

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5498

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of disaster relief and preparedness services with respect to persons with limited English proficiency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2006

Mr. HONDA (for himself, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. CASE, Mr. FALEOMAVAEGA, Mr. AL GREEN of Texas, Ms. MATSUI, Mr. SCOTT of Virginia, Mr. WU, Mr. WATT, Mrs. NAPOLITANO, and Mr. BECERRA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of disaster relief and preparedness services with respect to persons with limited English proficiency, 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 “Equitable Access to  
5 Disaster Relief and Preparedness Services Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Effective communication is essential to  
4 meaningful access to disaster relief related services.

5 (2) Research establishes that the lack of lan-  
6 guage services and culturally competent services cre-  
7 ates barriers, and diminishes the quality of access,  
8 to public services for individuals with limited English  
9 proficiency.

10 (3) Communities from across the country have  
11 reported language difficulties and inadequate fund-  
12 ing of language services and culturally competent  
13 services to be major barriers to the access of individ-  
14 uals with limited English proficiency to public serv-  
15 ices and disaster relief related services in the areas  
16 of health care, mental health, housing assistance,  
17 and small business.

18 (4) The number of non-English speaking resi-  
19 dents in the United States continues to increase.

20 (5) 47,000,000 people, 18 percent of the United  
21 States population, speak a language other than  
22 English at home; and 21,000,000 people, 8 percent  
23 of the United States population, speak English less  
24 than very well and, therefore, cannot effectively com-  
25 municate with health and social service and disaster  
26 relief providers.

1           (6) At least 19,641 individuals within the Hur-  
2           ricane Katrina and Rita disaster areas spoke  
3           English less than very well.

4           (7) 12,649 individuals within the Hurricane  
5           Katrina and Rita disaster areas who spoke Asian  
6           and Pacific Islander languages spoke English less  
7           than very well.

8           (8) According to the Census, approximately  
9           30,000 Vietnamese-Americans lived in the Gulf  
10          Coast region devastated by Hurricane Katrina and  
11          Rita with an estimated 15,000 Vietnamese-Ameri-  
12          cans who evacuated to Houston, Texas.

13          (9) According to the 2004 Census, 67,000  
14          Asian Americans and Pacific Islanders have been af-  
15          fected by the Hurricane Rita and Katrina disasters.

16          (10) Congress has identified discrimination as a  
17          problem to be addressed in disaster assistance since  
18          Hurricane Camille struck in 1969. The Disaster Re-  
19          lief Act of 1970 (84 Stat. 1730) included a non-  
20          discrimination section. Despite such past actions,  
21          discrimination in disaster assistance remains a prob-  
22          lem and should be addressed.

23          (11) The prohibition on discrimination on the  
24          basis of national origin under title VI of the Civil  
25          Rights Act of 1964 (42 U.S.C. 2000d et seq.) has

1 long been interpreted to forbid discrimination on the  
2 basis of language.

3 (12) In order to avoid discrimination against  
4 individuals with limited English proficiency on the  
5 basis of national origin, providers of disaster relief  
6 related services should take adequate steps to ensure  
7 that such individuals receive the language services  
8 necessary to afford meaningful access to such serv-  
9 ices, free of charge.

10 (13) The responsibility to fund language serv-  
11 ices in the provision of disaster relief related services  
12 to individuals with limited English proficiency is a  
13 societal one that cannot fairly be visited upon any  
14 one segment of the disaster relief, health care, public  
15 health, public safety, or social services community.

16 (14) Linguistic and cultural diversity in the dis-  
17 aster relief related services workforce is important  
18 for providing all communities, including communities  
19 of individuals with limited English proficiency, the  
20 environment most conducive to equitable, efficient,  
21 and meaningful access to disaster relief related serv-  
22 ices.

23 (15) All members of the disaster relief related  
24 services community should continue to educate their  
25 staff and constituents about limited English pro-

1        ficient issues and help them identify resources to im-  
2        prove access to quality public services and assistance  
3        for individuals with limited English proficiency.

4        (b) PURPOSES.—The purposes of this Act are to as-  
5        sist providers of disaster relief related services—

6            (1) to improve, through effective communica-  
7            tion, the quality of disaster relief related services for  
8            individuals with limited English proficiency; and

9            (2) to meet their obligation and responsibility to  
10          ensure equal access to such services for such individ-  
11          uals.

12 **SEC. 3. NONDISCRIMINATION IN DISASTER ASSISTANCE**  
13 **WITH RESPECT TO ENGLISH PROFICIENCY.**

14        (a) IN GENERAL.—Section 308 of the Robert T.  
15        Stafford Disaster Relief and Emergency Assistance Act  
16        (42 U.S.C. 5151) is amended—

17            (1) in subsection (a) by inserting “English pro-  
18            ficiency,” after “age,”; and

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

20        “(c) RESPONSIBILITY OF PRESIDENT.—In carrying  
21        out this section, the President shall—

22            “(1) ensure that all Federal entities that pro-  
23            vide assistance under this Act maintain, on a con-  
24            tinuing and updated basis, the capability to admin-  
25            ister competent interpreter and translation services;

1           “(2) communicate with State and local govern-  
2           ments for the purpose of identifying individuals with  
3           limited English proficiency and including such indi-  
4           viduals in disaster preparedness planning and direct  
5           all Federal agencies to provide to appropriate popu-  
6           lation segments, in a timely manner, translated no-  
7           tices and documents to implement disaster relief as-  
8           sistance under this Act;

9           “(3) ensure that the information in such trans-  
10          lated notices and documents is provided to private  
11          organizations, neighborhood associations, houses of  
12          worship, and other organizations that could assist  
13          with the distribution of the translated information to  
14          affected and appropriate population segments;

15          “(4) ensure that the information in such trans-  
16          lated notices and documents reflects the information  
17          provided by the President through the following  
18          types of media:

19                 “(A) emergency notifications, public broad-  
20                 casts, electronic roadside signs, flyers, bro-  
21                 chures, applications, and letters containing im-  
22                 portant information regarding assistance au-  
23                 thorized to be provided by the President under  
24                 this Act;

1           “(B) notices pertaining to the reduction,  
2           denial, or termination of services or benefits  
3           under this Act;

4           “(C) notices of the right to appeal actions  
5           referred to in subparagraph (B); and

6           “(D) notices for limited English proficient  
7           individuals of the availability of free language  
8           services and other outreach materials;

9           “(5) have available for activation a cadre of dis-  
10          aster relief and emergency assistance employees suf-  
11          ficient to provide services under paragraph (2);

12          “(6) develop and maintain an informational  
13          clearinghouse of model language assistance pro-  
14          grams and best practices for State and local govern-  
15          ments in providing disaster and emergency related  
16          services; and

17          “(7) report to Congress on the treatment of in-  
18          dividuals with limited English proficiency during the  
19          Hurricane Katrina disaster and on the feasibility of  
20          establishing and operating a toll-free number by  
21          which such individuals will be able to obtain infor-  
22          mation in their primary language regarding federally  
23          funded disaster services and the availability public  
24          disaster benefits.”.

1           (b) **TECHNICAL ASSISTANCE FOR DEVELOPMENT OF**  
2 **PLANS AND PROGRAMS.**—Section 201(b) of such Act (42  
3 U.S.C. 5131(b)) is amended by inserting “with and with-  
4 out English proficiency” after “to individuals”.

5 **SEC. 4. EMERGENCY PREPAREDNESS DEMONSTRATION.**

6           (a) **IN GENERAL.**—Beginning not later than the  
7 180th day following the date on which funds are appro-  
8 priated to carry out this section, the Director of the Fed-  
9 eral Emergency Management Agency shall conduct an  
10 emergency preparedness demonstration program to study  
11 the needs of individuals and households with limited  
12 English proficiency for use in the design and development  
13 of community and family preparedness programs and to  
14 develop initiatives based on the results of the study to im-  
15 prove disaster awareness and readiness in communities  
16 that have individuals with limited English proficiency.

17           (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
18 authorized to be appropriated \$1,500,000 to carry out this  
19 section.

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