

FY 2024

USDA RURAL DEVELOPMENT  
LANGUAGE ACCESS PLAN  
FOR CONDUCTED & ASSISTED PROGRAMS

January 2024

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The USDA Language Access Coordinator (USDA LAC) sits in OASCR and is responsible for developing the Department-wide initiative on language access. OASCR provides oversight of all Language Access/LEP program functions within USDA. This Language Access Plan (LAP) has been reviewed and approved for use by the Rural Development, Civil Rights Director, and USDA LAC.

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Acting Civil Rights Director

## 1. Introduction

Rural Development (RD) is committed to strengthening program access and services by ensuring that individuals with limited English proficiency (LEP) receive meaningful access to RD's federally conducted and assisted programs, services, and activities in accordance with Executive Orders 13166, 13985, 14031, and 14091<sup>1</sup>. It is RD policy to provide equal opportunity in all Federal financially assisted programs, services, and activities to all persons, to ensure that no person is subject to prohibited discrimination from RD or its missions based on LEP because of national origin.

Therefore, RD conducted and assisted programs, services, or activities and staff must take reasonable steps to plan for and provide individuals with LEP timely, accurate, and effective communications. It is RD's responsibility, and not that of an individual seeking services, to take reasonable steps to ensure meaningful access to all RD programs and activities and to foster equity for individuals who interact, or may interact, with RD over the phone, in writing, in person, or via electronic methods. RD must ensure that providers of its conducted and assisted programs are complying with their corresponding obligations.

Many rural communities served by RD programs, services, and activities have a population with LEP individuals. The RD programs, activities, and services provided should be tailored to local needs; based on demographic data and language preferences unique to specific communities.

The RD Civil Rights Office (CR), Program Compliance & Training Branch (PCT), Limited English Proficiency Coordinator (LEP) team assist RD personnel in complying with applicable LEP laws, regulations, rules, and policies. They provide technical assistance and training to national and state offices employees working on federally conducted and assisted programs, services, and activities.

## 2. Language Access Policy and Purpose

The USDA ensures that no person is discriminated against based on national origin when accessing its programs, services, and activities in violation of [Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq. \(Title VI\)](#). The USDA's efforts are pursuant to

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<sup>1</sup> Executive Order 13166 requires federal agencies to ensure that recipients of federal financial assistance such as state agencies, local agencies, and program operators are providing meaningful access to assisted programs and activities for individuals with LEP. Executive Order 13985, [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 86 Fed. Reg. 14, 7009 (Jan. 20, 2021); Executive Order 14031, [Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders](#), 86 Fed. Reg. 105, 29675 (June 3, 2021); Executive Order 14091, [Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 88 Fed. Reg. 35, 10825 (Feb. 22, 2023).

<sup>1</sup> Agencies are organizational units of the Department, other than staff offices, whose heads reports to officials within the Office of the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and Assistant to the Secretary. See the [USDA Departmental Directives Definitions Glossary \(DG 0100-002\)](#).

[Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency \(August 16, 2000\)](#) and [Executive Orders 13985, 14031 and 14091](#)<sup>2</sup>.

While RD has a wide variety of language access services that often meet the needs of customers with LEP, USDA requires its mission areas, agencies, and staff offices to evaluate and develop a new language access plan to ensure individuals with LEP have meaningful access to its programs and activities. CR is responsible for the Agency's Language Access program and to assist employees and recipients with technical questions and formal training so that they understand their respective responsibilities. Therefore, this document updates the RD Language Access Plan to set standards, operating principles, and guidelines to:

- a) Continue procuring language access services from a professional language contractor(s) to improve access to RD conducted programs, services, and activities by beneficiaries that are individuals with LEP.
- b) Continue working with mission areas to translate updated versions of vital documents when there are new federally conducted programs, services, or activities and/or when RD regulations require updates.
- c) Provide Civil Rights training to ensure employees understand the importance of providing language access services as a means of effective customer service and to mitigate program complaints based on alleged discrimination of national origin protection.
- d) Provide employees in the federally conducted programs with the knowledge and resources necessary to take reasonable steps to ensure meaningful access for program beneficiaries that are individuals with LEP.
- e) Provide employees in federally assisted programs with the knowledge and resources to inform program recipients of their responsibility to take reasonable steps to ensure meaningful access for program beneficiaries who are individuals with LEP, and to document the recipients' efforts on the compliance reviews.
- f) Be strategic and consult with stakeholders and individuals with LEP regarding RD programs, services, and activities. Provide the public effective and sufficient notice of the availability of free language assistance services and how to request these services from RD.
- g) Encourage employees to provide feedback of their experiences using LEP resources and continue improving the resources available.
- h) Monitor the effectiveness of this plan and revise and periodically revise and improve the plan and related services.
- i) Establish rapport and communication with the USDA LAC and other USDA mission areas to identify potential language barriers and evaluate solutions.

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<sup>2</sup> Executive Order 13166 requires federal agencies to ensure that recipients of federal financial assistance such as state agencies, local agencies, and program operators are providing meaningful access to assisted programs and activities for individuals with LEP. Executive Order 13985, [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 86 Fed. Reg. 14, 7009 (Jan. 20, 2021); Executive Order 14031, [Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders](#), 86 Fed. Reg. 105, 29675 (June 3, 2021); Executive Order 14091, [Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), 88 Fed. Reg. 35, 10825 (Feb. 22, 2023).

### 3. Scope

The RD Language Access Plan (RD LAP) applies to its federally assisted programs, services, and activities, including its oversight, monitoring, and provision of technical assistance to any entity that receives, directly or indirectly, financial assistance or is a provider of USDA-supported programs and activities from RD. It guides both public-facing and administrative activities, as RD delivers federally conducted and assisted services, programs, activities, and information.

The RD LAP improves the internal management of and language access strategy for all RD programs, services, and activities. It does not intend to create new core services or requirements, but instead intends to eliminate or reduce, to the maximum extent practicable, LEP as a barrier to accessing RD's programs and activities. This RD LAP is not intended to and does not create any right or benefit, substantive or procedural, enforceable by law or in equity by any party against the United States, its departments, agencies, or entities, officers, employees, or agents, or any other person.

### 4. RD Responsible Personnel: Office and Oversight

RD National Office Leadership: This includes the Under Secretary, Deputy under Secretary, Chief of Staff, Director of State Operations and Administrators

- Delegates coordination, implementation, and monitoring of the RD LAP throughout RD at the national and state levels to the RD Civil Rights Office (CR).
- Holds RD CR accountable for ensuring implementation of this plan across RD to support an equitable and inclusive operational and programmatic environment.

RD State Office and Program Directors:

- Promote meaningful access, proactively, for individuals with LEP and direct staff under their supervision to take necessary steps to comply with the RD LAP.
- Discuss RD LAP at regular staff meetings to ensure that the staff is fully aware of this Plan and how to use languages resources to assist customers that are LEP.
- Conduct outreach and engagement with communities with LEP, and entities that represent their interests, including consulting with communities with LEP about the development and implementation of applicable programs and activities, funding opportunities, and regulations.
- Collect and report use of language access data as feedback to improve our resources, continually.

RD Senior Accountable Official: Civil Rights Office, Director, is the designated Senior Accountable Official and responsible for RD language access. In that role, the Civil Rights Director will:

- Provide leadership and oversight for this RD LAP throughout the agency.
- Ensure, in coordination with the USDA Office of the Assistant Secretary for Civil Rights that RD has a Language Access Plan, and that that RD LAP is consistent with Executive Order 13166; 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); 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. 70771-70784 (Nov. 28, 2014) (USDA LEP Guidance); and the USDA Language Access Plan (Nov. 9, 2023).
- Ensure that the RD LAP is maintained, reviewed, and updated as needed, in accordance with the USDA LAP.
- Designate a RD Language Access Coordinator (RD LAC).
- Serve and/or designate at least one RD representative—who may be the RD LAC—to serve on the USDA Language Access Coordinating Committee (LACC).

In addition, the RD Civil Rights Director, or their designee(s) will:

- Establish an enterprise approach to implement, coordinate, and monitor the RD Language Access Plan and language access efforts, across RD to support an equitable and inclusive operational and programmatic environment.
- Collaborate with leadership in RD divisions, offices, and program areas at the national and regional levels to implement, coordinate, and monitor this Plan and to align RD policies and programs with language access best practices in accordance with the USDA LAP, including by identifying and addressing any gaps in language assistance services for individuals with LEP.

RD CR Program Compliance & Training Branch (PCT), Language Access Team (LEP Team): In addition to any role(s) designated by the RD Civil Rights Director, and PCT Branch Chief, the RD Language Access Team will:

- Serve as central point of contact to assist national and state offices staff on federally conducted programs with questions about how to use RD language access resources and procurement needs. For assistance on how to use the telephone interpreting services or document translations, please send your inquiries to: [RD.LEP.Translations@usda.gov](mailto:RD.LEP.Translations@usda.gov).
  - For assistance on how to respond to LEP inquiries from recipients in federally assisted programs, employees should contact their regional CR/PCT team. See the full list of Regional CR/PCT Teams and their respective regions here: [CR/PCT Region Teams](#)
- Develop appropriate expertise and familiarity with Federal law, regulations, and guidance and incorporate best and promising practices from across the Department and the Federal government.

- Coordinate within RD and consult as appropriate with the USDA LAC.
- Collaborate with the Procurement Management Office (PMO) and assist in the drafting of detailed Performance Work Statement and discuss bidding proposals from potential language providers.
- Assist with progress reports regarding implementation of the RD LAP for RD Senior Leadership.
- Develop a method for sharing language access information with RD personnel through an appropriate RD digital platform.
- Provide technical assistance to RD regarding the language needs of individuals with LEP accessing RD programs, services, and activities, including RD program websites and digital services, outreach strategies, program evaluation tools, and more.
- Research and report on the need for a Language Access Advisory Workgroup composed of RD personnel for RD Senior Leadership's consideration.

RD Staff: RD employees who interact with individuals with LEP will:

- Familiarize themselves with Executive Orders 13166, 13985, 14091, this Plan, and RD's language access plan.
- Familiarize themselves with the standards for effective and accessible communication.
- Take reasonable steps to provide meaningful access to Department programs, services, or activities to individuals with LEP.
- Be prepared to use language assistance services, effectively when they encounter or have reason to believe that they may encounter individuals with LEP while fulfilling their RD's mission, or upon request by a person with LEP who wishes to access RD programs or activities.
- Employees in federally conducted programs that sometimes interact with LEP customers through a real estate agent and/or local representative who speaks the same native language as the customer, the employee must contact the Agency's provider for interpretation service and be part of the call. At no time, should the employee provide access to RD's 3<sup>rd</sup> party contracted service.
- Employees must always document each interaction with LEP customers even when an interpreter was not used to ensure accuracy of LEP data and determine if additional languages are needed for their specific region.
- Employees assisting with more than one program within their offices should follow these protocols:
  - RD language access resources are only available to assist employees with their interactions with LEP customers/beneficiaries in federally conducted programs and activities.
  - For employees interacting with recipients that administer RD-assisted program and activities, they must not share Agency's language resources with recipients unless they identify themselves as LEP, which is extremely uncommon in RD-assisted programs. Based on federal regulations, recipients that administer federally assisted programs and activities must have their own contracted interpretation and translation services to serve

LEP customers/beneficiaries as part of the assurance agreement to receive RD financial assistance.

- As stated earlier, employees assisting recipients with LEP inquiries and/or conducting compliance reviews must know how to provide technical advice to a recipient. For questions on how to provide effective technical assistance, employees will contact their regional CR/PCT team. See the full list of Regional CR/PCT Teams and their respective regions here: [CR/PCT Region Teams](#)

#### RD Office of External Affairs (OEA):

- Central point of contact for RD public outreach and marketing materials.
- Coordinates with its own language provider the procurement of document translations using the Agency's top LEP languages and can procure other languages upon request.

#### RD Human Resources Office (HRO):

- Assist RD with identifying interpreter and translator qualifications and professional standards for multilingual personnel.

### 5. LEP Communities and Outreach

RD has identified the following eight (8) languages (in alphabetical order) as the top languages of need and/or requested:

- a. Arabic
- b. Burmese
- c. Chinese (Traditional)
- d. German
- e. Korean
- f. Russian
- g. Spanish (Latin America)
- h. Vietnamese

These top languages were assessed using historical 4-factor assessment results and most recent 2-year data collected through the usage of telephonic interpretation services. Spanish continues to be the top requested language for interpretation and translation services. Arabic and Russian are new language trends.

The Civil Rights Director and the LEP Team will work across RD to reassess the top languages spoken by individuals with LEP. This will be accomplished based on RD constituency and/or geographic region, using language access data collected by RD, language access data collected from recipient agencies that administer RD-assisted programs and activities, or additional tools and resources identified in the USDA LAP. CR will use a collaborative approach with each state office in this process.

The OEA is responsible for the procurement of professional translation services of RD marketing materials and can assist the staff with copies of available translated materials. RD employees



who are aware of LEP communities or individuals interested in RD programs and services may request new translated items directly to the OEA.

## 6. Stakeholders

CR will work with national and state offices personnel to meet with stakeholders to discuss barriers that may prevent access to RD programs and activities, as appropriate and when requested. Stakeholders may be representatives from state or local governments that administer RD programs and activities, advocacy agencies, immigrant-serving organizations, community-based organizations, and communities of persons with LEP. These meetings will provide state agencies, local agencies, and program operators who receive federal financial assistance from RD an opportunity to share their language access concerns and to foster collaboration and partnerships.

To improve access to RD programs and activities for communities with LEP, it is critical to have direct, effective outreach and engagement with these community members.

The RD CR and OEA, in collaboration with LAP partner offices, RD National offices, state offices, and program areas, will:

- Establish and maintain relationships with a variety of entities representing the interests of individuals with LEP;
- Conduct outreach efforts to inform communities and individuals with LEP about programs and activities, including disseminating information in non-English languages;
- Communicate clearly through written, video and/or audio means about the nature, scope, and availability of language assistance services and how to request them;
- Increase efforts to encourage participation from local communities in, for example, agency consultations, focus groups, and/or listening sessions, with the goal of learning about their concerns, needs, and perspectives;
- Take 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, in real time;
- Create and maintain lists of non-English press to disseminate information about programs and activities; and
- Establish a formal mechanism to receive feedback about the quality of language assistance services.

## 7. Assessment of Language Assistance Needs

Everyday contact between RD and the public may involve individuals with LEP. Keeping in mind the mission, operation, and level of interaction with the public, RD will consider the needs of individuals with LEP early in the process of designing programs, services, and activities.

To determine which type of language assistance services (interpretation and/or translated materials) will result in meaningful access, CR will assess languages frequently encountered by RD. In addition, CR will collaborate with each state office to conduct a self-assessment to determine if additional languages are needed for their specific region. When requested, CR will provide technical assistance, tools, and best practices. The self-assessment will balance the four-factors below:

- The number or proportion of individuals with LEP eligible to be served or likely to be encountered within the area serviced;
- The frequency with which individuals with LEP encounter or contact local programs or activities;
- The nature and importance of the program, activity, or service to people's lives; and
- The resources available and anticipated costs.

The [USDA LEP Guidance](#) offers criteria for conducting a self-assessment to determine the type and extent of language assistance services necessary to ensure individuals with LEP have meaningful access to RD programs and activities. This self-assessment will identify gaps in language assistance resources and deficiencies in services for individuals with LEP.

Additionally, the self-assessment may help identify for RD leadership whether its personnel are utilizing bilingual/multilingual personnel or telephonic interpreter services; whether its webpages, digital services, and customer service voicemail menus intended for public use are accessible to individuals with LEP; and, whether it notifies the public about the availability of free language assistance services in a language that they can understand. The self-assessment should also identify the steps program personnel take to ensure state agencies, local agencies, and program operators that receive federal financial assistance from the USDA comply with Title VI.

As part of the assessment process, RD should conduct a review of its websites, digital services, and customer service telephone voicemail menus used to deliver services to the public to determine if they offer meaningful access to vital<sup>3</sup> information for individuals with LEP. Vital information displayed on these platforms or devices should be accessible to individuals with LEP

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<sup>3</sup> A vital document is paper or electronic written information and material that contains content that is critical for accessing a component's program or activities or is required by law. The [USDA LEP Guidance](#) states, "Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program or activity, information, encounter, service, or benefit involved, and the consequence to the individual with LEP if the information in question is not provided accurately or in a timely manner." Vital documents include, but are not limited to, paper and online applications, consent forms, eligibility determination notices, free language assistance notices, outreach materials, school meal program menus, response required documents, and more. Vital information may also involve specific communications regarding a case or matter between an individual and [agency name].

in frequently encountered languages<sup>4</sup>. These platforms will contain a notice to the public in frequently encountered languages of how individuals with LEP can receive free language assistance services. RD will work with its internal web content staff and other relevant information technology offices to periodically assess, and monitor translated digital content to improve meaningful access for individuals with LEP.

The *DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 9, 2011)* provides a detailed approach and tool for conducting language access assessments. For consistency in data collection, all USDA Agencies will utilize the DOJ self-assessment tool as its template for national and regional offices' self-assessments. RD conducts an assessment every five (5) years or when it becomes apparent that a new population may need access to RD programs and activities.

## 8. Identification of Individuals with LEP and Their Primary Language or Method of Communication

Individuals with LEP have a limited ability to read, write, speak, or understand English. Many individuals with LEP are in the process of learning English and may read, write, speak, or understand some English, but not proficiently. These individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

RD national and state offices personnel should determine the language used by the individual with LEP and their language assistance needs at the first point of contact. If an individual with LEP calls for assistance and does not self-identify, personnel may call the contracted telephonic interpretation service to ask if they can help to identify the language spoken and to obtain interpreter services. Or they can use the USDA "*I Speak Statements*" language identification card (when in person) to promptly contact the contracted telephonic interpretation service to obtain interpreter services. RD personnel should not make assumptions about an individual's primary language based on race, color, or national origin.

## 9. Language Assistance and Services

### Oral Language Assistance:

All RD national and state office personnel that may encounter individuals with LEP should have immediately available instructions to access telephonic interpretation services. Contact RD LEP Team for assistance.

The [USDA LEP Guidance](#) defines qualified interpreters. Because of competency and confidentiality requirements, it is important to be mindful of utilizing community-based

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<sup>4</sup> *Improving Access to Public Websites and Digital Services for Limited English Proficient (LEP) Persons (December 2021).*

organizations or other volunteers to provide language assistance services and to consult with the Ethics office on a case-by-case basis when a volunteer provides language assistance services.

#### Use of Family, Friends, and Children as Interpreters:

RD will not plan to rely on an individual with LEP's family or friends or other informal interpreters to provide meaningful access to RD programs and activities, unless upon demand from the individual with LEP. RD will still offer a qualified interpreter. RD will remind state area office personnel and program operators not to rely on an individual's family and friends for LEP interpretation. Reliance on children is especially discouraged unless there is an extreme emergency, and no preferable qualified interpreters are available.

#### Provision of Written Language Assistance Services (Translation):

National office, state offices, and program areas are responsible to contact the RD LEP team for questions about available document translation professional services. RD may find the safe harbor provisions for federal financial recipients, such as state agencies, local agencies, and program operators, within the [USDA LEP Guidance](#) helpful when identifying LEP languages for translation purposes.

Quality and accuracy are equally as critical when conveying translated information to the public. The [USDA LEP Guidance](#) states, "As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate."

Competence can often be achieved by use of certified translators, though certification or accreditation may not always be possible or necessary. For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of professionalism. RD will ensure that translators understand the expected reading level of their audiences and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology, as well as specialized terms of RD.

RD may use outside resources to determine the ability of multilingual personnel to translate RD. For example, the Interagency Language Roundtable offers skill level descriptions at [ILR Skill Level Descriptions for Translation Performance](#). These skill level descriptions are primarily intended to serve as guidelines for use in government settings. They are separate and distinct from the [ILR Language Skill Level Descriptions for Speaking, Listening, Reading, and Writing](#).

USDA is committed to improving its services by writing in plain language, and will ensure information is clear, understandable, and useful (See [Plain Writing | USDA](#)). When communicating with the public, RD will use plain language in any new or substantially revised document that:

- Provides information about any of our services and benefits;
- Is needed to obtain any of our benefits or services; or

- Explains how to comply with a requirement that we administer or enforce.

#### Interpretation and Translation Technology:

RD will avoid using or promoting machine translation alone unless a qualified human translator proofreads the text for accuracy and Section 508 compliance<sup>5</sup> prior to publicizing the information. Machine translation is discouraged when the information is vital to a person's rights or benefits, when accuracy is essential, or when the source materials use non-literal language (e.g., slang, metaphors, agency-specific vocabulary such as program names), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy.

### 10. Procurement

RD must ensure there are appropriate language service contracts for professional interpretation and translation. Oral interpretation services, translation of vital documents, and RD outreach and marketing materials is mostly centralized.

RD CR maintains an annual service contract (with options to extend) with a provider for both telephonic interpretation and translation of documents. The LEP Team is the point of contact for instructions on how to use both services. For assistance on how to use the interpreting telephone service, please send your inquiries to: [Ivelisse.Valentin@usda.gov](mailto:Ivelisse.Valentin@usda.gov) and copy to: [Michele.Witt@usda.gov](mailto:Michele.Witt@usda.gov) and [Carmita.Collins@usda.gov](mailto:Carmita.Collins@usda.gov). For document translation requests, please send your request to [RD.LEP.TRANSLATIONS@USDA.GOV](mailto:RD.LEP.TRANSLATIONS@USDA.GOV)

When an employee uses over-the-phone interpretation (OPI), they will dial the provider's toll-free number, enter the agency's secured pin number, and select a language. Then, the employee is connected to an interpreter to complete the intake process before starting the service. The LEP Team can provide access to the toll-free number and secured pin number.

There are multiple vital documents used by the federally conducted programs that are available in eight (8) foreign languages and the documents are 508 compliant. The fastest way to obtain copies of vital documents in Spanish is via RD website: [Formularios en Español | Rural Development \(usda.gov\)](#) For other languages, please contact the LEP Team.

For a new translation of any other vital document, the LEP Team is the liaison between the provider and the mission area to negotiate and obtain the final deliverables.

There may be instances when RD staff receive a document from a customer responding to an inquiry or providing information in the loan/grant process that is not in English. In those instances, the state offices must contact the LEP Team for assistance in procuring translations in languages needed.

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<sup>5</sup> Section 508 of the Rehabilitation Act, as amended by the Workforce Investment Act of 1998 (P.L. 105-220) requires that when Federal agencies develop, procure, maintain, or use information and communication technology (ICT), it shall be accessible to people with disabilities.

Outreach is an important activity in RD programs. The Office of External Affairs (OEA), Rural Development, coordinates the translations of RD public outreach and marketing materials. Click on this link to learn more about RD OEA: [Office of External Affairs | Rural Development \(usda.gov\)](https://www.usda.gov/office-of-external-affairs/rural-development). Programs fact sheets are posted in RD website. OEA has a contract with their own language service provider. The cost incurred in the translations is part of the OEA's budget. The CR website provides access to English and Spanish outreach materials, see link: [Fact Sheets | Rural Development \(usda.gov\)](https://www.usda.gov/office-of-external-affairs/rural-development). For programs fact sheets in a language other than Spanish, please contact OEA.

Overall, RD may collaborate with the USDA LAC to identify resource-sharing possibilities and currently available USDA language assistance services. When soliciting bids, individuals involved with procurement and contracts for interpretation and translation services should secure qualified, professional, experienced linguists who possess a high level of interpretation or translation skills and proficiency in both English and the non-English speaker's language in order to interpret or translate oral and written information completely and accurately. The DOJ [Language Access Planning](https://www.doj.gov/language-access-planning) website offers guidance and criteria for procurement of language assistance services.

RD will ensure all contracts with recipients contain an assurance of nondiscrimination that requires compliance with all federal statutes relating to nondiscrimination.<sup>6</sup> These include but are not limited to Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972;<sup>7</sup> Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008, and other statutes and implementing regulations.

#### Quality Assurance and Control:

RD will 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 agency's requirements.

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<sup>6</sup> 7 CFR 15.4 Assurances required.

<sup>7</sup> The May 5, 2022, USDA guidance memorandum, Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing – Policy Update, directs states and local agencies, program operators and sponsors to update their non-discrimination policies, informational materials and websites to include prohibitions against discrimination based on gender identity and sexual orientation. [AGENCY NAME] has determined that the inclusion of sex on its own includes the coverage of gender identity and sexual orientation as outlined in Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation and the May 5th guidance memorandum.

### Allocation of Resources:

Informed by the four-factor analysis, RD will 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. As permitted by resource availability, RD should aim to allocate resources with the level of current and projected interaction that it has, or may have, with individuals with LEP in mind.

### 11. Notification of the Availability of Language Assistance Services:

RD will notify individuals with LEP about the availability of free language assistance in a language that they can understand should they need an interpreter when communicating with any RD employee, contractor, or intern. RD will offer the information regarding the availability of free language assistance in the top languages spoken by individuals with LEP, and also post its language access plan and any related policies on its agency website. State agencies, local agencies, and program operators can use these translations.

Additionally, the [USDA Departmental Regulation \(DR\) 4300-003: Equal Opportunity Public Notification Policy \(October 17, 2019\)](#) requires the USDA to ensure state agencies, local agencies, and program operators that receive federal financial assistance from the USDA notify individuals with LEP about their right to free language assistance services in a language that they can understand and provide these services upon request. RD also notifies the public about the right to file a discrimination complaint by requiring recipients to post the USDA nondiscrimination statement for federally assisted programs in English and frequently encountered languages on program websites and digital services, on all documents and information critical to program participation.

### Other Requirements When Communicating with Individuals with LEP:

Some individuals with LEP face challenges other than speaking in English. For example, individuals with LEP may have a hearing, visual, or speech disability. Be mindful of the responsibility to ensure effective communication under federal disability rights laws in programs and activities. (See [7 CFR 15e.160](#), [7 CFR 15b.36](#), [28 CFR 35.160](#), [28 CFR 36.303](#), and [ADA Requirements - Effective Communication | ADA.gov.](#)) When necessary, RD shall utilize alternative communication methods, including assistive technologies and other appropriate auxiliary aids and services.

Auxiliary aids and services include, but are not limited to, sign language interpreters, real-time computer-aided transcription (CART) services; written materials; written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning, text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices may be used.



RD will ensure that state agencies, local agencies, and program operators that administer assisted programs and activities do so in accordance with the Americans with Disabilities Amendments Act of 2008 performance standards at [28 CFR 35.160\(d\)](#)<sup>8</sup> and [28 CFR 36.303\(f\)](#).<sup>9</sup>

Finally, not all individuals with LEP are literate in the language that they speak, or their languages might not have a written form, and thus translated material will not be an effective way of communicating with them. This may require RD to secure a qualified interpreter to provide an oral rendering of documents and digital content using sight translation. Individuals with LEP may not have access to program websites or to complete online applications. An alternative method for delivering and receiving information must be provided. RD will ensure that state agencies, local agencies, and program operators that administer its programs also comply with these requirements.

#### Multilingual Digital Content:

RD also should ensure state agencies, local agencies, program operators, and contractors provide meaningful access to communication platforms used to administer RD's programs or activities. This includes, but is not limited to, meaningful access to online applications, prescreening tools, account management services such as Electronic Benefits Transfer (EBT) systems, and digital platforms, such as YouTube, Facebook, Twitter, Instagram, and more. Effective technical assistance resources regarding LEP access to websites and other digital services are located at [Digital Services and Websites | LEP.gov](#) and [Multilingual – Digital.gov](#).

RD will ensure 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. This includes any instruction to state agencies, local agencies, program operators and contractors regarding development of or access to websites, digital services, and customer service telephone voicemail menus for RD services cover language access requirements.

## 12. Staff Training

CR will offer training to RD personnel on Title VI and language access requirements. Additionally, CR will provide training to state offices personnel upon request. For policies and procedures to be effective, CR will ensure that new and existing personnel will periodically receive language access training relevant to their job duties. CR will include language access training needs when assessing professional development requirements for all personnel. CR will update the language access training, as appropriate. RD will also notify contracted staff of the obligation to ensure nondiscrimination, including compliance with Executive Order 13166.

#### Multilingual Staff:

Hiring multilingual personnel and staff interpreters that speak frequently encountered languages offers one of the best and most economical language assistance services options. Job positions

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<sup>8</sup> <https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-E/section-35.160>.

<sup>9</sup> <https://www.ecfr.gov/current/title-28/chapter-I/part-36/subpart-C/section-36.303>.



should be assessed as to whether or not a multilingual requirement would be necessary or desired in order to fulfill the agency/office's mission. Job descriptions, postings and pay rates for multilingual preferred or required positions may need to be modified. The DOJ LEP website offers several tools for evaluating the language skills of multilingual personnel, such as the Interagency Language Roundtable (ILR) Skill Level Description for Interpretation Performance and the ILR Speaking Self-Assessment and ILR Listening Self-Assessment.

### 13. Monitoring

CR will use a USDA-developed template for tracking and monitoring the number of individuals with LEP served, the preferred languages, interpretations and translations provided, and other data points from RD national and state office personnel. At no time will PII be included in the data. CR will collect this information annually and as needed to determine whether RD is providing meaningful language access to its programs and activities. Additionally, CR will use this data to consider whether changes in demographics, types of services, or other needs require a reevaluation of this Plan.

### 14. Federally Assisted Activities and Programs

Recipients of federal financial assistance are required to take steps to ensure meaningful access to federally assisted programs or activities for individuals with LEP. RD also ensures these recipients foster equity<sup>10</sup> for individuals who interact, or who may interact, with these entities over the telephone, in writing, in person, or via electronic or digital methods in accordance with Executive Orders 13166, 13985; 14031; and 14091; DR 4330-005; the USDA LAP; and the [USDA LEP Guidance](#).<sup>11</sup>

#### Assurance of Nondiscrimination:

RD ensures all federal-state agreements and contracts with recipients contain an assurance of nondiscrimination that requires compliance with all federal statutes relating to nondiscrimination.<sup>12</sup> These include but are not limited to *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination on the basis of race, color or national origin; *Title IX of the Education Amendments of 1972*, which prohibits discrimination on the basis of sex;<sup>13</sup> *Section 504 of the Rehabilitation Act of 1973* and *the Americans with Disabilities Act of 1990 (ADA)*, as amended by the *ADA Amendments Act of 2008*, which prohibits discrimination on the basis of disability, and other statutes and implementing regulations. RD will periodically review the

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<sup>10</sup> RD 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 LAP.

<sup>11</sup> 79 Fed. Reg. 70771 (Nov. 28, 2014)

<sup>12</sup> 7 CFR 15.4 Assurances required

<sup>13</sup> The May 5, 2022, USDA guidance memorandum, Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing – Policy Update, directs states and local agencies, program operators and sponsors to update their non-discrimination policies, informational materials and websites to include prohibitions against discrimination based on gender identity and sexual orientation. RD has determined that the inclusion of sex on its own includes the coverage of gender identity and sexual orientation as outlined in Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

assurance of nondiscrimination language within these federal-state agreements to determine if standard terms require update or improvements to ensure recipients meet their language access requirements.

#### Recipient Notification:

In addition to recipients signing an assurance agreements that outlines civil rights requirements (including Title VI/LEP), the CR, national and state offices personnel notify recipients about their language access obligations through virtual and in-person training sessions that cover the [USDA LEP Guidance](#), program regulations, and any other agency instructions or applicable regulations. Generally, the Civil Rights Office is required to conduct Civil Rights trainings annually for state offices personnel and agency's recipients. Civil Rights Office also surveys participants to determine future training needs and can provide customized trainings on specific Civil Rights regulations upon request.

Additionally, CR in collaboration with RD offices, and program areas, provides recipients with technical assistance during compliance reviews, program management evaluations, and complaints resolution processes. RD, in collaboration with other federal agencies such as DOJ, develops and distributes program-specific language access technical assistance resources for recipients.

#### Minimum Compliance Requirements:

Each recipient should develop or adopt their respective oversight language access policy, plan and procedures. Each recipient is advised that “the absence of a written LAP plan does not obviate the underlying obligation to ensure meaningful access by persons with LEP 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.”<sup>14</sup> Minimally, recipients will be required to provide language access data to RD upon request, but at least annually.

#### Evaluation of Recipient Language Access Efforts:

RD is responsible for enforcing Title VI as it applies to Recipients and ensuring that awards of Federal financial assistance are only granted to entities that adhere to the substantive antidiscrimination mandates of Title VI and other nondiscrimination laws. Enforcement and oversight of the requirements is managed through a series of Pre-Award and Post-Award compliance reviews and assessments. Although not all civil rights authorities apply to all RD-assisted programs, language access obligations apply to all programs because is tied to Title VI-National Origin protection. Therefore, employees in federally assisted programs are responsible to discuss language access obligations with recipients and to document their efforts during project-level civil rights compliance reviews and assessments.

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<sup>14</sup> [USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency \(79 F.R. No. 299, p. 70783, November 28, 2014\) \(USDA LEP Guidance\)](#)

In FY 2024, the CR launched a new PowerApps tool that employees must utilize to record the results of project-level civil rights compliance reviews and assessments. Note that part A of the new PowerApps review guide(s) includes questions regarding Title VI obligations/LEP and responses must be supported with documentation. Any recipient that is not in compliance with Title VI/LEP obligations will receive technical guidance and assistance to resolve the issues and any pending issues must be fully documented for follow up reviews.

A review may entail evaluating recipients' method for:

- Recording and tracking language access data at the point of contact and beyond;
- Utilizing qualified and competent linguists for interpretation and translation services;
- Examining interpretation and translation vendor contracts, including quality control efforts;
- Evaluating procedures for qualifying bilingual employees;
- Identifying frequency of use of family, friends, and children as interpreters;
- Determining whether recipients process language access complaints appropriately; and
- Engaging with community organizations to determine whether the recipient's language services are effective.

## APPENDIX A: Authorities

- Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq. (7 CFR 15.1)
- U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964 (28 CFR 50.3)
- U.S. Department of Justice Regulation for the Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs under Title VI of the Civil Rights Act of 1964 (28 CFR 42.401)
- Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws (45 FR 72995, November 2, 1980)
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (65 FR 50121, August 16, 2000)
- [\*Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 14, 7009 \(Jan. 20, 2021\)\*](#)
- [\*Executive Order 14031, Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders, 86 Fed. Reg. 105, 29675 \(June 3, 2021\)\*](#)
- [\*Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 88 Fed. Reg. 35, 10825 \(Feb. 16, 2023\)\*](#)
- 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)
- [\*USDA DR 4300-003: Equal Opportunity Public Notification Policy \(October 17, 2019\)\*](#)
- [\*USDA Departmental Regulation \(DR\) 4330-002: Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the USDA \(July 27, 2021\)\*](#)

## APPENDIX B: Definitions

Unless otherwise noted, all definitions are derived from the *USDA LAP, USDA Departmental Guidebook (DG 0100-002): USDA Departmental Directives Definitions, (September 26, 2018)*, the *DR 4330-005*, and the *USDA LEP Guidance*.

- **Agency**. A major program organizational unit of the Department with delegated authorities to deliver programs, activities, benefits, and services.
- **Digital Information**. Information that the government provides digitally. Information, as defined by *OMB Circular A-130*, is any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.
- **Digital Services**. The delivery of digital information (e.g., data or content), and transactional services (e.g., online forms, applications) across a variety of platforms, devices, and delivery mechanisms (e.g., websites, mobile applications, and social media).
- **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.
- a. **Federally Assisted Programs and Activities**. Programs and activities provided by an 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.
- b. **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.
- **Interpretation**. The process by which the spoken word is used when transferring meaning between languages.
- **Limited English Proficient (LEP) Individuals**. 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.
- **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.

- **Program or Activity.** An activity within an organization primarily concerned with the delivery of food or agricultural services.
- **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.
- **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.
- **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.
- **Recipient.** Any state, political subdivision of any state, or instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity or any individual in any state, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.
- **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.
- **Translation.** The process of transferring ideas expressed in writing from one language to another language.
- **Vital Document.** Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

## APPENDIX C: Additional U.S. Department of Justice References

- DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011)
- *Department of Justice Language Access Plan (August 2023)*
- Office of the Attorney General Memorandum for Head of Department Components, “Language Access Under Executive Order 13166, (June 28, 2010)
- Office of the Attorney General Memorandum to Heads of Federal Agencies, General Counsels, and Civil Rights Heads, “Federal Government’s Renewed Commitment to Language Access Obligations Under Executive Order 13166, (February 17, 2011)
- *DOJ Assistant Attorney General, Memorandum to Federal Agency Civil Rights Division and General Counsels titled “Clearance Requirements for Title VI, Title IX, Section 504 and related Nondiscrimination Regulations and Policy Guidance Documents,” (April 24, 2018)*
- *Office of the Attorney General Memorandum to Heads of Federal Agencies, Heads of Civil Rights Offices, and General Counsels, Strengthening the Federal Government Commitment to Language Access, in support of Executive Order 13166 (November 21, 2022)*
- *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)*
- *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)*
- *DOJ Language Access Resources Website*