gender-based violence, human trafficking, and sexual exploitation, 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 “FEMA for Safe Recov-
5 ery Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) GENDER-BASED VIOLENCE.—The term
4 “gender-based violence” means a crime of violence
5 motivated by gender, as defined in section
6 40302(d)(1) of the Violence Against Women Act of
7 1994 (34 USC 12361(d)(1)), or exploitation or
8 abuse committed on the basis of gender and due, at
9 least in part, to an animus based on the victim’s
10 gender, and includes domestic violence, dating vio-
11 lence, sexual assault, and stalking (as such terms
12 are defined in section 40002(a) of such Act (34
13 USC 12291(a))), and trafficking in persons (as de-
14 fined in section 103 of the Trafficking Victims Pro-
15 tection Act of 2000 (22 USC 7102)).

16 (2) TRAUMA-INFORMED.—The term “trauma-
17 informed” means, with respect to services or train-
18 ing, services or training that—

19 (A) use a patient-centered approach to
20 providing services or care;

21 (B) promote the dignity, strength, and em-
22 powerment of patients who have experienced
23 trauma; and

24 (C) incorporate evidence-based practices
25 based on knowledge about the impact of trauma
26 on patients’ lives.

1 **SEC. 3. REGULATIONS AND GUIDANCE TO PREVENT GEN-**
2 **DER-BASED VIOLENCE, HUMAN TRAF-**
3 **FICKING, AND SEXUAL EXPLOITATION.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Administrator of the
6 Federal Emergency Management Agency shall issue such
7 regulations and guidance as are necessary to prevent gen-
8 der-based violence, human trafficking, and sexual exploi-
9 tation after a disaster.

10 (b) CONTENTS.—In issuing the regulations and guid-
11 ance under subsection (a), the Administrator shall—

12 (1) provide for the establishment of a joint Fed-
13 eral and local violence-fighting headquarters imme-
14 diately after a natural disaster to ensure coordina-
15 tion between the Agency, Red Cross, State, city, and
16 county entities, and local anti-violence specialists, in-
17 cluding the area's service providers and trusted com-
18 munity leaders;

19 (2) provide for plans to provide a more stable
20 staff with longer-term assignments (to improve care,
21 build trust, and reduce stress and traumatization)
22 after a disaster;

23 (3) revise check-in practices of the Administra-
24 tion to include check-ins with all adult household
25 members (to ensure men and women have equal op-

1 portunities to disclose violence and seek help, not
2 just male heads of households);

3 (4) provide for strategies to reduce frequent re-
4 locations of hotel-dwelling survivors;

5 (5) establish protocols for non-adjudicatory re-
6 porting mechanism through which an individual may
7 report allegations of criminal conduct, abuse, or ex-
8 ploitation by a landlord or temporary housing pro-
9 vider, which shall prioritize—

10 (A) facilitating the individual's prompt re-
11 location to safe alternative temporary housing,
12 where appropriate; and

13 (B) the prompt referral of such allegations
14 to appropriate State, local, Tribal, or territorial
15 law enforcement agencies, or specialized victim
16 service providers, with the informed consent of
17 the individual;

18 (6) develop guidance and best practices regard-
19 ing the availability of trained victim service per-
20 sonnel, equipped to work with victims of gender-
21 based violence, at disaster shelters, where practicable
22 and consistent with available resources;

23 (7) develop model information materials and
24 signage for disaster shelters and resource sites re-
25 garding available victim assistance resources for in-

1 individuals experiencing gender-based violence, includ-
2 ing relevant hotlines and contact information, to be
3 made available in all appropriate languages;

4 (8) evaluate post-disaster processes to ensure
5 such processes take into account the emotional well-
6 being of recent disaster survivors, particularly such
7 survivors with known mental health issues or who
8 are vulnerable to additional harm, such as gender-
9 based violence, sexual exploitation, or human traf-
10 ficking, and consider the needs of survivors from dif-
11 ferent linguistic, religious, or cultural backgrounds;

12 (9) establish guidance for State, local, Tribal,
13 and territorial emergency managers on how to plan
14 for the specialized contextual needs of individuals at
15 high risk of experiencing gender-based violence, sex-
16 ual exploitation, or human trafficking during and
17 after a disaster, including for providing feminine hy-
18 giene products, baby formula, and over-the-counter
19 medicine and supplies; and

20 (10) determine which expenses related to indi-
21 viduals experiencing gender-based violence are cur-
22 rently eligible for reimbursement under the Public
23 Assistance and Individual Assistance programs of
24 the Agency and develop specific guidance and train-
25 ing for Agency field staff on which costs are eligible;

1 (c) CONSULTATION.—In issuing regulations and
2 guidance under subsection (a), the Administrator shall
3 consult with emergency management stakeholders, sexual
4 assault centers, domestic violence shelters, and anti-traf-
5 ficking organizations.

6 (d) LIMITATION.—Activities carried out pursuant to
7 this section shall be limited to activities directly related
8 to disaster response, temporary sheltering, emergency pro-
9 tective measures, and short-term disaster recovery oper-
10 ations under the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

12 **SEC. 4. CRISIS COUNSELING ASSISTANCE AND TRAINING.**

13 Section 416 of the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act (42 U.S.C. 5183) is
15 amended—

16 (1) by inserting “and to address gender-based
17 violence, sexual exploitation, and human trafficking”
18 after “backgrounds”; and

19 (2) by adding at the end the following:

20 “(c) GENDER-BASED VIOLENCE TRAINING.—The
21 President shall ensure that all employees of the Agency
22 shall be trained on how to identify, care for, and refer
23 victims and survivors of gender-based violence, sexual ex-
24 ploitation, or human trafficking to related services.”.

1 **SEC. 5. CASE MANAGEMENT SERVICES.**

2 Section 426(a) of the Robert T. Stafford Disaster Re-
3 lief and Emergency Assistance Act (42 U.S.C. 5189d(a))
4 is amended by inserting “and assistance to address gen-
5 der-based violence, sexual exploitation, or human traf-
6 ficking” after “financial assistance”.

7 **SEC. 6. RULES OF CONSTRUCTION; STATE FLEXIBILITY.**

8 (a) IN GENERAL.—Nothing in this Act, or the regula-
9 tions and guidance issued pursuant to this Act, shall be
10 construed to—

11 (1) require the hiring of additional permanent
12 full-time employees or the establishment of new of-
13 fices within the Agency;

14 (2) preempt or supersede the authority of any
15 State, local, Tribal, or territorial government to con-
16 duct its own emergency management systems, re-
17 sponse operations, trainings, or resource allocation;
18 or

19 (3) limit or restrict the authority of a State,
20 local, Tribal, or territorial government to establish
21 or enforce standards, regulations, or laws that pro-
22 vide greater protection, assistance, or resources for
23 victims of gender-based violence during a disaster or
24 emergency response than those provided under this
25 Act.

1 (b) AVAILABILITY OF APPROPRIATIONS.—This Act
2 shall be carried out subject to the availability of appropria-
3 tions.