



U.S. DEPARTMENT OF AGRICULTURE

# **USDA Language Access Plan**

**November 9, 2023**

## TABLE OF CONTENTS

A.	General Language Access Policy.....	1
1.	Policy Statement .....	1
2.	Purpose.....	2
3.	Coverage .....	2
4.	Authority .....	2
5.	Scope of Policy .....	5
6.	Definitions.....	5
7.	Roles and Responsibilities .....	6
a.	Office of the Assistant Secretary for Civil Rights (OASCR).....	6
b.	USDA Language Access Coordinator.....	6
c.	USDA Language Access Coordinating Committee.....	7
d.	Department Agencies and Offices.....	8
e.	Agency and Office Language Access Coordinator .....	9
f.	USDA Agency and Office Staff.....	9
g.	Office of Budget and Program Analysis (OBPA).....	9
h.	Office of the Chief Information Officer (OCIO) .....	10
i.	Office of Communications (OC).....	10
j.	Office of Contracting and Procurement (OCP).....	11
k.	Office of Human Resources Management (OHRM).....	11
l.	Office of Customer Experience (OCX).....	11
B.	Department-Wide Processes and Policy .....	11
1.	Enterprise-Level Development and Inter-Agency Cooperation .....	11
2.	Emerging Technology Considerations.....	12
3.	Human Resources Management .....	13
4.	Monitoring .....	14
5.	Language Access Plan Review and Update.....	14
C.	Guidelines for Planning and Providing Meaningful Access.....	14
1.	Identification of Communities with LEP and their Interaction with USDA .....	16
2.	Identification of Individuals with LEP and their Primary Language or Method of Communication.....	17
3.	Quality Assurance and Control.....	17

4. Outreach and Engagement with Communities with LEP .....	19
5. Procurement .....	20
6. Allocation of Resources .....	21
7. Notification of the Availability of Language Assistance Services .....	21
8. Provision of Language Assistance Services .....	22
9. Multilingual Digital Content.....	25
10. Staff Training .....	26
11. Hiring Practices and Access to Multilingual Staff.....	27
12. Self-Assessment and Monitoring.....	28
13. Federally Assisted Activities .....	30
APPENDIX A: DEFINITIONS.....	32
APPENDIX B: REPORTING.....	35
APPENDIX C: RESOURCES.....	38

## B. GENERAL LANGUAGE ACCESS POLICY

### 1. Policy Statement

- a. Timely<sup>1</sup> and accurate communication with the public is essential to the mission of the U.S. Department of Agriculture (the Department or USDA)—to serve all people in the United States by providing effective, innovative, science-based policy leadership in agriculture, food and nutrition, natural resource protection and management, rural development, and related issues with a commitment to delivering equitable and climate-smart opportunities that inspire and help America thrive. The Department is committed to strengthening its services and programs by ensuring that individuals with limited English proficiency (LEP) receive meaningful access to USDA’s federally conducted and federally assisted<sup>2</sup> programs and activities in accordance with Executive Orders 13166, 13985, 14031 and 14091.<sup>3</sup>
- b. Therefore, it is USDA policy that mission areas, agencies, and staff offices (“agencies and offices”), and staff must take reasonable steps to plan for and provide individuals with LEP timely, accurate, and effective communications within all programs or activities conducted by the Department—and must work to ensure that providers of USDA-assisted programs are complying with their corresponding obligations. These policies are based on the principle that it is the Department’s responsibility, and not that of an individual seeking services, to take reasonable steps to ensure meaningful access to all Department programs and activities and to foster equity for individuals who interact, or may interact, with the Department over the phone, in writing, in person, or via electronic methods.<sup>4</sup>

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<sup>1</sup> LEP Guidance to USDA recipients of Federal financial assistance provides that “[w]hile there is no single definition for ‘timely’ applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person.” 79 Fed. Reg. 70771 (Nov. 28, 2014), available at <https://www.govinfo.gov/content/pkg/FR-2014-11-28/pdf/2014-27960.pdf>.

<sup>2</sup> U.S. Department of Justice, Civil Rights Division, *Title VI Legal Manual*, “What is Federal Financial Assistance?” 4 (2021), available at <https://www.justice.gov/crt/book/file/1364106/download>.

<sup>3</sup> Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 159, 50121 (Aug. 16, 2000) available at <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf>; Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 Fed. Reg. 14, 7009 (Jan. 20, 2021) available at <https://www.govinfo.gov/content/pkg/DCPD-202100054/pdf/DCPD-202100054.pdf>; Executive Order 14031, *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, 86 Fed. Reg. 105, 29675 (June 3, 2021) available at <https://www.govinfo.gov/content/pkg/FR-2021-06-03/pdf/2021-11792.pdf>; Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 Fed. Reg. 35, 10825 (Feb. 22, 2023) available at <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.

<sup>4</sup> The Department recognizes that ensuring equity for individuals with LEP is not limited to the provision of language assistance services and aims to create comprehensive mechanisms that facilitate equity in planning, outreach, stakeholder engagement, allocation of funds, delivery of services, staff training, procurement, as well as performance and evaluation as established by this Language Access Plan. Other agencies use this term as well, see

- c. Providers of USDA-assisted programs and activities must likewise take reasonable steps to provide individuals with LEP timely, accurate, and effective communications.
- d. Ensuring the quality and accuracy of language assistance services is critical to providing individuals with LEP appropriate access to programs and activities.
- e. Where applicable considering an agency's or office's mission and operations, Department staff shall take reasonable steps to effectively inform the public, in a language they understand, of the availability of language assistance services, and to provide qualified language assistance at no cost to individuals with LEP. Among the steps that shall be taken to meet this requirement, the Department shall establish a Language Access webpage (<https://www.usda.gov/oascr/languageaccess>), which shall be maintained by the Office of the Assistant Secretary for Civil Rights. This webpage shall post appropriate information and documentation, including this Language Access Plan and those of the mission areas or agencies, along with other applicable authorities and resources and contact information of individuals responsible for coordinating/overseeing language access for members of the public seeking information or wishing to request language access services.

## 2. Purpose

The purpose of this Language Access Plan (LAP or Plan) is to ensure that USDA agencies and offices and staff take reasonable steps to ensure meaningful access to USDA conducted and assisted benefits, services, information, and other important aspects of the Department's programs and activities for individuals with LEP.

## 3. Coverage

This Plan guides the Department, including both public-facing agencies and offices and administrative offices, as they deliver USDA's federally conducted and federally assisted services, programs, activities, and information.

## 4. Authority

Executive Order 13166 requires each Federal agency to "examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency." Federal agencies shall also "prepare a plan to improve access to its federally

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*e.g.*, Department of Health and Human Services, Assistant Secretary for Planning and Evaluation, Office of Human Services Policy, *Tips on Equitable Communication Practices in a Policy Context*, available at <https://aspe.hhs.gov/sites/default/files/documents/25db6496702d8ee5dace292f7d3925f0/Tips-Equitable-Comm-Practices.pdf>.

conducted programs and activities ... includ[ing] the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's program and activities.”

For agencies that provide Federal financial assistance, Executive Order 13166 requires them to work to ensure that recipients of that Federal financial assistance deliver meaningful access to applicants and beneficiaries with LEP. The latter provision is in accordance with the requirements of Title VI of the Civil Rights Act of 1964, which prohibits recipients of Federal financial assistance from discriminating on the basis of national origin.

This Language Access Plan not only ensures the implementation of these language access legal requirements with respect to the Department's programs and activities, but also provides general language access guidance for agencies and offices and sets forth USDA internal policies on the provision of language access.

This Plan establishes guidelines and standards in accordance with:

Generally Applicable Statutes:

Section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) (Title VI).<sup>5</sup>

Executive Orders:

- a. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 159, 50121 (Aug. 16, 2000), available at <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf>.<sup>6</sup>
- b. Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 Fed. Reg. 14, 7009 (Jan. 20, 2021), available at <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>.
- c. Executive Order 14031, *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, 86 Fed. Reg. 105, 29675 (June 3, 2021), available at <https://www.govinfo.gov/content/pkg/FR-2021-06-03/pdf/2021-11792.pdf>.
- d. Executive Order 14058: *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*, 86 Fed. Reg. 71357 (December 2021), available at <https://www.govinfo.gov/content/pkg/FR-2021-12-16/pdf/2021-27380.pdf>.
- e. Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 Fed. Reg. 10825 (Feb. 16, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.

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<sup>5</sup> Recipients of Federal financial assistance are prohibited from discriminating based on race, color, or national origin in their programs or activities. Denial of meaningful access to an individual with LEP is considered discrimination based on national origin. In *Lau v. Nichols*, 414 U.S. 563, 569 (1974), the Supreme Court held that a federal funding recipient's denial of an education to a group of non-English speakers violated Title VI and its implementing regulations. In its ruling, the Court explained, “[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by the regulations.” *Id.* at 568.

<sup>6</sup> The Department of Justice has determined that EO 13166 applies only to persons who are located within the United States and its territories and does not apply extraterritorially.

DOJ Attorney General directives, and policies:

- a. United States Attorney General’s Memorandum to Heads of Department Components Regarding Language Access Obligations Under Executive Order 13166 (June 28, 2010); available at [https://www.justice.gov/sites/default/files/crt/legacy/2012/05/04/language\\_access\\_memo.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2012/05/04/language_access_memo.pdf).
- b. United States Attorney General’s Memorandum to Heads of Federal Agencies, General Counsels, and Civil Rights Heads Regarding Federal Government’s Renewed Commitment to Language Access Obligations Under Executive Order 13166 (Feb. 17, 2011), available at [https://www.justice.gov/sites/default/files/crt/legacy/2011/02/24/AG\\_021711\\_EO%2013166\\_Memo\\_to\\_Agencies\\_with\\_Supplement.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/02/24/AG_021711_EO%2013166_Memo_to_Agencies_with_Supplement.pdf).
- c. United States Attorney General’s Memorandum for Heads of Federal Agencies, Heads of Civil Rights Offices and General Counsels Regarding Strengthening the Federal Government’s Commitment to Language Access (Nov. 21, 2022), available at <https://www.justice.gov/file/1553196/download>.
- d. DOJ Enforcement of Title VI of the Civil Rights Act of 1964 — National Origin Discrimination Against Persons with Limited English Proficiency (65 Fed. Reg. 50123, 50123-50125 (August 11, 2000), available at <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20867.pdf>.
- e. DOJ Guidance to Federal Financial Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (67 Fed. Reg. 41455, 41455-41472 (June 12, 2002), available at <https://www.govinfo.gov/content/pkg/FR-2002-06-18/pdf/02-15207.pdf>.

USDA Statutes, Regulations, and Directives:

- a. Nondiscrimination in Programs or Activities Conducted by the United States Department of Agriculture, 7 C.F.R. § 15d, available at <https://www.ecfr.gov/current/title-7/subtitle-A/part-15d>.
- b. Nondiscrimination in Federally Assisted Programs of the Department of Agriculture, 7 C.F.R. § 15 Subpart A, available at <https://www.ecfr.gov/current/title-7/subtitle-A/part-15a>.
- c. The Food and Nutrition Act of 2008, as amended, Supplemental Nutrition Assistance Program (SNAP), 7 U.S.C. §§ 2011 et seq.<sup>7</sup>
- d. USDA Departmental Regulation (DR) 4330-005 Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA (June 4, 2013), available at <https://www.usda.gov/directives/dr-4330-005>.

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<sup>7</sup> The Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., requires program administrators to use appropriate bilingual personnel and printed materials in the administration of SNAP, formerly the Food Stamp Program, in areas where a substantial number of potentially eligible households speak a language other than English. The Food Stamp Act also requires recipients to establish procedures governing the operation of SNAP offices that best serve households in each State, including households in areas where a substantial number of potentially eligible households speak a language other than English.

- e. USDA DR 4300-003: Equal Opportunity Public Notification Policy (October 17, 2019), available at [https://www.usda.gov/sites/default/files/documents/20191017\\_DR4300-003\\_EqualOppPublicNotice\\_Final.pdf](https://www.usda.gov/sites/default/files/documents/20191017_DR4300-003_EqualOppPublicNotice_Final.pdf).
- f. USDA Departmental Regulation (DR) 4330-02: Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the USDA (July 27, 2021), available at <https://tinyurl.com/39xf2phr>.
- g. USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency, 79 Fed. Reg. 70771 (Nov. 28, 2014), available at <https://www.govinfo.gov/content/pkg/FR-2014-11-28/pdf/2014-27960.pdf>.
- h. U.S. Department of Agriculture Strategic Plan (Fiscal Years 2022-2026), available at <https://www.usda.gov/sites/default/files/documents/usda-fy-2022-2026-strategic-plan.pdf>.
- i. U.S. Department of Agriculture Equity Action Plans, available at <https://www.usda.gov/equity/action-plan>.

## 5. Scope of Policy

Part A of this Plan sets out policy, authorities, and roles and responsibilities. Part B addresses several issues for Department-wide governance. Part C constitutes guidance for USDA agencies and offices, regarding what shall be included in each agency- or office-specific LAP to ensure that USDA-wide language access policies, standards, and procedures are implemented consistently across all USDA federally conducted and assisted programs and activities.<sup>8</sup>

The guidance included in this Plan is intended to improve the internal management of the Department's language access program, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person. Because this document is intended for the internal management of the Department's language access program, it is not intended to be cited in any judicial or administrative proceeding. Administration of the programs discussed herein is within the sole discretion of the Department and its agencies and offices.

## 6. Definitions

The terms used in this Plan are defined in Appendix A.

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<sup>8</sup> For more information on what constitutes federally conducted and federally assisted programs and activities, see *Commonly Asked Questions & Answers Regarding Executive Order 13166*, (2019), <https://www.justice.gov/crt/eo-13166>.

## 7. Roles and Responsibilities

This Plan is chiefly carried out by the Office of the Assistant Secretary for Civil Rights (OASCR); the Department’s Language Access Coordinator (USDA LAC), who sits within OASCR, the USDA Language Access Coordinating Committee (USDA LACC), and agency and office staff. Their roles and responsibilities, and those of other units, are included in this section.

In this Plan, “agency and office,” encompasses all USDA units—including mission areas, agencies, and staff offices—that provide programs, activities, or communication with the public. This Plan uses the phrase “administrative office” to encompass other USDA offices, which do not provide public programs, activities, or communications. It is up to mission area, agency, and office heads whether they choose to carry out their obligations under this Plan in separate administrative units or jointly. For example, mission area leadership may decide that their mission area should have one shared Language Access Plan or that each of the mission area’s component agencies should have its own Language Access Plan. This decision shall be clearly specified in the relevant plan.

### a. Office of the Assistant Secretary for Civil Rights (OASCR)

OASCR will provide oversight of all Language Access/LEP program functions within USDA. Accordingly, OASCR will:

- i. Provide overall leadership, coordination, and direction for the USDA Language Access program, including language access guidance for Department-level staff offices;
- ii. Ensure that USDA mission areas, agencies, and staff offices actively support and adhere to requirements of federal statutes and authorities that prohibit discrimination, including national origin, under any program or activity conducted by USDA;
- iii. Provide training and disseminate information on best practices for LEP access;
- iv. Enforce English proficiency and plain language standards;
- v. Provide technical assistance on LEP and national origin discrimination matters to employees and managers so that USDA demonstrates and maintains the highest level of technical competence, skills, knowledge, and abilities;
- vi. Proactively promote meaningful access to USDA’s programs and activities for persons with LEP and provide guidance to mission areas, subagencies, and recipients; and
- vii. Issue policies, directives, procedures, rules, and regulations as necessary to ensure that USDA fully achieves its language access compliance and monitoring obligations.

### b. USDA Language Access Coordinator

The USDA Language Access Coordinator sits in the Office of the Assistant Secretary for Civil Rights, and is responsible for:

- i. Developing a Department-wide initiative on language access.

- ii. Developing, leading, and promoting uniformity of policies and best practices relating to language access within the Department, including providing templates and resources for agency and office use.
- iii. Ensuring consistent Department-wide compliance with EO 13166, and Department-wide mandates on language access in the Department's Equity Action Plan, EO 13985, EO 14091, and any other relevant directive.
- iv. Leading the implementation and regular review of the USDA LAP and supporting the implementation and review of agencies and offices' language access plans.
- v. Streamlining access to, and overseeing the expansion and centralization of, language assistance services within the Department to improve agency/office access to interpreting and translation services, including through the creation and maintenance of a Departmental one-stop-shop containing relevant internal resources.<sup>9</sup>
- vi. Developing and promoting internal guidance, resources, and materials to expand language access across the Department.
- vii. Providing guidance and technical assistance for USDA agencies and offices, as appropriate, on their ongoing language access needs.
- viii. Researching and incorporating innovative approaches to engaging, collaborating with, and serving individuals with LEP from a people-centered approach.
- ix. Collaborating with the DOJ Civil Rights Division and other Federal agencies regarding issues related to language access.
- x. Facilitating Department-wide engagement with external stakeholders to strengthen access to USDA and other government services by individuals with LEP.

### **c. USDA Language Access Coordinating Committee**

The Language Access Coordinating Committee is led by the Assistant Secretary for Civil Rights or senior designee, with the collaboration of the Department's Senior Designee for Equity under Executive Order 14091, and is composed of representatives from both public-facing USDA agencies and offices, and administrative offices. The USDA LACC meets at least quarterly to:

- i. Support agencies and offices in meeting USDA's language access obligations under this Plan and the USDA Equity Action Plan.
- ii. Increase awareness of language access requirements and best practices.
- iii. Contribute to the development of quality control measures and policy/implementation improvements for language assistance services.
- iv. Perform other duties as specified in this Plan.

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<sup>9</sup> This includes: an internal repository of commonly translated documents; a Department-wide translation glossary of common technical terms in the top languages spoken by LEP individuals; standard language assistance notices, flyers, and posters for the Department's agencies and offices to use; template web pages or web standards to help agencies and offices post translated content; and guidance on identifying documents for translation and targeting languages for translation.

#### **d. Department Agencies and Offices**

Consistent with the requirements and obligations above, and where appropriate considering each agency/office's unique mission and operations, Department agencies and offices shall take reasonable steps to ensure meaningful access to both federally conducted and federally assisted programs and activities by:

- i. Ensuring compliance with EO 13166 and other Departmental language access obligations.
- ii. Maintaining, reviewing, and updating agency/office-specific LAPs, as needed, in accordance with this Department-wide plan.
- iii. For federally conducted programs:
  - Planning for and providing meaningful access to programs or activities for individuals with LEP.
  - Identifying and addressing any gaps in language assistance services for individuals with LEP.
  - Training staff according to the agency, office, or USDA's LAP.
  - Notifying individuals with LEP in a language they understand, about the availability of language assistance services through websites, social media, and other outreach initiatives.
  - Consulting with communities with LEP about the development and implementation of the agency/office's applicable programs and activities, funding opportunities, and regulations.
  - Designating an agency/office Language Access Coordinator, and at least one agency/office representative to serve on the USDA LACC.
  - With assistance from the LAC, working to align agency/office policies and programs with language access best practices.
- iv. For federally assisted programs:
  - Informing recipients of Federal financial assistance about their obligation to provide meaningful access to programs and activities for individuals with LEP and offering appropriate training.
  - Monitoring federally assisted programs to identify and work to address gaps in language assistance services for individuals with LEP.
  - Ensuring technical assistance manuals developed for recipients of Federal financial assistance that cover automated systems, digital services, and review tools include sufficient language access criteria and data collection points to facilitate meaningful access for individuals with LEP.
  - Consulting with LEP communities about the development and implementation of the agency/office's applicable programs and activities, funding opportunities, and regulations.

Each Department agency and office shall designate both a senior accountable official responsible for ensuring that the agency or staff office has a documented plan for LAP delivery, whose scope of authority is sufficient to meet this task's needs, and an agency/office language access coordinator, whose role is described in part A.7.e.

**e. Agency and Office Language Access Coordinator**

The agency and office language access coordinators (LACs) shall:

- i. Lead the development and implementation of the agency/office language access plan;
- ii. Lead the agency/office with respect to the collection and reporting of language access data;
- iii. Lead the agency/office with respect to conducting outreach and engagement with communities with LEP, and entities that represent their interests;

In order to fulfill this role, each agency/office LAC shall develop appropriate expertise and familiarity with federal and Departmental law, regulation, and guidance, and with best and promising practices across the Department and the federal government; and shall coordinate within their own agency/office and consult as appropriate with the Department Language Access Coordinator. Where an agency/office LAC is not on the staff of the agency's civil rights office, the LAC shall regularly consult and coordinate with their agency's civil rights staff.

**f. USDA Agency and Office Staff**

Agency and office staff that interact with individuals with LEP shall:

- i. Familiarize themselves with Executive Orders 13166, 13985, 14091, this Plan, and their agency/office's language access plan.
- ii. Familiarize themselves with the standards for effective and accessible communication.
- iii. Take reasonable steps to provide meaningful access to Department programs or services to individuals with LEP; and
- iv. Be prepared to effectively use language assistance services when they encounter or have reason to believe that they may encounter individuals with LEP while fulfilling their agency/office's mission, or upon request by a person with LEP who wishes to access Department programs or activities.

**g. Office of Budget and Program Analysis (OBPA)**

OBPA serves a supporting function on language access and will:

- i. Work with agencies and offices to understand resource and staffing needs to support LEP program functions;

- ii. Incorporate related questions and needs into the budget formulation process; and
- iii. Support the development or revisions of Departmental directives needed to support language access.

**h. Office of the Chief Information Officer (OCIO)**

OCIO serves a supporting function on language access for individuals with LEP, and will:

- i. Work to develop a common repository to store, visualize, and analyze language access data;
- ii. (With OCP) lead the acquisition and management of any enterprise-wide technology to support language access services; and
- iii. Work with OC on machine translation issues.

**i. Office of Communications (OC)**

OC serves a supporting function on language access for individuals with LEP, and will:

- i. Model appropriate language accessibility in USDA communications, including plain language standards, Section 508 compliance, and notifying the public of the availability of free language assistance.
- ii. Working with OCIO, implement a language access tool on usda.gov to provide real-time, on-demand automated translations of web pages from English to multiple other languages (i.e., Spanish, Korean, Tagalog, etc.), with a mechanism to facilitate human translation of "vital" web pages;
- iii. Ensure appropriate translation of Departmental communications such as press releases and statements that target areas where English is not the primary language; and
- iv. Maintain and host language access information and resources on usda.gov.

**j. Office of the Chief Diversity and Inclusion Officer (OCDIO)**

OCDIO serves a supporting function on language access and will offer technical expertise and consultation on promising and best practices relating to inclusive hiring (for example of multilingual individuals), including appropriate data collection.

**k. Office of Contracting and Procurement (OCP)**

OCP serves a supporting function on language access and will (with OCIO) lead the acquisition and management of any enterprise-wide technology to support language access services.

**l. Office of Human Resources Management (OHRM)**

OHRM serves a supporting function on language access and will lead the coordination of relevant HR policy and resource development.

**m. Office of Customer Experience (OCX)**

OCX serves a supporting function on language access and will:

- i. Incorporate related customer research and data needed to support LEP program functions;
- ii. Work with agencies and offices to understand resources and data available to inform design approach to LEP support;
- iii. Ensure that the AskUSDA contact center provides robust language access services—both translation and interpretation (via telephone, email, and chat), and work with agencies and offices to incorporate their LEP needs via the AskUSDA contact center.

**C. DEPARTMENT-WIDE PROCESSES AND POLICY**

**1. Enterprise-Level Development and Inter-Agency Cooperation**

USDA is committed to sharing promising practices and exploring Department-wide and interagency initiatives that could potentially streamline and improve our ability to provide meaningful access to individuals with LEP. To that end, the USDA LAC, with the participation of the LACC, shall identify, develop, and distribute useful resources and materials, and shall, as needed, create subcommittees to focus on cross-cutting areas of concern regarding implementation. In addition, agencies and offices are encouraged to collaborate with each other and other Federal agencies to share resources, implement best practices, improve efficiency, and standardize Federal terminology. Agencies and offices may engage in reimbursable agreements for services and utilize interagency agreements to obtain services from other government agencies.

USDA will implement a process to assess which language access activities should be conducted at the enterprise level, rather than by agencies and offices acting independently. A Department-wide approach may, in appropriate circumstances, improve the services offered or their efficiency. To that end, within six months from the effective date of this

plan, the USDA LAC and LACC shall develop a process to consider which LEP activities are best executed at the agency/office level and which at the enterprise level. This process shall include assessment of the benefits and drawbacks of enterprise management when multiple agencies and offices have similar needs, including pricing advantages that might accrue to larger contracts, access of smaller agencies and offices to a fuller scope of services, and the possibility of eliminating costs altogether by sharing existing resources such as training.

On training in particular, agencies and offices should share training resources, where applicable. In addition, the LAC and LACC shall (a) review available training across the Department and (b) work to assemble or create shareable training on:

- Understanding the laws and requirements governing language access;
- USDA's language access plan and procedures;
- Developing a language access plan at the mission area/agency level;
- Conducting a self-assessment of LEP needs; and
- Roles and responsibilities in mission areas/agencies, with respect to the availability of language services, including requirements and best practices for public outreach and notification related to language accessibility.

## **2. Emerging Technology Considerations**

The Department will continually evaluate emerging technologies relevant to supporting language translation and interpretation. Our priority remains ensuring that persons with LEP have meaningful access to Department programs and activities through timely and accurate language assistance services, including both translation or interpretation, while seeking to improve language access by increasing productivity of multilingual staff, reducing costs by sharing existing knowledge and work across the enterprise, and increasing access to language services through remote interpretation. For the next three (3) to five (5) years, key technology solutions may include (but not be limited to):

- Providing large-scale commercial cloud-based machine translation and computer aided applications through—
  - Artificial Intelligence (AI) and machine learning (e.g., Natural Language Processing).
  - Embedded productivity toolsets (e.g., Office365 translation services).
  - Storage and indexing of previous translation work.
- Leveraging real-time chat translation interfaces to allow customers easier remote access to interpreters and domain subject experts.

The focus of the Department's consideration of technologies for language access will encompass three principal applications:

- Machine translation, by which staff utilize computers and automation to provide a computer-generated translation.

- Computer-aided translation, by which translators utilize digital tools to assist in providing and capturing human-certified translations, including facilitating corrections to machine-generated translations.
- Virtual (video) & remote (audio/text) interpretation, by which qualified interpreters provide services from remote locations.

Any Department organization using emerging technologies for the above applications through third-party services, direct government procurement, or modifying existing services must consult with the USDA LAC, and must consider the following:

- Accuracy of translation and interpretation
- Accuracy of domain-specific translation and interpretation (e.g., specific USDA policies)
- Speed to incorporate corrections to production systems
- Ability to share and learn from previous translation/interpretation work
- Cost per supported end-user
- Required training and enabling technologies
- Ability to capture feedback from customers on the level of quality of translation/interpretation
- Security and privacy
- Records retention and records management
- Origins of source data utilized for machine-generated and computer-assisted applications

Additionally, Executive Branch guidance for AI is a key source of clarity with respect to AI governance, innovation, procurement, and algorithmic risk.<sup>10</sup>

Consideration and development may occur at the agency/office or enterprise level, as instructed by the parameters in section 1, above.

### **3. Human Resources Management**

After coordination with the USDA LAC and LACC, USDA's Office of Human Resources Management (OHRM) shall, by the close of Fiscal Year 2024, provide language-access-related guidance, such as templates and references, to assist agencies and offices when they seek to hire or assess qualifications for positions that require non-English language proficiency. In addition, in partnership with mission area/agency Chief Operating Officers and Chief Human Capital Officers, OHRM shall review and benchmark the types and grades of position within USDA for which non-English language proficiency is helpful, to determine if there are variations in pay based on individual agency criteria and if there is a

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<sup>10</sup> See Executive Order 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence* (Nov. 1, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-11-01/pdf/2023-24283.pdf>; Fact Sheet: *Biden-Harris Administration Announces New Actions to Promote Responsible AI Innovation that Protects Americans' Rights and Safety* (May 4, 2023), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/04/fact-sheet-biden-harris-administration-announces-new-actions-to-promote-responsible-ai-innovation-that-protects-americans-rights-and-safety/>.

need for an established pay differential for such proficiency, in accordance with Office of Personnel Management guidelines.

#### **4. Monitoring**

Using the submissions and data referenced in Part C, Guideline 12, Self-Assessment and Monitoring, the Department will monitor the effectiveness of agency and office Language Access Plans to ensure that LEP individuals continue to receive meaningful access to USDA programs and activities. Through this process, USDA will:

- Assess agency and office plans to ensure that the scope and nature of language assistance services provided reflect current information on relevant LEP populations and their language access needs;
- Gather information about the quality, timeliness, and cost of language assistance services to ensure resources are allocated appropriately;
- Identify access barriers and gaps in services for LEP individuals; and
- Assess whether agencies and offices are monitoring entities that are provided Federal financial assistance in order to determine whether these recipients take reasonable steps to ensure meaningful access to federally assisted programs and activities.

The USDA LAC shall compile data received from the various agencies and offices into an annual report, which it shall share with the LACC for comment prior to finalization. The final report shall make recommendations for language access at particular agencies/offices, and at the Department as a whole, including proposing revisions to agency/office LAPs or their implementation.

OASCR also may, at its discretion, choose to use its separate authority and processes under DR 4330-006, Civil Rights Compliance Reviews, available at <https://www.usda.gov/directives/dr-4330-006>, to review language access issues within any agency or office.

#### **5. Language Access Plan Review and Update**

Beginning the year following the first Tri-Annual Self-Assessments described in C.12, this Department-wide LAP must be reassessed every three years and updated as needed; the project shall be led by the USDA LAC, in consultation with the USDA LACC, OASCR, and other internal stakeholders. Reassessment should also include significant engagement with relevant community stakeholders.

### **D. GUIDELINES FOR PLANNING AND PROVIDING MEANINGFUL ACCESS**

Every day, contact between USDA agency or departmental offices and the public may involve persons with LEP. Keeping in mind their missions, operations, and levels of interaction with the public, agencies and offices shall consider the needs of individuals with

LEP early in the process of designing programs and activities. There is no “one size fits all” solution for language access.

The obligation to provide meaningful language access is fact-dependent and is generally evaluated using a four factor analysis: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by a program; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the program, activity or service provided by the recipient to its beneficiaries; and (4) the resources available and the costs of language access services.

As a general matter, USDA agencies and offices should use the four-factor analysis and also should proactively provide language access services (for example, in-advance translation of vital documents) for any language spoken by more than 5 percent of the eligible population; what languages this includes will depend on the region of the office in question. See C.1, below, for a discussion of “top languages.”

Agencies and offices are required to prepare an agency-specific language access plan within three months of the effective date of this Department-wide Language Access Plan, and those agency/office plans shall set out implementation timelines that begin implementation of (not merely planning about) the substantive requirements in this Departmental Plan within three months after their effective date. By one month after the effective date of this Department Plan, each USDA agency head and staff office director shall designate: a senior accountable official who will be responsible for ensuring that the agency or staff office has a documented plan for LAP delivery, whose scope of authority is sufficient to meet this task’s needs, and a Language Access Coordinator (LAC) to lead Plan development and implementation, including collection and reporting of language access data.

The following thirteen topics are essential elements of language access program planning. Each topic shall be addressed in agency- and office-specific language access plans with regards to each agency and office’s nature and operations.

1. Identification of Communities with LEP and their Interaction with USDA
2. Identification of Individuals with LEP and their Primary Language or Method of Communication
3. Outreach and Engagement with Communities with LEP
4. Procurement
5. Quality Assurance and Control
6. Allocation of Resources
7. Notification of the Availability of Language Assistance Services
8. Provision of Language Assistance Services
9. Multilingual Digital Content
10. Staff Training
11. Hiring Practices and Access to Multilingual Staff
12. Self-Assessment and Monitoring
13. Federally Assisted Activities

## 1. Identification of Communities with LEP and their Interaction with USDA

The USDA LAC, in consultation with the USDA LACC, shall identify the top languages for USDA as a whole, including whether the appropriate number of such languages is 5, 6, or more. In addition, to plan for and effectively provide meaningful access to individuals with LEP, agencies and offices shall supplement this general determination by identifying any additional top languages spoken by the communities they serve or may serve.

According to the American Community Survey, the top five languages spoken in the United States by individuals with LEP are Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Tagalog (including Filipino).<sup>11</sup> Each agency or office staff shall at least every three years identify the top languages spoken by individuals with LEP based on their program objectives, constituency, and/or geographic region, using language access data collected by the USDA agency or office, language access data collected from recipient agencies that administer USDA-assisted programs and activities, or any or all of the following tools and resources:

- **Language Maps and Data on Communities with LEP**
  - **LEP.gov/Maps** is a DOJ-maintained website with national, state, and judicial district maps of the U.S. population with LEP by number and concentration. However, Census language categories used in those maps are limited and do not include disaggregated data or information on individuals who speak languages that are rare in the U.S., or some Indigenous, Native American, and Native Hawaiian languages, and/or language variants.
  - Data from other Federal, state, and local government agencies, or from community organizations can also be helpful to supplement Census data or obtain more granular details on the languages used by a specific community or region, including intersectional or disaggregated data.
- **Consultation with community members with LEP and organizations that serve those individuals** as described in guideline 4 below.
- **DOJ Language Access Self-Assessment Tool**,<sup>12</sup> which can assist agencies and offices in identifying the different points of interaction with individuals with LEP, historic usage of programs and activities by individuals with LEP, and effective service-delivery strategies.

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<sup>11</sup> This broad listing of top languages spoken by individuals with LEP is a guide for agencies and offices and does not replace agency/office responsibility to ensure that individuals with LEP, regardless of languages spoken, are afforded meaningful access, particularly with respect to individual specific communications, including correspondence. See also U.S. Census Bureau, *American Community Survey 5-Year Estimate*, available at <https://data.census.gov/all?d=ACS+1-Year+Estimates+Detailed+Tables&q=B16>.

<sup>12</sup> Department of Justice, *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, 8 (2011), available at [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf).

For assistance in identifying communities with LEP, agencies and offices may seek support from their agency LAC or the USDA LAC.

## **2. Identification of Individuals with LEP and their Primary Language or Method of Communication**

Agency or office staff shall, at the point of first contact with an individual with LEP, make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services.

Agency/office staff can determine whether a person needs language assistance in several ways:

- Voluntary self-identification by the individual with LEP or their companion;
- Affirmative inquiry regarding the primary language of the individual if they have self-identified as needing language assistance services;
- Engagement by a qualified multilingual staff or qualified interpreter to verify an individual's primary language; or
- Use of an "I Speak" language identification card or poster.<sup>13</sup>

In determining an individual's primary language or preferred method of communication, it is important to allow the individual to convey the language in which they most effectively communicate, particularly in consideration of any potential sensitivity or trauma relating to a situation or subject matter discussed, the context in which the interaction is taking place, and the method of communicating (i.e., oral versus written), among other factors.

Agency/office staff should not make assumptions about an individual's primary language based on race, color, or national origin.

Additional considerations when identifying language include:

- In instances where identification of the LEP individual's language is challenging, asking the individual about their region, municipality, village, or specific community can help to identify the correct language.
- The USDA LAC shall identify resources and develop templates for agency and office staff to use to help with conducting their four-factor analysis.

## **3. Quality Assurance and Control**

Agencies and offices shall take reasonable steps to ensure that qualified multilingual staff or contracted personnel who serve as translators, interpreters, or who communicate "in-language" with individuals with LEP are competent to do so and have the resources necessary to meet the Department's requirements.

Use of individuals who are not competent could result in a breach of confidentiality, a conflict of interest, or inaccurate, impartial, or incorrect interpretation, and is discouraged.

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<sup>13</sup> See, e.g., USDA *I-Speak Statements*, available at <https://fns-prod.azureedge.us/sites/default/files/cnd/Ispeak.pdf>; United States Census, *Language Identification Flashcard* (2004), available at <http://www.justice.gov/crt/lep/resources/ISpeakCards2004.pdf>.

Absent exigent circumstances, Department staff shall avoid using the following individuals to provide language assistance services:

- Staff who are not qualified
- Family members (especially minor children)<sup>14</sup>
- Neighbors
- Friends
- Acquaintances or bystanders<sup>15</sup>

Considerations of competency for qualified multilingual staff or contracted personnel may include:

- Demonstrated proficiency in and ability to communicate information accurately in both English and the other language.
- Using the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation).
- Accurately interpreting or translating materials and rendering meaning using appropriate terminology particular to an agency/office's program or activity into the language used by the individual with LEP.
- Understanding and following Department and other applicable confidentiality, impartiality, and ethical rules in compliance with Department expectations.
- Ability to understand and maintain the role and observing professional standards for interpreters, translators, or multilingual staff.
- Understanding the appropriate use of current technologies for providing language assistance, including the proper review and use of machine translation.

Agencies and offices providing interpretive services should be aware of potential interpreter fatigue and the possibility that such fatigue can result in errors. Agencies and offices shall consider strategies to address interpreter fatigue for longer proceedings, where possible, including frequent breaks for the interpreter or the use of multiple interpreters.

Staff shall also be mindful of asking community-based organizations or other volunteers to provide free language assistance services. Such individuals may not have the necessary skills, qualifications, or knowledge of rules of professional responsibility to provide accurate, impartial, and confidential interpreting. This may also unduly burden an organization's staff and resources, and it may constitute a gift under government ethics rules and/or a violation of the Anti-Deficiency Act, 31 U.S.C. §1342.<sup>16</sup> Agencies and

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<sup>14</sup> Use of minor children as interpreters shall be avoided in all but the most exigent situations. Absent exigent circumstances, use of adult family members as interpreters shall be allowed only if the individual with LEP is offered a qualified interpreter and declines that interpreter, in writing.

<sup>15</sup> Agencies and offices shall provide staff with further guidance regarding circumstances that would rise to the level of "exigent" and procedures for providing language assistance services under those circumstances.

<sup>16</sup> The Anti-Deficiency Act states: "An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services

offices should consult their ethics officer on a case-by-case basis when a volunteer provides language assistance services.

Agencies and offices shall make efforts to have a process in place to review translated documents for accuracy.

#### **4. Outreach and Engagement with Communities with LEP**

Effective outreach and engagement with communities with LEP, and entities that represent their interests, is critical to language access planning efforts to increase access to USDA programs and activities for these communities and to receive regular feedback on the implementation of Department and agency/office language access plans or language assistance services.<sup>17</sup>

Agency and office LACs shall, at least annually, convene appropriate staff to consider:

- Establishing and maintaining relationships with a variety of entities representing the interests of individuals with LEP, and of those communities who have traditionally been marginalized because of their limited ability to speak English.
- Conducting appropriate outreach efforts designed to inform communities and individuals with LEP about USDA agencies and office programs and activities.
- Communicating clearly through written, video and/or audio means about the nature, scope, and availability of language assistance services and how to request them.<sup>18</sup>
- Increasing efforts to encourage participation from local communities in, for example, Department consultations, focus groups, and/or listening sessions, with the goal of learning about their concerns, needs, and perspectives.
- Taking reasonable steps to ensure that community outreach events involving individuals with LEP are designed to provide meaningful access, where individuals with LEP can participate, receive information, and provide input in their primary language(s) at such events.
- Creating and maintaining lists of non-English press to disseminate information about USDA programs and activities.
- Disseminating information about agency/office programs and activities in non-English languages.
- Reaching out and partnering with stakeholders to amplify agency/office communications to specific communities that may include individuals with LEP.

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exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. A full description is located on [www.govinfo.gov](http://www.govinfo.gov).

<sup>17</sup> Department of Justice, Civil Rights Division, *Ten Tips For Conducting Effective Community Outreach* (2015), available at <https://www.justice.gov/archives/crt/fcs/newsletter/Winter-2015/10Tips>.

<sup>18</sup> This may include visible signage in agencies’ and offices’ public spaces announcing the availability of language assistance services, translated promotional material (flyers, registration forms, etc.) with information about the availability of interpreting services during the event by request. For additional information about notice of language assistance services, see *Notification about Available Language Assistance Services* section below.

- Establishing formal and easily accessible mechanisms to receive feedback about the quality of the agency/office's language assistance services.

For agencies and offices that have a significant presence in Puerto Rico, the group shall include someone with expertise in needs and activities there.

## 5. Procurement

When crafting requirements for vendors, agencies and offices seeking to procure language assistance services shall work closely with their agency/office LAC, Contracting Officer, Contracting Officer Representative, budget and/or procurement office and, as needed, with the USDA LAC. (The USDA LAC shall be consulted in any Department-wide procurement.) Agencies and offices may also consult with OCP's representative on the LACC to identify existing agency contract vehicles they can utilize.

Agencies and offices are encouraged to pursue resource-sharing and cost-saving initiatives across the Department for language assistance services, and also to consider using local vendors familiar with the culture and language dialect of particular areas. Agencies and offices may consult with the USDA LAC to help identify resource-sharing possibilities and learn about currently available USDA language assistance services.

If an agency/office elects to procure language assistance services, the agency/office's procurement office shall ensure that any Request for Proposals or contracts specify the agency/office's needs and vendor responsibilities to include quality control and assurance procedures, assign liability, and contain dispute resolution provisions.

At a minimum, contracts for language assistance services should include:

- Civil rights assurance clauses;
- Methods for ensuring that interpreters and translators are fluent in both English and the relevant language, and qualified for the particular type of services needed (e.g., to interpret or translate communication that is formal, casual, specialized, or regional, as needed);
- Mechanisms to ensure confidentiality and avoid conflicts of interest;
- Ability to meet the agencies' and offices' demand for interpreters;
- Ability to meet the agencies' and offices' demand for translation, including the delivery of translations in editable electronic or other required formats;
- Reasonable cancellation fees;
- On-time service delivery;
- Acceptable emergency response time;
- Reasonable scheduling of qualified interpreters;
- Requirements for tracking usage;
- Rapid rates of connection to interpreters via telephone, video, or electronically; and
- Effective complaint resolution when translation or interpretation errors occur.

Refer to the government-wide Language Services Procurement Committee’s Foreign Language Services Ordering Guide for additional information regarding ensuring quality and accuracy in purchasing language assistance services.<sup>19</sup>

The LAC, in coordination with the LACC, shall develop similar guidelines for language assistance services provided through cooperative agreements. In addition, the LAC may, in coordination with OCP, work to share professional standards and criteria for contract interpretation and translation services and recommended quality control mechanisms.

## **6. Allocation of Resources**

Informed by the four-factor analysis, agencies and offices shall consider the appropriate resources needed for language access planning, outreach, and assistance services based on the range of interactions they may have with individuals with LEP.<sup>20</sup> As permitted by resource availability, agencies and offices should aim to allocate resources in proportion to the level of current and projected interaction that they have, or may have, with individuals with LEP, including any projected expansion of language assistance services.

## **7. Notification of the Availability of Language Assistance Services**

When language assistance services are not readily available, or when an individual does not know that language assistance services are free and available, individuals with LEP are less likely to participate in or benefit from agencies and offices programs and activities. As a result, many individuals with LEP may not seek out agencies’ and offices’ benefits, programs, information, and services; may not offer vital assistance in investigations or information that would help determine entitlement or eligibility for benefits; and may be unable to file complaints.

Where applicable, considering agencies’ and offices’ missions and operations, each agency and office shall take reasonable steps to provide public notification of how to obtain free language assistance services and how to offer feedback or make complaints about the availability of such services. This includes affirmatively notifying the public about the availability of language services at the AskUSDA contact center (<https://ask.usda.gov>, 1-833-663-USDA, [askusda@usda.gov](mailto:askusda@usda.gov)). This information shall be offered in different mediums (for example, printed and electronic material, social media, radio, etc.) in consultation with program, outreach, public affairs personnel as well as impacted communities. It shall be offered in the top language(s) spoken by individuals with LEP, and more if appropriate based on the agency’s or office’s four-factor analysis. Agencies and offices should respond promptly to feedback and complaints.

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<sup>19</sup> Language Services Procurement Committee, Interagency Working Group on Limited English Proficiency, *Foreign Language Services Ordering Guide* (Jul. 2020), available at [https://www.gsa.gov/cdnstatic/Foreign\\_Language\\_Services\\_%281%29.pdf](https://www.gsa.gov/cdnstatic/Foreign_Language_Services_%281%29.pdf).

<sup>20</sup> Agencies and offices may want to consult with the USDA Language Access Coordinator for tips and tools on projecting and planning for language assistance services.

In public-facing materials, agencies and offices are encouraged to include multilingual taglines<sup>21</sup> to allow individuals, including those who do not speak the top identified languages, to be informed about the availability of language assistance services.<sup>22</sup>

Agencies and offices shall post their agency- and office-specific language access plans or policies on their website. A copy of the Department's Language Access Plan, and links to all the agency- and office-specific plans shall be publicly accessible from the Department's website, at <https://usda.gov/oascr/languageaccess>.

## **8. Provision of Language Assistance Services**

The need for customer-facing language assistance services will vary by agency/office. Each agency or office shall therefore provide tailored guidance to their staff on how to secure language access services that are responsive to the needs of the agency's or office's customers. Where appropriate, agencies and offices shall consider using a combination of language assistance services to provide meaningful access. There are three ways in which agency/office staff may provide language assistance: direct in-language services, interpretation, and translation.

### **a. Direct In-Language Services**

Absent exigent circumstances, agencies and offices are strongly discouraged from allowing employees who have not been formally assessed for their multilingual skills to provide direct services in-language. (Agency and office staff are free to use multilingual skills for general greetings in a foreign language and basic communication for the purposes of language identification.) Unqualified staff could provide incorrect information, introduce conflicts of interest or other ethical concerns, or experience other potentially negative consequences for the Department and/or the individual with LEP.

### **b. Interpretation**

When appropriate, considering the agency and office mission and operations, agencies and offices shall be prepared to provide real-time qualified interpreters free of charge either in-person, over-the-phone, or through video remote technology to communicate with individuals with LEP.<sup>23</sup> This includes preparation for communication with individuals with LEP who also have communications disabilities.

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<sup>21</sup> As in DR 4300-003, *Equal Opportunity Public Notification Policy* (Oct. 17, 2019), available at [https://www.usda.gov/sites/default/files/documents/20191017\\_DR4300-003\\_EqualOppPublicNotice\\_Final.pdf](https://www.usda.gov/sites/default/files/documents/20191017_DR4300-003_EqualOppPublicNotice_Final.pdf), space availability may be considered in developing the appropriate tagline and notice.

<sup>22</sup> See FNS, *Assistance Tagline Translations*, at <https://www.fns.usda.gov/cr/assistance-tagline-translations>. Another sample tagline is available at [lep.gov/translation](http://lep.gov/translation). Using QR codes is encouraged and considered an optimal practice to facilitate access to these notifications and other digital content. A resource for using QR codes is available at <https://digital.gov/resources/introduction-to-qr-codes/>.

<sup>23</sup> Agency or office staff or contractors shall utilize the mode of interpreting that is most appropriate for the situation: consecutive, simultaneous, or sight-translation. For more information on the different modes of interpreting and when they are used, see District of Columbia Office of Human Rights, *Reference Guide: Types of*

While individuals with LEP have the right to refuse language assistance services, agency and office staff are encouraged in these situations to reiterate the Department's policy to ensure meaningful access and provide services at no cost. Such refusal shall be documented.

When arranging or requesting interpreting language assistance services, agency and office staff shall make every effort to ascertain that the interpreter matches the language and/or language variant that the individual(s) with LEP uses and that they can understand each other fully. USDA has contracts with vendors to provide interpretation in multiple languages. Agencies and offices may consult with the USDA Language Access Coordinator to obtain information about these services.

### **c. Translation**

The Department prioritizes the translation of vital documents and also recognizes the importance of making available routine program material in regularly encountered languages other than English.

Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the individual with LEP if the information in question is not provided accurately or in a timely manner. Agencies and offices have discretion to determine what documents are considered "vital" for language translation services.

There are two types of vital documents: (1) those that are meant for the general public or a broad audience, and (2) those that are specific communications regarding a case or matter between an individual and the Department.

Vital documents intended for the general public or a broad audience may appear on webpages, social media, apps, or texts; they include, but are not limited to:

- Claim or application forms including their instructions.
- Forms or written material related to individual rights.
- Notices of outreach or community meetings or trainings.
- Press releases announcing activities or matters that affect communities with LEP.
- Notices regarding the availability of language assistance services provided by the agency/office at no cost to individuals with LEP, where applicable considering the agency's or office's mission and operations.

Agencies and offices are encouraged to translate vital documents for the general public into their top languages, as needed, and to consider translating into other languages as appropriate based on the application of the four-factor test, given program objectives, constituencies, and/or geographic regions.

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*Interpretation*, available at [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/Ref%20guide\\_Types%20of%20interpretation.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/Ref%20guide_Types%20of%20interpretation.pdf). Information to help staff work effectively with telephone interpreters can be found at *TIPS for Working with Telephone Interpreters*, [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Telephone\\_Interpreters\\_0.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Telephone_Interpreters_0.pdf).

Vital documents specific to a matter between an individual and the Department may include, but are not limited to:

- Administrative complaints, release, or waiver forms
- Letters of findings
- Letters or notices pertaining to statutes of limitation, referrals to other federal agencies, a decision to decline to investigate a case or matter, or closure of an investigation, case, or matter
- Written notices of rights, denial, loss, or decreases in benefits or services, parole, and other hearings

Under most circumstances, materials primarily directed to courts, attorneys, court advocates, or other professionals are not considered “vital” for these purposes.

Each agency and office shall develop its own criteria for identifying vital documents and prioritizing languages for their translation. For vital documents aimed at a national audience, agencies and offices should begin by translating vital information in the top languages spoken by individuals with LEP. Agencies and offices are encouraged to reassess these criteria each time they review and update their language access plans. Even where public outreach or educational materials are not deemed “vital,” they are also very important to translate.

Non-vital information includes documents that are not critical to access benefits and services. Although meaningful access to a program requires an awareness of the program’s existence, it would be impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language. This is not required.

Agencies and offices shall also ensure that all translations are completed by qualified translators (see Guideline 3, Quality Assurance and Control). Agencies and offices shall avoid using machine translation alone without appropriate human review and quality control. In particular, machine translation is discouraged when information communicated is vital to a person’s rights or benefits, when accuracy is essential, or when the source materials use non-literal language (like slang or metaphors), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy.

Individuals with LEP wanting to access services from USDA may not be literate in their country of origin's prevalent written language, or their languages might not have a written form, and thus translated material will not be an effective way of communicating with them. For those individuals with LEP, agencies and offices may want to consider sight translation, interpretation, or audio/video communication.

Recognizing that translating vital documents can be costly and time-intensive, agencies and offices are encouraged to seek stakeholder input in determining which documents should be prioritized for translation. And recognizing the importance of accurate and accessible translation, agencies and offices should include on translated documents a method by which customers can provide feedback or make complaints about the quality of the translation, and should promptly respond to such contacts.

## 9. Multilingual Digital Content

Agencies and offices shall take reasonable steps to provide meaningful access to individuals with LEP to digital content produced by the agency/office, including multilingual and accessible content on public websites and electronic documents containing information about:

- An agency/office's mission
- Contact information, including how to communicate with the Department or agency/office
- How to file a complaint, including forms and instructions to fill out those forms
- Press releases and important announcements impacting communities with LEP
- Educational material for individuals or communities about their rights under the law

Agencies and offices are encouraged to work with their internal web content staff and the Office of the Chief Information Officer (OCIO) to routinely and periodically assess and monitor translated digital content to improve meaningful access for persons with LEP. Consistent with U.S. Web Design System guidance, this assessment and resulting improvements should pursue the “consistent placement, interface, and behavior of the language selection component [that] allows users to easily find and access content in the language the user is most comfortable in,”<sup>24</sup> and should utilize other appropriate federal resources as guidance.<sup>25</sup> Websites should include the ability for users to request translations of the page and/or related documents, and to offer feedback about the quality of the agency/office's language assistance services.

The Department and its agencies and offices must also comply with Section 508 of the Rehabilitation Act of 1973, which requires federal agencies to ensure that their electronic and information technology, including websites, electronic documents, and software applications, are accessible to individuals with disabilities. Agencies and offices shall work with their OCIO to ensure that translated digital content meets Section 508 requirements.

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<sup>24</sup> U.S. Web Design System, USWDS, *Language Selector*, available at <https://designsystem.digital.gov/components/language-selector/>.

<sup>25</sup> For further resources on Multilingual Digital Content, see LEP.Gov, *Improving Access to Public Websites and Digital Services for Limited English Proficient (LEP) Persons* (2021), available at [https://www.lep.gov/sites/lep/files/media/document/2021-12/2021\\_12\\_07\\_Website\\_Language\\_Access\\_Guide\\_508.pdf](https://www.lep.gov/sites/lep/files/media/document/2021-12/2021_12_07_Website_Language_Access_Guide_508.pdf); General Services Administration, *Language Connections: Tips to Create, Maintain, and Present Non-English Digital Content* (2022), available at <https://digital.gov/event/2022/02/24/language-connections-tips-to-create-maintain-and-present-non-english-digital-content/>; *10 Tips to Create, Maintain, and Present Non-English Digital Content* (2022), available at <https://digital.gov/2022/05/23/10-tips-to-create-maintain-and-present-non-english-digital-content-a-qa-with-michael-mule/>; *Top 10 Best Practices for Multilingual Websites* (2022), available at <https://digital.gov/resources/top-10-best-practices-for-multilingual-websites/?dg>. The Consumer Financial Protection Bureau may also be a resource for multilingual user testing to ensure individuals with LEP have meaningful access to USDA web content. Consumer Financial Protection Bureau, *Strengthening information accessibility for consumers with limited English proficiency* (2023), available at <https://www.consumerfinance.gov/about-us/blog/strengthening-information-accessibility-for-consumers-limited-english-proficiency/>.

## 10. Staff Training

Department staff (including contractors who perform customer-facing roles) need to know how to provide language assistance services. For policies and procedures to be effective, agencies and offices shall ensure that appropriate new and existing agency/office staff members periodically receive language access and effective communication training relevant to their job duties. Agencies and offices shall remember language access training needs when assessing professional development requirements for all staff.

Where applicable, considering the agency/office's mission and operations, staff shall be trained on:

- Identification of individuals with LEP and specific language needs
- Legal requirements relating to language access for individuals with LEP
- USDA and agency/office language access policies and plans, including how and when to access language assistance services
- Accessing and providing language assistance services through qualified multilingual staff, in-house interpreters and translators, or contracted qualified personnel
- Use of plain language<sup>26</sup>
- Best practices for working with interpreters in person, over the telephone, or via video remote platforms
- Best practices for working with translators
- Interpreter ethics
- Cultural competency
- Best practices for recording and tracking the use of language assistance services
- Best practices for providing meaningful language assistance to individuals with LEP

Agencies and offices are encouraged to offer technical training (e.g., interpreter ethics, interactive online language access courses, etc.) to qualified multilingual staff to maintain and improve their language assistance skills.

The USDA LAC, in collaboration with the USDA LACC, shall update USDA's basic language access training<sup>27</sup> that agencies and offices may use to train staff who have the potential to interact or communicate with such individuals, as appropriate. Training for customer-facing staff should be no less than every three years.

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<sup>26</sup> The Plain Language Act of 2010, 5 U.S.C. § 105, requires government agencies to provide any information to the general public in clear, easy to understand language. The US government provides resources on plain language at <https://www.plainlanguage.gov>.

<sup>27</sup> A video training series, *Providing Meaningful Access for Limited English Proficient Individuals*, and other training videos are available at <https://www.lep.gov/videos>.

Agencies and offices shall assess the most effective methods for offering staff training, and the amount and frequency of training required based on the agency/office staff's level of interaction with individuals with LEP.<sup>28</sup>

Many Department tasks and functions are conducted by contracted staff and, consequently, contracted staff may interact with individuals with LEP. Agencies and offices shall notify contracted staff of the obligation to ensure nondiscrimination, including compliance with Executive Order 13166. Agencies and offices shall consider contractors and interns having contact with individuals with LEP when determining who needs to be briefed and trained on their roles and responsibilities under the Department's language access policy or guidance until they prepare an agency-specific LAP, which shall encompass contractors as well as federal employees.

## 11. Hiring Practices and Access to Multilingual Staff

The Department values the multilingual skills of its employees. Qualified multilingual staff can assist USDA in meeting Title VI and Executive Order 13166 requirements for federally conducted and federally assisted programs and activities. They can also assist USDA's recipients of Federal financial assistance to meet Title VI requirements to ensure meaningful access to LEP persons. The qualified multilingual employees include staff whose job descriptions include provision of direct in-language communication and language assistance, and personnel who volunteer to use their assessed language skills on behalf of the Department.

When making decisions about hiring or utilizing multilingual staff, USDA agencies and offices in collaboration with their respective Human Resource office shall:

- Assess the extent to which non-English language proficiency in particular languages is necessary or desired for particular positions or to fulfill the agency/office's mission.<sup>29</sup>
- Consider modifying job descriptions, postings and pay rates for roles that interact with individuals with LEP to include language proficiency as a position requirement informed by assessment of agency/office language needs.
- Collaborate with OHRM with respect to standard classification language that can be appended to existing position descriptions to aid in hiring positions with language requirements.

Department staff shall be mindful of the professional responsibility and ethical implications of relying on multilingual internal staff to provide language assistance services in select

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<sup>28</sup> For example, agency or office staff who interact with individuals with LEP daily and are responsible for arranging language assistance services, as well as managers of such staff, shall receive regular training. Other tools and materials may be developed by agencies and offices to provide information on fundamental language access requirements, standards, and best practices to staff who may encounter individuals with LEP, but do not do so as a regular part of their duties.

<sup>29</sup> Consider reviewing *Before You Hire – Ask Yourself: “What are my Project’s Language Needs?”*, available at [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Before\\_You\\_Hire.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Before_You_Hire.pdf) or *TIPS on Building an Effective Staff Language Service Program*, available at [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Effective\\_Language\\_Program.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Effective_Language_Program.pdf).

cases. If USDA agencies and offices decide to use employees whose job duties do not already include the provision of spoken language assistance services to provide such services, they shall consult with the USDA LAC and establish resources for language testing, language assessment processes, and establish agency/office specific qualification requirements.<sup>30</sup>

USDA agencies/offices shall track the composition of existing and newly qualified multilingual staff by non-English languages spoken and level of oral and written proficiency. Maintaining an inventory of qualified multilingual staff can be useful for resource-sharing initiatives within and among agencies and offices. Managers shall consider the amount of time an employee has spent providing language assistance services when assessing workload and productivity.

In addition, USDA agencies/offices shall consult with the Office of the Chief Diversity and Inclusion Officer (OCDIO) with respect to promising and best practices targeting outreach and recruitment and use of the OCDIO Inclusive Hiring Toolkit, and appropriate data collection relating to these positions and hires.

## 12. Self-Assessment and Monitoring

An effective language access plan incorporates a system for collecting, tracking, reporting, and monitoring the number of LEP persons served, language preferences, translated materials, and other data points. To this end, agencies and offices shall collect, track and monitor language access data.

In particular, each agency and office shall develop a method for recording and tracking all languages spoken and all language assistance services provided at the point of contact with individuals with LEP. Each agency and office shall itself evaluate this data, and shall report the data to the USDA LAC, as described below.

Quality language access data is the cornerstone of an effective language access plan. Knowing the languages spoken by individuals with LEP within a service area, the frequency of encounters with them, and the resources available to serve them will better prepare USDA and its agencies and offices to provide qualified and competent language assistance services that avoids delay or denial of access to any USDA program or activity. This data will help USDA review and improve its language access efforts.

Language access data allows USDA to assess whether agencies and offices are using qualified multilingual personnel or telephonic interpreter services; whether webpages,

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<sup>30</sup> A validated language test provides valid and reliable measurement of language proficiency. For example, a language test that assesses speaking shall measure someone's ability to speak a language. The results of the test are used to determine if a person can speak a language. Based on results, the examinee can be expected to be able to perform certain speaking tasks in the language relevant to the test results. *See D'Este, Claudia, New Views of Validity in Language Testing*. *Linguistica Language Education*. 1. 10.14277/2280-6792/5p (2012), available at [https://www.researchgate.net/publication/308782753\\_New\\_views\\_of\\_validity\\_in\\_language\\_testing](https://www.researchgate.net/publication/308782753_New_views_of_validity_in_language_testing). For further explanation on what certification could mean, see *What Does It Mean to be a Certified Linguist?*, [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Trust\\_Me\\_Im\\_Certified.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Trust_Me_Im_Certified.pdf).

digital services, and customer service voice mail menus intended for public use are accessible to individuals with LEP; whether vital documents and information are translated into frequently encountered languages, and whether agencies and offices are notifying the public about the availability of free language assistance services in a language that they can understand.

To assess language access needs and services, each agency and office shall record and track the language spoken and the language assistance service provided at the point of contact with individuals with LEP. Any personal identifiable information (PII) collected during any stage of this data collection, tracking, and reporting, must be kept confidential and accessible only to authorized personnel.

Agencies and staff offices shall report certain language access data to the USDA LAC semi-annually, and additional data annually. This data shall be provided electronically to the USDA LAC, as the LAC directs. The semi-annual and annual requests may be revised by the LAC, but until such revision, they shall include the items listed in Appendix B. OCIO shall collaborate with the LAC, in consultation with the LACC, to develop a common repository to store the data, and tools to visualize and analyze it.

#### **Tri-Annual Self-Assessment:**

Every three years, each agency/office shall conduct a self-assessment of its language access needs and services and shall share that self-assessment with the USDA LAC and the LACC. The first such self-assessment shall be due within two years of the effective date of this Plan, unless the USDA LAC sets an earlier date. In consultation with the LACC, the LAC may update the requirements of the self-assessment described below as needed, without formally modifying this Plan. But absent such update, the self-assessment shall include each of the following:

- The process to assess the language assistance services needs of individuals with LEP in the service area.
- The process for collecting, tracking, and monitoring the language assistance services provided to determine if individuals with LEP have meaningful access to programs and activities.
- The strategy, if any, for recruitment and employment of qualified multilingual staff.
- The quality control and skills qualification standards for language assistance services (contract interpreters and translators, multilingual staff, and volunteers).
- The language assistance resources (qualified interpreters and translators, both telephonic, contract, in-person, and video remote interpreting) available to personnel and instructions on how to access these resources.
- The policy that restricts use of family members, friends, and children as interpreters.
- The plan for identifying and translating vital documents and information into languages frequently encountered in the service area.
- The instructions to employees on how to request translations of information.
- The strategy to ensure meaningful access to websites and digital services.

- The method that ensures the accuracy of information translated by machine translation software, if such software is utilized.
- The plan to ensure voice mail menu options on customer service lines are available in frequently encountered languages.
- The plan for ensuring employees receive effective training on their language access requirements, including how to obtain and work with interpreters.
- The method for identifying individuals with LEP at the point of contact.
- The method for notifying members of the public about the availability of free language assistance services in languages that individuals with LEP in the service area can understand.
- The process to ensure public service announcements and outreach strategies reach individuals with LEP.
- If applicable, the method for ensuring recipients of Federal financial assistance take reasonable steps to ensure meaningful access to USDA programs and activities for individuals with LEP.
- The strategy to involve stakeholders in the implementation of the agency's or mission area's language access efforts.

For each topic of the self-assessment, the agency/office shall consider whether there is a need or opportunity to improve current policy, implementation, and resources, and whether there is a need or opportunity for any change to the agency/office's Language Access Plan.

If the answer is yes, with respect to any topic of the self-assessment, the agency/office shall inform the USDA LAC, providing details, and shall report back within three months on the change to the policy, implementation, and/or Language Access Plan, and on efforts to obtain additional resources.

### **13. Federally Assisted Activities**

Guidance for the providers (referred to as "recipients," because they receive federal support to provide the programs) of USDA-assisted programs in meeting their existing obligations to provide meaningful access for persons with LEP is found at 79 Fed. Reg. 70771 (Nov. 28, 2014), available at <https://www.govinfo.gov/app/details/FR-2014-11-28/2014-27960>. The guidance requires at a minimum that providers complete the four-factor analysis to determine what language assistance services may be necessary for their USDA-assisted program, and that they plan and be prepared to provide both oral and written language assistance, as necessary.

The guidance explains that most providers "should develop an implementation plan to address the identified needs of the LEP populations," and catalogs the benefits of this approach. However, it also recognizes that "certain USDA recipients, such as recipients serving very few LEP persons and recipients with very limited resources, may choose not to develop a written LEP plan," emphasizing that "the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a

recipient’s program or activities,” and therefore “in the event that a recipient elects not to develop a written plan, it should consider alternative ways to articulate in some other reasonable manner a plan for providing meaningful access.”

For most providers of federally assisted programs, a plan is crucial, and the guidance includes the key elements:

- Identifying LEP Persons Who Need Language Assistance
- Language Assistance Measures
- Training Staff
- Providing Notice to LEP Persons
- Ensuring Online Automation Services
- Monitoring and Updating the LEP Plan

It adds, “In addition to these six elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.”

USDA and its agencies and offices are not responsible for providing language assistance services on behalf of entities delivering USDA-assisted programs and activities. However, for USDA programs that provide federal support to state and local governments and other entities, whether through funding, in-kind assistance, training, detail of personnel, or other assistance, USDA agencies’ and offices’ LAPs shall include how they will work to ensure appropriate language access in those programs.

Among the items that shall be included in the agency and office plans, with respect to federally assisted programs:

- How the agency/office will inform recipients of Federal financial assistance about their obligations to provide meaningful access to programs and activities for individuals with LEP, and offering appropriate training.
- How the agency/office will resolve complaints and non-compliance.
- Standard terms and assurances in the agency/office agreements with recipients of Federal financial assistance, including periodic review to assess whether to implement updates or improvements to those terms and assurances.
- Record-keeping requirements, and related information-sharing. (Applicable federal regulations explain that collection of language access data from recipients of Federal financial assistance is necessary to ensure compliance with Title VI.<sup>31</sup>)
- Any other activities undertaken to monitor federally assisted programs to identify and work to address gaps in language assistance services for individuals with LEP.
- How the agency/office will consult—at least annually—with communities with LEP about the development and implementation of the agency/office’s applicable programs and activities and funding opportunities.

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<sup>31</sup> See, e.g., 28 C.F.R. § 42.406. *Data and information collection*, available at <https://www.ecfr.gov/current/title-28/chapter-I/part-42/subpart-F/section-42.406>.

## APPENDIX A: DEFINITIONS

The Department uses the following terms as defined below for the purposes of this plan:

- a. **Agency.** A major program organizational unit of the Department with delegated authorities to deliver programs, activities, benefits, and services.
- b. **Agency Heads.** Departmental Under Secretaries, Deputy Under Secretaries, Directors, Chiefs, and Administrators within the Office of the Secretary who receive delegated authority under 7 C.F.R. Agency Heads report to and receive their delegated authorities from Under or Assistant Secretaries as prescribed in 7 C.F.R.
- c. **Agency and office, or agency/office.** All USDA units—including mission areas, agencies, and staff offices—that provide programs, activities, or communication with the public.
- d. **Direct in-language services.** Monolingual communication in a language other than English between multilingual staff and a person with LEP (e.g., Korean to Korean).
- e. **Equity.** The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.<sup>32</sup>
- f. **Federally conducted programs and activities.** Program services, benefits, resources, or information delivered directly to the public by USDA. This means that the agency staff directly interacts with the intended beneficiaries (program users and communities) and the agency is responsible to implement a language access plan to serve the intended beneficiaries.
- g. **Federally assisted (or federally supported) programs and activities.** Programs and activities provided by a non-federal entity that receives Federal financial assistance. This means that the recipients of federal funding (sometimes referred to as the providers of the program) directly interact with the intended beneficiaries (program users and communities) and those recipients/providers are responsible to provide meaningful access to LEP persons. The USDA agency or office that distributes the Federal financial assistance provides oversight, monitoring, and technical assistance to those recipients to comply with LEP requirements.
- h. **Federal financial assistance.** Grants and loans of Federal funds; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of, and the permission to use Federal property or any interest in such property or the furnishing of services without consideration, or at a consideration which is reduced for the purpose of assisting the recipient; and any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

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<sup>32</sup> Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 Fed. Reg. 35, 10825 (Feb. 16, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.

- i. **Interpretation.** The process by which the spoken word is used—generally in real-time—when transferring meaning between languages.
- j. **Language Assistance Services.** Oral and written language services used to provide individuals with LEP meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the Department.
- k. **Meaningful access.** Access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals. Language assistance offers meaningful access if it delivers accurate, timely, and effective communication at no cost to the individual with LEP needing assistance.
- l. **Persons (or individuals or communities) with Limited English Proficiency (LEP).** Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP. This includes individuals who may be competent in English for certain types of communication but have limited proficiency in English in other areas (reading or writing).
- m. **Primary language.** The language in which an individual most effectively communicates when interacting with the Department. An individual’s primary language may be a language variant.
- n. **Program or activity.** The term “program or activity” and the term “program” mean all the operations of the Department. For the purposes of this Plan, the definition of “program or activity” is identical to that used under the regulations implementing Section 504 of the Rehabilitation Act of 1973: “[A] federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by the regulation: those involving public contact as part of ongoing agency operations and those directly administered by the department for program beneficiaries and participants.
- o. **Qualified multilingual staff.** An employee who has proficiency in English and the ability to read, write, or speak in at least one other language at the proficiency level required by the agency/office.
- p. **Qualified translator.** An in-house or contracted translator who has been professionally trained and/or demonstrated competence to translate through national certification or comparable testing and is authorized to do so by contract with the Department or by approval of an agency/office. Qualified translators must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.
- q. **Qualified interpreter.** An in-house or contracted interpreter who has been professionally trained and/or demonstrated competence to interpret through court certification, the State Department, or comparable testing and is authorized to do so by contract with the Department or by approval of an agency/office. Qualified interpreters must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.
- r. **Quality assurance.** The process to ensure accuracy, consistency, quality, and reliability of language assistance services.

- s. **Secretary.** The Secretary of Agriculture or any officer or employee of the Department whom the Secretary has heretofore delegated, or whom the Secretary may hereafter delegate, the authority to act in his stead.
- t. **Sight translation.** Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.
- u. **Tagline.** A short notice in non-English languages informing the general public that a document (e.g., notices of language assistance services, notices of rights, forms, correspondence, etc.) or electronic media (e.g., website, announcement via email, etc.) contains vital information and explaining how to request the document or electronic media provided in other languages.<sup>33</sup>
- v. **Transcreation.** A translation-related activity that combines translation, cultural adaptation and (re-)creation of text in order to adapt or re-create a message in a different language while making sure the new text is suitable, relevant and useful for the intended local audience and application.
- w. **Translation.** The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.<sup>34</sup>
- x. **Vital document.** Paper or electronic written material that contains information that is critical for accessing an agency/office's programs or activities or is required by law. Translation of vital documents is required if requested. For more information, see C.8.c.

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<sup>33</sup> LEP.gov, *Federal Agency Translated Taglines*, available at <https://www.lep.gov/translation#toc-taglines>.

<sup>34</sup> American Translators Association, *Translator vs. Interpreter: What's the difference?*, available at <https://www.atanet.org/client-assistance/translator-vs-interpreter/>.

## APPENDIX B: REPORTING

See Part C.12.

### **Semi-Annual Data Reporting:**

The semi-annual request may be revised by the LAC, but until such revision, it shall include:

- Number of written translation requests, by language.
- Description of all new documents or websites and all updated documents translated, by language..
- Number of oral interpretation requests, by language.
- For oral interpretation: number of each type of language assistance service provided, by language, by:
  - Qualified Bilingual Personnel
  - Qualified In-house Interpreters
  - Qualified Contracted Interpreters
  - Qualified Telephonic Interpretation Services
  - Video interpretation services
  - Language bank or dedicated pool of qualified interpreters
  - Qualified volunteer interpreters
  - Other
- Description of all public service announcements (PSAs) issued in non-English languages, including the languages.
- Description of all program discrimination complaints involving language access, including the languages.
- The effectiveness of both services and technologies used for language assistance services.
- Additional resources needed to ensure meaningful access.
- Best practices or effective, model strategies newly implemented.

### **Additional Annual Data Reporting:**

- The name and contact information for the agency/office's Language Access Coordinator.
- The language assistance services (interpretation and translation) available to the organization's personnel for communicating with individuals with LEP, and how these services are accessed.
- In particular, which of the following are accessible, and how:
  - Qualified bilingual staff
  - Qualified interpreters (oral)
    - In-house
    - Contracted, in-person
    - Contracted, telephonic
    - Contracted, video
    - Language bank or dedicated pool

- Volunteer
- Borrowed from another agency
- Other
- Qualified translators (written)
  - In-house
  - Contracted, in-person
  - Language bank or dedicated pool
  - Volunteer
  - Borrowed from another agency
  - Other
- The number of staff who work full-time (count as 1 FTE) or part-time (count as a portion of 1 FTE) on language access/LEP issues, including the offices they work in.
- Any newly issued or revised regulations, policies, directives, or guidance regarding language access, including the agency/office Language Access Plan.
- Description of each language access training provided to personnel, including whether it is required, who is the intended audience, how many federal employees, contractors, and others are required to complete each training, and how many have done so.
- The number of bilingual/multilingual staff employed by the organization and the languages they speak fluently.
- Contract Vehicles Used: For each such contract vehicle:
  - Description of services
  - Name of vendor
  - Obligations
  - Expenditures
  - Blanket Purchase Agreement (BPA)?
  - If yes, ceiling?
  - Can other agencies/offices use the BPA?
- With respect to oral interpretation:
  - Fiscal year expenditures, distinguishing between on-demand language lines and other interpretive services.
  - Most common challenges
  - Solutions to challenges
  - Lessons learned
- With respect to written translation and transcreation:
  - Fiscal year expenditures, distinguishing between generally available information and communications, and individual communications, and between translation and transcreation.
  - Most common challenges
  - Solutions to challenges
  - Lessons learned
- The agency/office's plan for language access expenditures for the next fiscal year, including plans for obtaining new multilingual personnel, contracts, or other services.
- Whether the agency/office is using machine translation software, and if so, how it is ensuring the adequacy of the translation for vital communications.

- How the agency/office's website displays multilingual notices informing individuals with LEP about the availability of free language assistance services and how to request these services.

## APPENDIX C: RESOURCES

- U.S. Census Bureau, [American Community Survey 5-Year Estimate](#).
- U.S. Census Bureau, *Language Identification Flashcard* (2004), available at <http://www.justice.gov/crt/lep/resources/ISpeakCards2004.pdf>.
- Department of Justice, *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs* (2011), available at [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf).
- Department of Health and Human Services, Assistant Secretary for Planning and Evaluation, Offices of Human Services Policy, *Tips on Equitable Communication Practices in a Policy Context*, available at <https://aspe.hhs.gov/sites/default/files/documents/25db6496702d8ee5dace292f7d3925f0/Tips-Equitable-Comm-Practices.pdf>.
- LEP.gov tools and tips:
  - *Providing Meaningful Access for Limited English Proficient Individuals*, and other training videos, available at <https://www.lep.gov/videos>.
  - *Before You Hire – Ask Yourself: “What are my Project’s Language Needs?”*, available at [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Before\\_You\\_Hire.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Before_You_Hire.pdf).
  - *TIPS on Building an Effective Staff Language Service Program*, available at [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Effective\\_Language\\_Program.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Effective_Language_Program.pdf).
  - LEP.gov, *Translation, Federal Agency Translated Taglines*, available at <https://www.lep.gov/translation#toc-taglines>.
  - *TIPS for Working with Telephone Interpreters*, available at [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Telephone\\_Interpreters\\_0.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Telephone_Interpreters_0.pdf).