



Janet Murguía, President

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April 24, 2006

Mr. Kevin Martin
Chairman
Federal Communications Commission
445 12th Street SW, Rm.8B-201
Washington, DC 20554

Dear Mr. Martin:

I am pleased to send you a copy of the National Council of La Raza's (NCLR) white paper, *In the Eye of the Storm: How the Government and Private Response to Hurricane Katrina Failed Latinos*, along with a summary of the report's key findings.

It is estimated that nearly a quarter of a million Latinos in the Gulf region were affected by Hurricane Katrina. The paper documents and analyzes the response of the federal government and private relief agencies, primarily the American Red Cross, to the needs of Latino survivors in the hurricane's aftermath and makes a series of recommendations to improve responses to future disasters.

I hope you find this report useful and informative. Should you have any questions or need additional information, please do not hesitate to contact me at (202) 776-1734 or jmurguia@nclr.org.

Sincerely,

A handwritten signature in black ink that reads "Janet Murguía". The signature is fluid and cursive, with the first name "Janet" and last name "Murguía" clearly legible.

Janet Murguía
President and CEO

Enclosure

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LA RAZA: The Hispanic People of the New World

IN THE EYE OF THE STORM: HOW THE GOVERNMENT AND PRIVATE RESPONSE TO HURRICANE KATRINA FAILED LATINOS

By Brenda Muñiz*

INTRODUCTION

Diana E.** awoke the morning of August 30, 2005 relieved, like many New Orleans residents, that the city had apparently survived the worst of Hurricane Katrina and sustained little wind damage. She was cleaning up what little debris had accumulated when she and her neighbors noticed muddy water quickly flooding their previously dry street. An hour later, the water had risen to nearly a foot. Concerned for her safety and that of her mother and two-year-old son, Diana attempted to drive away but only made it a few blocks before her car was overwhelmed by the current. She waded through the water, which ultimately rose to her chest, with her son on her shoulders in search of higher ground. Frightened by the prospect that the water would continue to rise, she placed her driver's license in her son's pants pocket in case they became separated. Fortunately, Diana was soon rescued by an engineer at a local convent, where she and her family would stay for a few days until they could be reunited with other family members.

Diana's story is typical of many New Orleans residents who battled the flood waters after the levee system failed to protect the city and who are subsequently struggling to rebuild their lives. Of Honduran origin, Diana is also representative of the growing, diverse Latino*** population that has changed the demographic character of many cities and regions throughout the U.S., especially the South. According to U.S. Census data, between 1980 and 2000, the Latino population grew from less than 6% to more than 13% of the total U.S. population. Nowhere was this growth more evident than in the South and Southeast regions of the country. In particular, between 1990 and 2000 North Carolina and Georgia experienced the biggest increase in Latino population in the U.S. at 393.9% and 299.6%, respectively.¹ This Latino diaspora represents a strong, emerging Hispanic population in regions of the country where Hispanics had not been a large presence previously.

* Brenda Muñiz is a consultant to the National Council of La Raza (NCLR). Eric Rodriguez, Director of the Policy Analysis Center, and Raul Gonzalez, Legislative Director, provided oversight and guidance for this paper. Cecilia Muñoz, Vice President of the Office of Research, Advocacy, and Legislation; Lisa Navarrete, Vice President of the Office of Public Information; Michele Waslin, Director of Immigration Policy Research; and Jennifer Ng'andu, Health Policy Analyst, reviewed and revised key sections of the report. Jennifer Kadis, Director of Quality Control, and Ofelia Ardón-Jones, Production Manager/Senior Design Specialist, prepared the paper for publication.

** Full name of hurricane survivor has been withheld to protect her privacy.

*** The terms "Latino" and "Hispanic" are used interchangeably by the U.S. Census Bureau and throughout this report to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, and Spanish descent; they may be of any race.



THE FEDERAL GOVERNMENT'S ROLE IN PREPAREDNESS, RESPONSE, AND RELIEF

The responsibility of preparing for a disaster and providing relief is shared among a variety of federal entities – the White House; the Department of Homeland Security (DHS), which houses the Federal Emergency Management Administration (FEMA); and Congress – along with state and local agencies. Lack of flexibility during the Katrina response phase resulted in inadequate relief for many Latinos because the Administration and relevant agencies, primarily FEMA and DHS, were rigid and inconsistent in interpreting, modifying, and communicating policy. Congress also failed either to revise or temporarily suspend policies and laws that effectively or intentionally barred relief aid to Latino immigrant families. This section highlights how FEMA failed to prepare for and respond to the needs of Latinos effectively, preventing some from accessing assistance; how Congress failed to enact legislative measures providing relief to legal immigrants whose status or eligibility for disaster relief services was compromised by Katrina; and how the Administration created an environment of distrust where immigrant hurricane survivors could not access services without fear of detention or deportation. Specifically:

- FEMA's planning for and response to diverse populations. The consensus reached by many, including the American public, is that FEMA's performance in the aftermath of Katrina was woefully inadequate – a perception fueled by media reports describing FEMA's inability to get critical supplies, such as water and medical supplies, to victims in a timely manner and its failure to evacuate survivors out of the affected areas.⁷

In preparing for a disaster like Hurricane Katrina, FEMA did not implement a comprehensive strategy to address the special needs of Latino immigrant communities, which undermined its efforts to reach out and serve all hurricane victims. While experts agree that these needs should be addressed fully in emergency preparedness plans at the local, state, and federal levels, they seldom are, despite the growing number of Latinos and immigrants throughout several parts of the country.⁸ The NRP, which “forms the basis of how the federal government coordinates with state, local, and tribal governments and the private sector during [emergency] incidents,” does, however, attempt to meet these needs.⁹ In fact, the NRP designates FEMA as the primary agency responsible for external relations (also known as emergency support function ESF #15) responsible for “ensur[ing] that non-English speaking populations in both affected and nonaffected areas receive the same [disaster] incident information and public instructions.”¹⁰

FEMA's inability to fulfill this responsibility resulted in poor interactions between Latinos and FEMA during the Katrina response effort. An article in the *Los Angeles Times* reported that FEMA assumed Latino residents living at the Redwood Park Apartments in Kenner, Louisiana (a suburb of New Orleans) were undocumented and, therefore, ineligible for housing assistance.¹¹ The apartments, which were severely damaged and lacked potable water and electricity, housed

services.¹⁶ Immigrants, including the undocumented, who were unfairly denied FEMA-funded shelter, could have sought shelter through private agencies, primarily ARC; however, the failure to prioritize all victims for evacuation and shelter set a bad precedent that not only placed hurricane victims in harm's way, but could also potentially interfere with future response operations, especially during large-scale crises. Furthermore, agencies such as ARC did not always receive immigrants well at their shelters (See "Red Cross Shelter Raids" Box on page 13), leaving many immigrant families to fend for themselves after the hurricane struck.

HURRICANE WARNINGS: DO THEY REACH EVERYONE?

Dissemination of weather information in languages other than English and through ethnic media channels rests primarily on the willingness and ability of local weather forecasting offices and the availability of ethnic media outlets, mainly television and radio stations.* Unfortunately, when hurricane warnings are not provided in different languages, the results can be tragic. Approximately 70 to 80 Jamaican, Peruvian, and Brazilian immigrants who were employed as casino service workers in Gulfport, Mississippi, were left by their employer at the apartment complex where they resided.** The workers reportedly had no access to transportation, and while local television stations advised residents to evacuate and directed them to shelters, none of these advisories were provided in Spanish or Portuguese. A few days later, a few Jamaican immigrants were searching under the debris where the apartments once stood looking for their co-workers who were missing and presumed dead.

On a positive note, Radio Tropical (1540 AM), the only Spanish-language radio station in the New Orleans area, advised residents to flee before Katrina made landfall. Days later, the station, powered only by a small generator, returned to the air providing residents with information about family members and disaster relief assistance. A petition before the Federal Communications Commission (FCC) on behalf of the Independent Spanish Broadcasters and others requests that significant changes be made to the Emergency Alert System (EAS), a "...distribution system that provides for the mandatory dissemination of Presidential messages during a national emergency," to ensure that radio stations, such as Radio Tropical, can transmit emergency warnings to non-English-speaking persons.*** If local government and traditional media outlets are unable to adequately warn people and provide them evacuation information in languages and formats that are accessible during those critical hours before a disaster, the federal government must shoulder more responsibility to prevent tragedies.

* Interview with official at the National Weather Service, January 6, 2006.

** Congressional testimony submitted by Mississippi Immigrant Rights Alliance and Oxfam America before the House Select Committee Hearing, *Hurricane Katrina: Voices from Inside the Storm*, Washington, DC, December 6, 2005.

*** Petition before the FCC in the matter of: Review of the Emergency Alert System, EB Docket No. 04-296, Washington, DC, September 20, 2005.

When the five-year bar was included as part of a package of changes made through PRWORA in an attempt to overhaul the nation's welfare system, immigrants bore the brunt of cuts designed to create savings in the federal budget. However, in the event of an unforeseen disaster, such as Katrina, whose devastation results in serious economic hardship for victims, the bar serves no purpose other than to punish families in need because they happen to be legal immigrants who have not resided in the country for five years. Even if Congress chooses not to consider the permanent repeal of the bar, it should immediately take steps to specify the circumstances under which a waiver should be triggered to prevent immigrant families from being penalized twice – once for being an immigrant and twice for being a victim of a disaster.

- ❖ **Immigrant status problems resulting from Hurricane Katrina were never addressed fully.** Some legal immigrants discovered that they would be out of legal status because they had a pending application for legal permanent residence made on their behalf by a petitioner who died, or they had a work visa tied to an employer or school that no longer existed or became temporarily closed. Some legal immigrants and naturalized citizens also lost personal identification, such as naturalization certificates and employment eligibility documents, making it difficult to prove their legal or citizenship status and, therefore, hindering their ability to apply for benefits or seek employment. H.R. 3827, the “Immigration Relief for Hurricane Katrina Victims Act of 2005,” which was passed by the U.S. House of Representatives but never taken up by the Senate, would have provided continued eligibility for those applications tied to a family sponsor who died or became disabled as a result of the hurricane. Additionally, it would have provided a one-year extension to those workers, and their spouses and children, who hold temporary work visas* (such as those provided for casino workers), but only if they became disabled as a result of Katrina. Unfortunately, the House measure provided no remedies for these temporary workers if they did not become disabled but nevertheless found themselves out of work because their employer went out of business, closed temporarily, or suffered severe physical damage.**

The failure of Congress to address the employment gaps experienced by many temporary, legal immigrant workers illustrates some of the flaws of our current immigration system. Where once many workers were gainfully, legally

* Temporary nonimmigrant workers would include H-2A and H-2B visa holders who are allowed to come to the U.S. for a specific purpose and for a limited period of time. H-2A visas are allocated to unskilled agricultural workers while H-2B visas are designated for unskilled, seasonal nonagricultural workers.

** Under H.R. 3827, immigrants applying for employment-based legal permanent residence (LPR) status and who lost his or her job because of Hurricane Katrina would have been allowed to stay in the country under “special immigration status” if he or she could demonstrate that the employer’s business was physically damaged or destroyed. This provision was not extended to H-2A or H-2B visa holders.

THE AMERICAN RED CROSS'S ROLE IN RELIEF

For more than a century, the American Red Cross (ARC) has held a venerable place in American society as a respected humanitarian organization led by dedicated volunteers who provide relief to victims of disasters. In keeping with its mission and its charge under the NRP, ARC provides mass care in the event of a disaster, such as shelter, emergency medical care, and food.²³ As a result, ARC has received the lion's share of attention and resources in the event of a national emergency. Therefore, how ARC responds in a disaster or emergency is, in essence, how the country responds.

While ARC has come under increasing criticism for its response to the most recent disasters and events this country has experienced, it is Katrina that may have ultimately shattered its image. In particular, racial and ethnic communities have expressed profound concern over whether ARC is capable of adequately serving the disaster relief needs of minority communities. The National Council of La Raza (NCLR) has met several times with ARC staff and with other minority organizations to discuss these concerns. We should note that NCLR holds the mission of ARC in the highest regard, and many staff members within the organization have worked diligently to encourage ARC to address these concerns.

However, NCLR's analysis is that ARC has both structural and attitudinal challenges that hamper its ability – and will continue to hamper it absent a major effort from the organization – to deal with an increasingly diverse American population, including Latinos and other English language learners (ELLs). Due to its rigidity, both in structure and attitude, ARC failed to recognize some of the critical needs of the communities they were serving, which stemmed from both a lack of diversity within ARC's staff, board, and volunteer corps and a lack of knowledge and experience with diverse communities, resulting in several of the organization's mistakes during the response phase. These missteps included volunteers evicting Latino hurricane victims on the presumption that they were workers and not actual survivors; preventing bilingual professionals from directly assisting Spanish-dominant survivors; and requesting documentation proving legal status as a condition for receiving assistance.

For instance, Patricia Fennell,* Executive Director of the Latino Economic Development Corporation (LEDC) – a United Way volunteer agency in Oklahoma City and NCLR affiliate – received a call from an ARC volunteer in Tulsa about some Spanish-speaking Latino evacuees being sheltered at a military base near Muskogee, Oklahoma, which is in a remote, rural area.²⁴ Ms. Fennell was told that many of the evacuees were Spanish-dominant and had difficulty communicating with Red Cross volunteers. Ms. Fennell, a professional social worker, contacted the Red Cross office in Tulsa to offer her services and was told that she would not be allowed to assist the evacuees until she completed “diversity training” – no exceptions.

* Ms. Fennell currently serves on NCLR's Board of Directors.

A diverse, competent, and efficient management and governance structure may result in policy changes that reflect a formalized system for planning and executing needed changes to how ARC builds working relationships with diverse organizations and how it meets the needs of diverse populations during a disaster or emergency.

- **Lack of ARC officials and volunteers familiar with serving diverse communities.** Many have claimed that ARC lacked cultural and linguistic competency, which prevented or discouraged some immigrants and LEP persons from accessing shelter or other needed relief services.²⁸ ARC's interaction with some Latinos reflects poorly on ARC relief officials and volunteers, who failed at times to explain to Latino evacuees, especially immigrant and LEP persons, what services were available to them. There were a few instances, for example, where Red Cross volunteers asked hurricane survivors for documents proving their legal status, in violation of stated Red Cross policy. Given ARC's role in the NRP, the ability to reach and serve diverse segments of the population is critical to an effective and efficient response during a disaster. Therefore, the lack of diversity among ARC's volunteers is also a major concern. According to ARC's most recent survey, only 5% of its volunteers are Black, 2% are of Asian origin, and 2% are Hispanic, which may explain why, by their own admission, [many volunteers] "do not fully appreciate the differences that other people bring to the party."²⁹
- **Lack of relationships with organizations serving diverse communities.** In general, the National Volunteer Organizations Active in Disaster (NVOAD) serves as a national umbrella organization with several relief organizations listed as members, including the American Red Cross. NVOAD coordinates planning efforts among many voluntary organizations before disasters strike and plays a convening role during disasters. There are not any national Latino or immigrant organizations currently in NVOAD since few, if any, are traditional disaster relief organizations.³⁰

Before Hurricane Katrina, many NVOAD-affiliated relief organizations did not have established working relationships with ethnic community-based organizations, civic groups, or national organizations involved in serving diverse communities. The failure to have these relationships in place before Katrina hit the Gulf Coast precluded relief organizations, especially ARC, from effectively recruiting or training sufficient volunteers from these communities and created barriers to effectively identifying the special needs within diverse communities (e.g., language) as well as volunteers or professionals who could assist in meeting those needs.

As a result of their performance, credibility and trust are significant challenges for private relief organizations' future fundraising efforts, particularly for ARC. In some cases, this means maintaining credibility and trust with current donors, and in many more cases restoring faith with dissatisfied donors and convincing potential contributors, especially in minority communities, that systemic change is under way. Many in minority communities saw other organizations, such as international relief groups, perform a much better job of serving victims from various backgrounds after Katrina.

RED CROSS SHELTER RAIDS

In the weeks after Katrina, on at least two occasions, law enforcement officers raided Red Cross shelters, racially-profiled Latinos staying at the shelters, and then asked them to leave under the assumption that they were undocumented workers and not hurricane survivors.

In Long Beach, Mississippi, the local Harrison County Police Department, along with U.S. Marshalls, entered the Red Cross shelter reportedly responding to a call and singled out Latinos, including a Red Cross volunteer, at the shelter and asked them for identification, even pulling people out of bathroom stalls and showers. The U.S. Marshalls allegedly told 60 people who looked Latino that they had three choices: "Go to Houston, Atlanta, or back to Mexico." The Red Cross denied making the call to police.

A similar incident occurred in D'Iberville, Mississippi, where local law enforcement was called to remove "out-of-state workers" from a shelter. According to the men, they were told that Red Cross shelters were available only to hurricane victims and U.S. citizens. Unfortunately, while it was increasingly common for federal contractors to dump their workers at shelters to avoid lodging costs, at least one hurricane victim, Nilo Cervantes, an LPR from Cuba, was unfairly targeted and forced to live temporarily in a tent city. When a Red Cross official finally intervened and assured the men that alternative housing would be secured for them before they had to leave, few of them remained in the shelter. No one faults the Red Cross for prioritizing hurricane survivors over workers, especially when contractors fail to meet their obligations to workers; however, the Red Cross should have ensured that the workers were given viable housing alternatives before calling the police to remove them.

* Terhune, Chad and Evan Perez, "Roundup of Immigrants in Shelter Reveals Rising Tensions," *The Wall Street Journal*, October 3, 2005.

** Testimony provided by Nilo Cervantes before the LCCR Education Fund's Forum, "Rebuilding the Gulf Coast Region: The Civil and Human Rights Implications," October 26, 2005.

competitive hourly wages, overtime pay, and amenities, such as room and board, and then failing to honor any of these agreements.³¹ Worker accounts of employer mistreatment, including both verbal and physical, along with threats to call U.S. Immigration and Customs Enforcement (ICE) and have workers deported if they complained, are also common. Additionally, there are environmental concerns since the flooding and water damage brought on by Hurricane Katrina created hazardous environmental conditions, such as mold and poor air quality. Nonetheless, workers are rarely given protective gear when cleaning and rebuilding in heavily damaged sites. Nonetheless, workers are rarely given protective gear when cleaning and rebuilding in heavily damaged sites, which exposes them to serious medical problems in the short- and long-term.

On November 18, 2005, NCLR conducted a site visit of a "tent city" in Gulfport, Mississippi, where staff spoke with Hispanic workers involved in the rebuilding effort who had been awaiting payment from contractors. Workers repeatedly complained about contractors who hired them for long periods of time and then refused to pay

Legal representation has also been provided to workers. Casa de Maryland,* an advocacy organization providing legal assistance to immigrants, filed the first such lawsuit against a Maryland contractor for failing to pay wages he still owes the approximately 35 laborers he recruited to clean up casinos in Biloxi and Bay St. Louis.³² Most of the workers received part of their wages, but the contractor allegedly still owed them close to \$99,000 in wages and overtime pay. Contractors involved in the rebuilding process should be held accountable as they spend funds dedicated to the rebuilding effort and not be allowed to bypass laws designed to protect wages and working conditions of all workers with virtual impunity.

BACKLASH AGAINST IMMIGRANT WORKERS ALONG THE GULF COAST

The increased presence of Latino workers has resulted in heightened tension in the region between immigrant workers and native workers. Unfortunately, legitimate frustration with certain aspects of the recovery effort has been a catalyst for anti-Latino sentiment, in particular. For example, at a business forum on October 6, 2005, New Orleans Mayor Ray Nagin asked rhetorically, "How do I ensure that New Orleans is not overrun by Mexican workers?"^{**} In response to Mayor Nagin's comments, the heads of five leading civil rights organizations, including NCLR, the National Urban League (NUL), the National Association for the Advancement of Colored People (NAACP), the Asian American Justice Center (AAJC), and the Leadership Conference on Civil Rights (LCCR), released a joint statement to express concern that divisive remarks, such as those expressed by Mayor Nagin, only pit one group of workers against another and scapegoat Latino immigrants for hiring decisions made by contractors.^{**} Furthermore, all five civil rights organizations called for fairness, accountability, and inclusion of affected Gulf Coast communities in the reconstruction effort.

* Radelat, Ana, "An Avalanche of Aid: Hispanic workers flood the Gulf Coast," *Hispanic Magazine.Com*, October 2005.

** Copy of press statement available at www.nclr.org.

* Casa de Maryland is an NCLR affiliate.

minority populations, particularly those that are isolated due to LEP, immigration, or income status.”³³ Despite FEMA’s assertion that it is not a “first responder” in a disaster, FEMA has the primary responsibility of coordinating response efforts with state and local authorities as well as private agencies in the event of an emergency or disaster.³⁴ This would include, among other things, the translation of vital documents and the availability of interpreter services for communities that have high LEP rates. Furthermore, it must ensure that cultural and linguistic needs be incorporated in emergency preparedness plans at all levels of government to respond effectively to the next disaster or public health threat.* In particular, state and local governments have the responsibility to respond effectively to all of their residents, including those who are Spanish-speaking or newly arrived immigrants. This includes the coordination and cooperation of state and local public health authorities, law enforcement officials, and communication systems, among other components, during all phases of a disaster or emergency. In accordance with the recommendations put forth by the Administration, DHS should “develop tools for State and local governments to use in order to prepare, train, exercise, and engage citizens and communities in all areas of preparedness...[with] special consideration...[for] persons with disabilities, health problems, language barriers, income barriers, and unaccompanied minors.”**

- **Extend legal status for immigrants who lose a family member or employer as their sponsor as a result of a disaster.** In preparation for the next disaster, Congress should provide immigration relief to certain classes of immigrants. First, Congress should extend eligibility to persons, along with their respective family members, with applications tied to a family sponsor who died or became disabled as a result of a disaster. Second, immigrants who hold temporary work visas and lose employment because of a disability or because their employer went out of business, closed temporarily, or suffered severe physical damage related to a disaster should be given visa extensions and the opportunity to find alternative employment. Employment gaps experienced by these workers because of a natural disaster should not result in the loss of legal status. DHS should also expedite issuance of temporary documents that demonstrate work authorization and legal immigrant status.

* Congressman Michael Honda, Chair of the Congressional Asian Pacific American Caucus, has drafted legislation, the “Equitable Access to Disaster Relief and Preparedness Services Act.” This bill would provide resources to secure interpreters and translation services to assist LEP communities during a disaster; translate federal documents on disaster relief-related services; set up a toll-free number by which LEP persons could access information about federally-funded services and benefits; and provide \$20 million in grants to assist nonprofit organizations experienced with serving LEP communities in carrying out disaster-related relief activities. As of February 23, 2006, the legislation had not yet been introduced.

**The Administration’s report on Hurricane Katrina can be found on the White House’s website: <http://www.whitehouse.gov/reports/katrina-lessons-learned/index.html>

When the general public's health and safety is at stake, undocumented immigrants must also be given access to certain emergency relief services, such as shelter, water, food, and urgent medical care. If they are cut off from these basic services, then essentially they are denied important information, such as when and where to evacuate, which can impede evacuation and rescue efforts during large-scale disasters like Hurricane Katrina. Additionally, denying certain people, such as undocumented immigrants, access to vital care services makes them more susceptible to injury and death, and therefore, reflects an inhumane policy.

- **Temporarily cease immigration enforcement during times of disaster.** As many organizations and lawmakers have urged, the Administration should publicly articulate and vigorously enforce an unambiguous policy that under no circumstances will DHS officials take advantage of natural disasters or man-made emergencies to detain or deport immigrants. Prior to Hurricane Katrina, immigration authorities never failed to announce that immigration enforcement would be temporarily halted during disaster relief efforts to allow victims to come forward for disaster assistance. The most recent announcement of this policy was made after the 9/11 attacks by then-INS Commissioner James Ziglar; unfortunately, DHS Secretary Michael Chertoff failed to adopt a similar position - the first time in at least 20 years the top immigration official failed to do so.
- **Dedicate more resources to DOL and the Occupational Safety and Health Administration (OSHA).** Labor laws need to be respected, and workers involved in the Gulf Coast reconstruction need to be treated with dignity and fairness. The initial suspension of employer sanctions and labor law protections and the overall poor oversight of federal contractors created an environment that left workers vulnerable to unsafe working conditions and workplace abuse while rewarding employers who engaged in these practices. The health and safety of this workforce, as well as the protection of their wages, is an indicator of the safety and wage protection of all workers. Therefore, more resources and investigative staff should be allocated to DOL's Wage and Hour Division and OSHA to expedite the efficient processing of worker claims, impose sanctions upon bad contractors, and investigate poor working conditions.

American Red Cross's Response

Private disaster relief organizations, namely ARC, must improve their ability to serve diverse populations; increasingly violent weather and the possibility of another terrorist attack present plausible scenarios in which thousands will need to seek emergency medical care and shelter in the future. ARC is the only private, nongovernmental organization explicitly tasked with providing mass care under the federal NRP. If ARC is incapable of fulfilling this mission effectively, the federal government, including Congress, needs to carefully reexamine ARC's role in disaster response and modify it accordingly, should it no longer serve in the public's best interest. In particular, ARC must do the following if it is to improve its relationships with and better serve diverse communities:

community, through organizations on the ground, needs to establish networks of support and collaboration and provide expertise to government and private relief agencies, among others. An investment by private foundations, along with other contributing sources, in developing an infrastructure consisting of Latino CBOs is most needed in parts of the country where Latino communities are emerging and growing at a steady pace, such as the region ravaged by Hurricane Katrina. Private foundations, which currently on average give between 0% and 3% of their grant money to Latino nonprofits, can play a pivotal role in increasing the presence and capacity of grassroots, Latino-serving organizations in these areas.*

* Figure cited in press release, "Schumer: Top Philanthropic Foundations' Giving to Latino Non-Profits is Lagging," December 4, 2005.

17. Wasem, Ruth Ellen, "Hurricane Katrina-Related Immigration Issues and Legislation," *CRS Report for Congress*. Washington, DC: Congressional Research Service, October 18, 2005.
18. "Qualified alien" is a public benefits category used to determine immigrant eligibility for federal means-tested public benefits, including Medicaid, the Food Stamp Program, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and the State Children's Health Insurance Program (SCHIP). According to FEMA, a "qualified alien" includes anyone who has been granted legal permanent residence ("green card"), refugee or asylee status, withholding of deportation, conditional entry, parole into the U.S. for at least one year; is a Cuban-Haitian Entrant; or is a battered spouse or child(ren) with a pending or approved spousal petition or petition for relief. Lawfully residing immigrants who do not fall into these categories may not be a "qualified alien."
19. National Immigration Law Center, "Immigrants' Rights Update," Vol. 9, Issue 6, October 21, 2005.
20. Due to changes in eligibility rules, legal immigrant children do not have to be in the U.S. for five years before becoming eligible for food stamp benefits.
21. Gilot, Louie, "Katrina immigrants ordered to deportation court," *El Paso Times*, September 21, 2005.
22. For example, FEMA issued the following press statement after Hurricane Charley hit the Florida coast in 2004: "Storm Victims Urged To Come Forward For Emergency Aid Regardless Of Immigration Status," August 18, 2004. Available online at: <http://www.fema.gov/news/newsrelease.fema?id=13447>
23. Information on the National Response Plan can be found on DHS's website: http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml
24. Interview with Ms. Patricia Fennell, Executive Director of the Latino Economic Development Corporation (LEDC) in Oklahoma City, OK, December 23, 2005.
25. Moore, Martha T., "Red Cross in Critics' Cross Hairs," *USA Today*, October 18, 2005.
26. Information was provided during a meeting between NCLR President and CEO Janet Murguía and former American Red Cross (ARC) President Marsha Evans on September 15, 2005. A full listing of the ARC's Board of Governors can be found on ARC's website: http://www.redcross.org/static/file_cont4989_lang0_1762.pdf
27. Associated Press, "Red Cross Under Senate Scrutiny," Washington, DC, December 29, 2005.
28. *Ibid.*
29. Salmon, Jacqueline, "Red Cross Bolstering Minority Outreach," *Washington Post*, December 5, 2005.
30. List of NVOAD members can be found at www.nvoad.org.
31. Based on NCLR staff interviews with workers during site visit in November 2005.
32. Trejos, Nancy, "Maryland Laborers' Suit Says Contractor Owes Pay for Katrina Work," *Washington Post*, December 21, 2005.
33. Department of Justice memo, "Nondiscrimination on the Basis of Race, Color, and National Origin: Hurricane-Related Issues," issued on December 12, 2005.
34. Testimony submitted by Michael Brown, former FEMA Administrator, before the House Select Committee to Investigate the Preparation and Response to Hurricane Katrina, Washington, DC, September 27, 2005.

Key Findings of NCLR's Report on Hurricane Katrina

The number of Latinos affected by the hurricane was initially underestimated:

Latinos made up a much larger number than previously believed of those affected by Hurricane Katrina. Initial reports estimated that 100,000 Hispanics lived in the region. Using Census data and other sources, the report puts the actual number of Latinos in Alabama, Louisiana, and Mississippi at 230,000.

The federal government failed to serve Latinos adequately during the response effort:

- **Federal Emergency Management Agency (FEMA)** – Inadequately trained personnel unfamiliar with the Latino community failed to provide temporary shelter and housing to many legally-present Latinos under the mistaken assumption that they were undocumented and, therefore, ineligible for housing and other FEMA-administered assistance. Neither FEMA nor any other federal agency provided warnings and evacuation notices in languages other than English. This resulted in a tragic and unnecessary loss of life among Peruvian and Brazilian casino workers in Gulfport, Mississippi.
- **U.S. Department of Homeland Security (DHS)** – For the first time in more than 20 years, the federal government failed to suspend immigration enforcement to allow all disaster victims to come forward to access food, water, and temporary shelter. In fact, several victims who did come forward were placed in deportation proceedings.
- **U.S. Department of Labor (DOL)** – Suspension of Davis-Bacon worker protections – a haphazard FEMA contracting process with little oversight, and woefully inadequate DOL enforcement of labor laws – has led to widespread worker abuse and exploitation. Hundreds of claims have been filed by workers who were not paid, were shortchanged, or were otherwise mistreated by contractors.

The American Red Cross failed to serve diverse communities due to:

- **Numerous bureaucratic impediments to an appropriate response** – Excessive and burdensome bureaucracy led to delays in assisting Latino evacuees. A Latina social worker at an NCLR Affiliate in Oklahoma was asked to go through “diversity training” before she was allowed to help evacuees.
- **Lack of diversity in staffing, management, and governance** – Only two Latinos serve on the American Red Cross’s 50-member Board of Governors. Furthermore, according to a Red Cross survey, only 5% of its volunteers are Black, only 2% are Asian, and just 2% are Hispanic.
- **Lack of ties to organizations serving diverse communities** – Several NCLR Affiliates – the leading organizations serving Latinos in their regions – expressed interest in providing assistance, yet have never had any contact with local Red Cross chapters in their areas. Furthermore, there are no Latino organizations in the National Voluntary Organizations Active in Disasters (NVOAD), a coalition of organizations involved in disaster relief.