

LANGUAGE RIGHTS AND THE STAFFORD ACT

What You Should Know About Disasters and Limited English Proficient Populations

The ways in which disasters and emergencies can impact limited English proficient (LEP) populations are through preparedness and emergency relief and response operations:

PREPAREDNESS: Individuals will need to know and understand instructions on how to prepare their families and friends in the event of a disaster or emergency.

RELIEF AND RESPONSE: During a disaster or emergency, individuals will need to understand evacuation and emergency orders, which should be developed in different formats and languages. In the aftermath of any disaster, affected populations will need to access shelters, have access to immediate necessities, apply for disaster benefits, and be able to work with various government and social services agencies.

Demographic Breakdown

An estimated 23.3 million adults are Limited English Proficient (LEP), of which 3.5 million come from Asia or the Pacific Islands. About 4.4 million households in the nation are “linguistically isolated” from the rest of the population. Nationally, 40% of Asian Americans speak English less than “very well,” and 40% of Latinos speak English less than “very well.”

San Francisco, California: 110,492 Asian and Pacific Islanders speak English “less than very well”

Houston, Texas: 38,582 Asian and Pacific Islanders speak English “less than very well”

Los Angeles, California: 156,626 Asian and Pacific Islanders speak English “less than very well”

WHAT IS THE STAFFORD ACT? This is the law that governs emergency disaster declarations and regulates the resources and the boundaries in which the federal government can respond to large and catastrophic disasters. This act sets forth the guidelines for disaster assistance, housing assistance, disaster clean up and long term recovery efforts.

FEMA: The Federal Emergency Management Agency is a federal agency charged with the following mission: to “reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.” FEMA is the federal government’s first line of response in times of disaster.

FEMA AND LANGUAGE ACCESS: In 2006, Congress passed the Department of Homeland Security Appropriations Act. Section 689e of that act outlines FEMA’s responsibilities to limited English proficient populations.

FEMA RESPONSIBILITIES ACCORDING TO THE REVISED STAFFORD ACT: Work in conjunction with state and local governments to identify limited English proficient populations and take the identified populations into account when planning for a disaster.

Ensure that the information disseminated by FEMA to LEP populations is available in formats that they can understand.

Create a database of best practices and models for language assistance for state and local governments.

ARE THESE NEW OBLIGATIONS?

No, Title VI of the Civil Rights Act of 1964 mandate that government programs cannot discriminate against individuals due to national origin in the delivery of federal programs, and to that effect, Executive Order 13166 issued in 2000 further clarified and outlined these obligations by requiring that federal programs account for LEP populations.

Model Language Assistance Programs Exist in Healthcare, Intelligence, and Housing

In other private and public sectors, successful language assistance and access programs have been developed. The intelligence community, led by the National Virtual Translation Center, has long been at the forefront of translation and interpretation in matters of national security. In addition, hospitals and local health departments across the nation have developed successful models, which involve partnering with community-based organizations and engaging the assistance of state reimbursement options in order to provide language assistance to patients. There are also many successful programs in the public housing context.

For more information regarding the Stafford Act, language access and emergency preparedness, please contact Tuyet G. Duong at tduong@advancingequality.org or (202)296-2300 x 124.