



U.S. Department of Justice

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Christine Loman

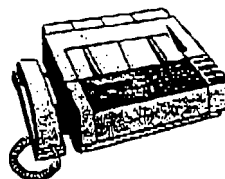
Coordination and Review Section

Civil Rights Division

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616-6244 (direct)



Comments:

Katie - here are most of the
docs you asked for. There are
a couple other agencies existing
that are not on this list. We will
get those to you asap.

Number of pages including cover sheet: _____



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 17, 2000

MEMORANDUM FOR: HEADS OF DEPARTMENTS AND AGENCIES, GENERAL COUNSELS
AND CIVIL RIGHTS DIRECTORS

FROM: BILL LANN LEE *BL/ST*
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

SUBJECT: EXECUTIVE ORDERS ON CIVIL RIGHTS ENFORCEMENT

President Clinton recently issued two Executive Orders affecting civil rights requirements with respect to federally conducted and federally assisted programs or activities. I am writing to alert you to both of these important Orders. The Attorney General, through the Civil Rights Division, has implementation responsibilities under both Executive Orders.

I. Executive Order 13160

On June 23, 2000, President Clinton signed Executive Order 13160 entitled "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs." A copy of the Executive Order is enclosed for your reference and is available on the Civil Rights Division's website at <http://www.usdoj.gov/crt/cor>. The Division's Coordination and Review Section is responsible for developing a Guidance Document for this Executive Order, which will address a number of issues including covered programs, examples of discriminatory conduct, applicable legal principles, enforcement procedures, remedies, and reporting requirements for federal agencies. Note that this Executive Order applies only to federally conducted education and training programs. When the Guidance Document is completed, we will forward it to you to assist in your implementation of Executive Order 13160.

II. Executive Order 13166

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On August 11, 2000, President Clinton signed Executive Order 13166 entitled "Improving Access to Services for Persons with Limited English Proficiency." The purpose of this Executive Order is to eliminate to the maximum extent possible limited English proficiency (LEP) as an artificial barrier to full and meaningful participation by beneficiaries in all federally assisted and federally conducted programs and activities. A copy of the Executive Order is enclosed for your reference and is also available at the above website.

In order to ensure accomplishment of its goals, Executive Order 13166 requires the development, within 120 days, of either one or two implementation documents by each federal department or agency, depending on whether your agency grants federal financial assistance. These documents must be created with input from stakeholders. Both documents are to be consistent with the Department of Justice Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance) issued contemporaneously with the Executive Order. A copy of the LEP Guidance is enclosed, and is available on the Division's website at the address indicated above.

A. *Federally Conducted Programs and Activities.* All agencies must develop a plan with respect to their federally conducted programs or activities. The plan must be consistent with the LEP Guidance and must include steps the agency will take to ensure meaningful access to each agency's federally conducted programs or activities by eligible LEP persons. Once finalized, each agency's plan is to be filed with the Department of Justice in its capacity as the central repository for all federal LEP plans.

B. *Federally Assisted Programs and Activities.* Those federal agencies that provide federal financial assistance must also prepare an agency-specific LEP guidance document for their recipients. This guidance should be specifically tailored to the agency and will detail how the general standards in the LEP Guidance will be applied to the agency's recipients. This agency-specific guidance is subject to Department of Justice review and approval, and the Department of Justice, through the Division's Coordination and Review Section, is available to consult with agencies as they develop their guidance. Later this month, the Department of Health and Human Services will issue its agency-specific guidance, which can be used as an example of how one agency applied the standards to its programs.

The Executive Order states that both your final LEP plan for federally conducted activities and your draft agency-specific guidance (if applicable) should be submitted to the Department within 120 days of

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the Executive Order or by December 11, 2000. Please direct these documents to Merrily Friedlander, Chief, Coordination and Review Section, Civil Rights Division, P.O. Box 66560, Washington, D.C. 20035-6560.

In order to assist us, we would appreciate your returning the enclosed LEP contact form as soon as possible. While a form is provided to each addressee of this memorandum, only one contact and alternate should be designated for each agency. Should you have any questions, please contact either COR staff attorney Christine Stoneman at (202)616-6744 (e-mail: christine.stoneman@usdoj.gov), or attorney Sebastian Aloat at (202)305-9349 (e-mail: sebastian.aloot@usdoj.gov).

We look forward to consulting with you as we both work to realize the goals of Executive Order 13166.

Attachments:

Executive Order 13160: "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a parent in Federally Conducted Education and Training Programs"

Executive Order 13166: "Improving Access to Services for Persons with Limited English Proficiency"

August 11, 2000 Policy Guidance Document: "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance)

Form to return to COR with contact information

LEP/Executive Order 13166 Point-of-Contact**Name:**

(Last name) (First Name) (Middle Initial) (Title)

Office Address:**Mailing Address (if different from Office):**

(Unit/Organization)

(Street) (Room Number)

(City) (State) (ZIP)

(Unit/Organization)

(Street) (Room Number)

Telephone: () - (Ext.) **Facsimile:** () - **E-mail:** @

In the event your LEP/Executive Order 13166 Point-of-Contact is unavailable, please designate an alternative contact in the event for time-sensitive information or requests:

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You can electronically transmit the information requested by this form using the following address: sebastian.aloot@usdoj.gov. Please indicate "LEP Contact" in the subject line.

In the alternative, you can return the completed form by facsimile transmission to (202) 307-0595 or by mail addressed to:

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per wonder*
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Katie Hong
12/05/2000 06:34:01 PM

Record Type: Record

To: Irene Bueno/WHO/EOP@EOP, Michelle M. Aronowitz/WHO/EOP@EOP

cc:

Subject: RE: quick questions - LEP

What do you think of AAPI Initiative staff's request? I think it makes sense given that they are all govt. folks - aren't they? Thoughts?

----- Forwarded by Katie Hong/WHO/EOP on 12/05/2000 06:33 PM -----



"Stoneman, Christine" <Christine.Stoneman@usdoj.gov>
12/05/2000 06:21:59 PM

Record Type: Record

To: Katie Hong/WHO/EOP

cc: See the distribution list at the bottom of this message

Subject: RE: quick questions - LEP

-----Original Message-----

From: Katie_Hong@who.eop.gov@inetgw [mailto:Katie_Hong@who.eop.gov]

Sent: Tuesday, December 05, 2000 4:22 PM

To: Stoneman, Christine

Cc: Irene_Bueno@who.eop.gov@inetgw;

Michelle_M._Aronowitz@who.eop.gov@inetgw

Subject: quick questions - LEP

Katie --

Thanks for these great questions. Here are some answers:

Q: I know that there are about 28 federal agencies that provide assistance to non-federal entities and that they have to develop the LEP guidance which has to be reviewed by you. Besides ED, HHS, and HUD, how many other agencies have you heard from? How many do you expect to hear from by monday? and once you receive this guidance on monday, how much time do you need to review and approve?

A: We expect to hear from all 28 agencies. However, USDA will not be getting a draft plan to us until December 15 due to a mis-communication on the deadline. We have responded to many many questions and calls from these agencies. Because we have a previously-established relationship with their offices of civil rights, we have a very good flow of information and we have no reason to expect non-compliance. There are a couple of the 28 agencies that are still struggling with their drafts, but they are doing so in good faith. We have promised to work with them to ensure that their guidance is consistent with the DOJ general guidance and with Title VI.

In terms of timing, we will know more after December 11, but we expect to be able to make at least informal comments to agencies by mid-to-late January. We will provide comments on a rolling basis, and so many agencies will receive comments much earlier than that.

Q: How many of the 95+ agencies that have to develop plans for their federally conducted programs have you heard from? How many do you expect to receive on 12/11?

A: We have only received 3 federally conducted plans thus far, but we had no expectation that folks would turn them in before the deadline. We have heard from about 60-65 agencies in one way or another (phone calls, e-mails, attendance at meetings). The agencies that are most likely to turn in their plans on the week of the 11th will likely include the 34 agencies that have been targeted for the AAPI initiative and the 28 federally assisted agencies (there is lots of overlap amongst those two groups). Just as with the recipient guidance, we have received hundreds of phone calls and e-mails on how to comply with the federally conducted portion of the EO. We have personally met with several of the agencies as well. We will continue to pursue full compliance, but we fully expect the major agencies to be onboard.

Q: We talked earlier about how interested parties can get copies of these plans. Can your division at DOJ reference the different plans on your web site? or can you give additional guidance to all agencies and ask them to put it on their web site? We'll certainly have an internal WH discussion about whether it makes sense for the WH to coordinate this...but given the transition, i don't know if we have this capacity. Also, it may be confusing since the EO specifically says that DOJ shall serve as the central repository of the agencies plans.

A: We most certainly can provide a recommendation to all agencies that they place their federally conducted plans and recipient guidance (once the recipient guidance is complete) on their websites. We think your idea of having access to those plans via our website is a good one. We will explore the options of linking and/or putting those documents up directly on our site.

As an additional update, we are working with the AAPI Initiative staff to develop a strategy for addressing cross-agency LEP issues collaboratively. For instance, one issue is how to combine agency resources to address language needs of lesser-encountered languages, particularly through the use of hotlines, etc. Another is whether and how agencies can coordinate outreach strategies. We are still brainstorming on this, but it is our intent to continue to help agencies implement the EO beyond December 11. We will look to other White House initiatives for collaboration as well. If you have suggestions on who to contact, we would appreciate those suggestions.

We are meeting with the Immigration and Naturalization Service on Thursday and we hope to make headway in our quest to ensure that each of our DOJ components meets the requirements of EO 13166.

Christine Stoneman

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 Michelle M. Aronowitz/WHO/EOP

- Roll-out - Statement - Die fl [~~Dies~~ ~~POTUS~~
POT

- Expect we will have draft guidance by end of next week.
- Title VI agency - most of it.
- Federally conducted - not more than 50%.
- 40-60%

Postcard campaign

- List of EO to rescind - WA Turner - mtg w/ Cheney + Cyl
- Q + A - on 12/11 ^{Federally conducted - then to the ~~interstate~~ agency,}
_{Title VI - show not.}

- Moderate Rs - Domerici - Leg. Affairs -

- Practical issue

Recipient guidance is draft... not approved

Rolling assessments
Late Jan. ~~late~~
Final in Feb. Reg.

- Federally conducted - ~~was~~ not specific - eg. AG, ~~SSA~~ SSA
- working document - ~~conf~~ (not comment).
- asked to put on webpage

- Public

- Federally conducted - state agency needs to do. - no comment - long documents
- Stakeholder consultation

• Title VI Guidance

Notice + comments - in Fed Register. - ~~is~~ it is a final document.

- AAPL reviewed ~~both~~ both.

~~State to take a long document with comments.~~

WA to Admin. Office - want an evaluation until March.

Presidential Staff - need to discuss - political concerns

Federally conducted - need to discuss at agency.

Title VI - DOJ will review &



"Stoneman, Christine" <Christine.Stoneman@usdoj.gov>

11/20/2000 09:10:55 AM

Record Type: Record

To: Katie Hong/WHO/EOP, Irene Bueno/WHO/EOP, Michelle M. Aronowitz/WHO/EOP
cc: "Friedlander, Merrily A" <Merrily.A.Friedlander@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) , "Alot, Sebastian" <Sebastian.Alot@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) , "Williams, Margay M" <Margay.M.Williams@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) , "Norton, Helen" <Helen.Norton@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)
Subject: Re: November 14th.

Irene, Michelle, and Irene -

Thank you all again for your support of our EO 13166 activities. Special thanks to Irene for speaking last week at the meeting. Folks from a few agencies told me how much they appreciated your clarification that the Executive Order remains law unless and until it is rescinded, and your focus on the long-term purpose of the EO, as well as the short-term tasks at hand.

Katie asked us for a summary of the meeting, a list of attendees by agency, and a statement of next steps. Margay, Sebastian, and I have put that together, and you will find it attached.

Many thanks and Happy Thanksgiving.

Christine Stoneman



- Summary and Next Steps.wpd

SUMMARY OF NOVEMBER 14, 2000
LEP STAKEHOLDERS REPRESENTATIVES MEETING

The Coordination and Review Section (COR), Civil Rights Division, Stakeholder meeting began at approximately 2:10 p.m.

The meeting opened with welcoming statements by Merrily Friedlander, Chief, COR; Bill Lann Lee, Assistant Attorney General, Civil Rights Division; and Irene Bueno, Senior Advisor to the Deputy Chief of Staff and Special Assistant to the President. Christine Stoneman, Attorney, COR, followed with a statement explaining the structure of the meeting and its objectives. In his statement, AAG Lee emphasized the importance the Division places on addressing the needs of LEP individuals in compliance with Executive Order 13166 and the role the Division is prepared to play to assist and support agency efforts to implement the Executive Order with respect to their federally conducted and federally assisted activities. Following AAG Lee, Ms. Bueno underscored the Administration's commitment to full, meaningful, and effective access by LEP individuals to federally conducted and federally assisted programs and activities. She explained that, even with the change in the Presidency, the Executive Order will continue to be law unless and until it is rescinded. She stressed the need to continue work to implement the Executive Order in the coming months.

Following the opening statements, presentations were made by three panels of representatives of LEP organizations and a representative of the General Services Administration. While each presenter was free to highlight those LEP issues he or she believes are important to ensuring full and meaningful participation, each panel was asked to focus particular attention on one of three subject areas. Following presentations by each panel member, questions previously solicited from the federal agencies were asked by the panel moderator or were entertained from attendees.

The first panel focused on written translations. Its members included Marisa Demeo, Mexican American Legal Defense and Educational Fund (representing the Hispanic LEP community); Aaron Gershowitz, Hebrew Immigrant Rights Society, (representing recent immigrants primarily from the Russian/Eastern Europe region); and Karin Wang, Asian Pacific American Legal Center of Southern California (representing Asian LEP communities). The panel was facilitated by Christine Stoneman, Attorney, COR.

The second panel focused on oral interpretations. Its members included Vincent Eng, National Asian Pacific American Legal Consortium (representing Asian LEP communities); George Exceus, Unite for Dignity (representing the Haitian community, particularly those in the greater Miami, Florida area); and Maurice Emsellem, National Employment Law Project (representing language minorities in the employment and labor context). The panel was facilitated by Sebastian Aloat, Attorney, COR.

Between the second and third panels, Jacqueline Crisp, the General Services Administration's (GSA) coordinator for language assistance contracts based out of GSA's Seattle Regional Office, made a short presentation on language assistance providers currently

under federal contract and the procedures through which individual agencies could immediately access these contracts as part of their efforts to implement the Executive Order. Ms. Crisp summarized the GSA procurement process and the range of language-related services available, outlined the steps necessary to make use of language providers currently under GSA contract, and highlighted the advantages agencies would enjoy by looking to existing GSA contracts to meet their immediate language assistance needs.

The third panel focused on outreach and agency/communities partnerships. Its members included Carol Khawly, Arab-American Anti-Discrimination Council (representing the Arab-American communities); Josh Bernstein, National Immigration Law Center (representing language minorities in the health, benefits, employment, and immigration context); Porthira Chhim, Southeast Asia Research Action Council (representing the Cambodian, Hmong, Vietnamese and Laotian communities); and Ellen Tabachnick, Bay Area Legal Services (representing the Asian and other LEP communities in the East San Francisco Bay region). The panel was facilitated by Elizabeth Keenan, Senior Investigator, COR.

Major issues addressed by panelist during their individual presentations or in response to questions included:

On quality of translations:

Because certain words or concepts are not easily translated between different languages and cultures, word-for-word translations many times are insufficient. Thus, agencies need to ensure that their translations also convey the critical concepts or procedures. One way to ensure this is the process of "back translation," e.g., one translator translates from English to the other language, and an independent person translates back into English.

Translations must not only be accurate and technically competent but culturally appropriate in terms of tone, formality, and level of literacy. This requires continuous consultations with (and perhaps paid reviews by) the target language communities to ensure that translated information is appropriate in tone, formality, and dialect.

On what should be translated:

It is not a priority to translate dense legal or technical documents. A better use of limited resources would be to create a summary in English that would be useful to the public generally, and then to translate that summary into many different languages.

Both time and fiscal constraints require agencies to prioritize their language access initiatives. They recommended that agencies first focus on the translation and interpretation of forms, instructions, and notices that have a direct affect on the ability of an individual to access a program or activity, particularly programs

that are part of our social safety net.

As to what documents should be translated, one possible rule of thumb would be whether the document is popular with the English proficient public. If so, it should be translated. Also, if it is targeted at immigrants or people who are LEP, it should be translated.

Safe Harbors for written translations should be consistent among agencies so that recipients that receive funds from more than one agency are not trying to figure out which safe harbor applies when.

Documents which are client-or consumer-oriented and that affect a person's ability to apply for, receive, or otherwise have access to programs or services, including anything that affects the legal rights of the person, should be translated.

These documents include: outreach/community education materials; know your rights information; applications; basic program information; notice of action; consent forms, etc.

Several panelists pointed out that older immigrants and certain immigrant populations are less likely to be able to be literate, even in their primary language.

Thus, agencies should know the target population in order to identify the best ways to reach out to them, whether it be in very simple translations or orally (e.g., through videotaped explanations, oral interpreters, etc.).

On the mechanics of oral interpretations:

Based on his personal experience, another panelist urged agencies to ensure that agency officials maintain control over the interpreting process. As explained later, his concern focused on interviewers who, without question, allowed interpreters to summarize rather than interpret LEP individual statements or who cut off the interpretation before statements were completed.

While urging agencies to employ bilingual staff and indicating a preference for face-to-face interpretations, the panelists acknowledged that telephonic interpretation services could play a important role, especially with respect to less common languages or where the only other option was no interpretation at all.

Panelists cautioned that, when using telephone language lines, it is very important that if the conversation is about eligibility or requires an understanding of program jargon or technical terms, the interpreter be familiar with the program, subject area, and/or jargon. In addition, if the telephone translator is being used to explain a form, the form should be provided by fax or other method to the interpreter prior to the conversation so that the interpreter has it while trying to

explain it.

Among the points stressed by the panelists was the need to reject any reliance on interpretations by children, the recommendation that agencies refrain whenever possible from reliance upon interpretations by adult family members or friends, and the need to identify, retain, and properly use interpreters qualified both in the art of interpretation and the subject matter being interpreted.

On outreach and the internet:

Many immigrants, such as Russian immigrants, are skeptical of governmental authority, and it is important that outreach activities focus on how the government activity/service or government funded activity/service is helpful to the person.

While websites should not be relied upon to reach all of the LEP or other public due to the digital divide, they are an important outreach tool and can be very useful in getting the word out, in sharing translated documents amongst agencies and with non-profits, and in providing LEP advocacy groups easy access to documents for distribution to LEP populations.

Agencies should consider creating and funding LEP community/agency partnerships in addressing and assessing the needs of LEP populations.

On language assistance logistics:

Contracts for written translations should specify the entire process, including layout, review, editing, level of reading difficulty desired, quality control, etc.

Create glossaries of terms of art within each agency and share those glossaries across agencies. Keep copies of all documents translated on disks and in a centralized database for future revision and use. This can make translations of other documents less expensive because complicated terms have already been translated.

Must budget for language services and periodically revise language access policies.

The Social Security Administration stated that it has done a lot of work on language assistance since 1995 and offered to work with other agencies to help them develop language assistance programs.

On defining LEP populations:

When defining LEP populations, potential sources of data include: census data, school/school district data, agencies' own data (but shouldn't rely solely on that,

because LEP persons may be deterred from accessing system because of lack of language services); community groups, etc.

The recent LEP Guidance issued by the Department of Health and Human Services (HHS) was characterized as a good example of how the Executive Order should be implemented. One panelist noted particular support for the HHS definition of the LEP populations as persons eligible to participate and those affected by the program.

The meeting was closed by Helen Norton, Deputy Assistant Attorney General for Civil Rights, Department of Justice at approximately 5:05 p.m.

The meeting was videotaped for future distribution to agencies and/or agency personnel who were unable to attend the November 14, 2000 Stakeholder meeting.

Panelists have been encouraged to provide electronic copies of their remarks to the Coordination and Review Section so that we can then forward them to the attendees at the meeting and to those whom we know were unable to attend.

List of handouts:

Agenda

Biographies of each of the LEP stakeholder representative panelists
Executive Order 13166 and DOJ LEP Guidance
Memorandum from Maria Echaveste to Agencies regarding EO 13166
Commonly Asked Questions and Answers
GSA language service procurement packages
DOJ National Origin Discrimination brochure
Panelist handouts

Coordination and Review
Next Steps on Executive Order 13166 Implementation

1. Development of DOJ's federally conducted plan, including plan for Civil Rights Division.

EO 13166 requires every federal agency to develop and implement a plan to provide meaningful access to federally conducted programs and activities for LEP persons. COR is responsible for developing this plan for DOJ. In late August, COR sent each component of Justice a questionnaire designed to assess, for example, the nature and importance of contacts that each component has with the public, the number and proportion of LEP individuals served or encountered in that contact, the frequency of contact with LEP individuals, and the resources needed to provide needed language services. We have received responses back from some of the components, but many have not replied.

COR also sent a questionnaire out to each section within CRD in order to assess CRD's needed language services. We have received each of these questionnaires back. We are working with the Civil Rights Division's (CRD) National Origin Working Group to create a CRD plan.

COR is in the midst of developing a plan for all of DOJ, working with each component and its responses to the questionnaire. In particular, we have plans to meet with the Immigration and Naturalization Service (INS) to discuss their plans for implementation.

Recently, we met with ten groups representing Hispanic and Asian-American Pacific Islander LEP communities and discussed their concerns, particularly around the provision of meaningful access to LEP persons in DOJ federally conducted activities. Primary areas of concern were: INS activities (failure to provide language services in asylum, detention, and services like change of status, especially); Bureau of Prisons; Executive Office of Immigration Review/Board of Immigration of Appeals (quality of interpreters); US Marshals Service (transfer of LEP prisoners/detainees); and outreach on rights generally.

2. Develop DOJ's agency-specific guidance for its recipients for publication in the Federal Register.

The Executive Order also requires each federal agency that provides federal financial assistance to non-federal entities to develop agency-specific guidance for its recipients on how to comply with the Title VI requirement of meaningful access for LEP individuals. DOJ has developed a draft of Guidance to Recipients of Department of Justice Federal Financial Assistance: Providing Meaningful Access to Individuals Who Are Limited English Proficient in Compliance with Title VI and Implementing Regulations "LEP GUIDANCE FOR DOJ RECIPIENTS." This guidance incorporates DOJ's general guidance, published on August 16, 2000, entitled "Policy Guidance Document: on Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency

(LEP Guidance),” reprinted at 65 FR 50123 (August 16, 2000). The guidance provides more detailed analyses and examples of the application of these principles to DOJ recipients – mainly police and sheriff’s departments, departments of corrections, courts, juvenile justice programs, and battered women’s shelters. Once approved, this guidance must be published in the Federal Register for notice and comment.

We have copies of many non-profit organizations’ comments on the Department of Health and Human Services’ Guidance. These comments have helped us as we have drafted our own guidance.

We are currently in the process of trying to revise the draft to make it easier to read and understand for recipients (police, corrections, and courts, in particular). We are meeting on Friday with Office of Justice Programs staff (including a liaison to the International Association of Chiefs of Police) to determine how best to present this document to those recipients. We have also hired a law enforcement consultant who has provided feedback on the guidance.

3. Review and approve 28 funding agencies’ agency-specific guidance for their recipients

The Executive Order requires that, by December 11, each of the 28 agencies that provide federal financial assistance to non-federal entities must send their draft guidance to DOJ for review and approval. COR is charged with conducting this review for consistency with Title VI principles and coordination of guidance, particularly where agencies have overlapping recipients. Once approved, each agency’s guidance must be published in the Federal Register for notice and comment. The Department of Health and Human Services and the Department of Education have already developed their guidance. To date, we have received only one agency’s document: Housing and Urban Development has sent us a draft for review.

4. Technical assistance to 95+ federal agencies to implement EO 13166, including meetings; organizing stakeholder conference; written and oral, formal and informal opinions; development and updating of Question and Answer document for website.

Our technical assistance to all agencies as they develop their plans for federally conducted activities and as they develop their guidance has been far-reaching. We respond to numerous requests for assistance daily, and provide written, oral, formal and informal opinions. Based on the most commonly asked questions, we have developed a Question and Answer document for our website. We have attended numerous meetings with staff from many agencies, including the Departments of Agriculture, Treasury, Commerce, the General Services Administration, and others.

In providing this assistance, we have encouraged and facilitated outreach to stakeholders. In addition to the November 14th meeting, we have provided lists of stakeholders

to several agencies upon request.

We will continue to send information, including comments from the stakeholder community, questions and answers, and ideas shared by other agencies out to the points of contact on an e-mail list.

We will also identify the agencies from whom we have not yet obtained a contact and call them to make sure they are aware of their responsibilities. Agencies must send us their federally conducted plans by December 11.

In addition, we have been asked to start an Inter-agency working group on LEP issues in the new year. We consider this a good idea and will assess need and interest in January.

Attendees at November 14, 2000
LEP Stakeholders Representatives Meeting

AGENCY	NAME	EMAIL ADDRESS	ATTENDED -- Y/N
Agency for International Development	David Grim 202-712-1110	dgrim@usaid.gov	Y
Architectural and Transportation Barriers Board	Kathleen Roy Johnson	johnson@access-board.gov	Y
Bay Area Legal Aid	Ellen J. Tabachnick 510-233-9954	etabachnick@baylegal.org	Y
Broadcasting Board of Governors/ International Broadcasting Bureau/OCR	Kenneth May 202-205-3415	kmay@ibb.gov	Y
Broadcasting Board of Governors/ International Broadcasting Bureau/OCR	Delia L. Johnson 202-619-5151	djohnso@ibb.gov	Y
Central Intelligence Agency	Cynthia Drabek 703-482-3488		Y (substitute sent: Christina Thurber)
Committee for Purchase from People Who Are Blind or Severely Disabled	Betty Joan Smith 703-603-0664	jsmith@jwod.gov	Y
Commodity Futures Trading Commission	Frank Alston 202-418-5011	falston@cftc.gov	Y
Commodity Futures Trading Commission	Dorothy Batts 202-418-5152	dbatts@cftc.gov	Y
Consumer Product Safety Commission/Office of Information	Daniel Rumelt 301-504-0000 x2290	drumelt@cpsc.gov	Y

Services			
Corporation for National & Community Service/Office of General Counsel	Wilsie Y. Minor 202-606-5000 x129	<u>wminor@cns.gov</u>	Y
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Department of Commerce/Office of Civil Rights	Roslyn Hoover 202-482-8122	<u>rhoover@doc.gov</u>	Y
Department of Commerce/Office of General Counsel	Brian DiGiacomo 202-482-5393	<u>bdigiaco@doc.gov</u>	Y
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Department of Education/Office of Civil Rights	Thomas Ciapusci 202-205-9146	<u>tom_ciapusci@ed.gov</u>	Y
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Department of Housing and Urban Development/FHEO	Delorah Durbin 202-708-0404 x7068	Delora_J_Durbin@hud.gov	Y
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Peace Corps	Susan Christine Shalhoub 202-692-2153	sshalhoub@peacecorps.gov	Y
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Securities and Exchange Commission	Geraldine Walsh 202-942-7182	walshg@sec.gov	Y
Selective Service System	Richard S. Flahavan 703-605-4100	Richard.Flahavan@sss.gov	Y
Small Business Administration	Carol Walker 202-205-7149	carol.walker@sba.gov	Y
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Social Security Administration/	Donna Gonzalez 410-965-7961	Donna.Gonzalez@SSA.Gov	Y

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White House	Irene B. Bueno 202-456-6594	irene_bueno@who. eop.gov	Y
White House Initiative on Asian Americans & Pacific Islanders	Lisa Hasegawa 301-443-2492	<u>lhasegawa@hrsa.gov</u>	Y

Suggestions for Federally Conducted Plan Executive Order 13166

Below is a “checklist” of suggestions that the Department of Justice (DOJ) is providing to agencies for their federally-conducted plans for the provision of meaningful access to limited English proficient (LEP) persons to federally conducted activities. Under Executive Order 13166, DOJ is the repository for these plans only. However, we have provided significant technical assistance to agencies, through meetings, telephone assistance, e-mails, distributing copies of questionnaires, Questions and Answers on our website, etc. We have compiled some of our key suggestions for agency plans below. We hope agencies find it helpful.

- Either in an appendix, by reference to authority, or in the text of the plan, agencies could refer and/or copy language from the Executive Order 13166 as the legal basis for their federally-conducted plan.
- As an over-arching suggestion, plans should reflect:
 - * an assessment of need (or a process for assessing need) based on the four factors;
 - * an assessment of the ways in which the need is already being met (e.g. what language services does the agency already provide); and
 - * a plan for ensuring that the remaining need is met.
- As noted in the Executive Order, the principles set forth in DOJ’s General LEP Guidance (issued at the same time as the Executive Order) are the same principles agencies should apply to their own activities.
- The plan should apply the four factors. It should be a written plan for providing meaningful access for limited English proficient (LEP) persons. It would be helpful to give examples of the four factors in the context of the types of activities your agency conducts.
- Most plans will not identify every document that needs to be translated or every event in which interpreters will be provided for the entire agency. The more specific the better. But, particularly in large agencies, part of the plan may be guidance to your agency’s components and/or regional offices on how those components and/or offices should do their own analysis of the four-factors to decide what language services they need to provide. In that case, it would be helpful to provide information on how components and/or regional offices should assess the four factors in the context of their specific activities. That way,

agencies can help ensure consistency.

- The plan should describe options for language assistance, including oral language interpretation options and translation options that are available in the agency. The plan should strongly discourage use of family members or friends as interpreters/translators in the majority of situations where language services are needed (unpredictable emergencies and/or knowing and documented waiver of a free agency-provided interpreter are examples of exceptions). The plan should require competent and qualified interpreters and translators and provide some guidance on how to ensure competency and quality, as well as impartiality and confidentiality. Many of these issues have been discussed by stakeholders, in DOJ's Questions and Answers document, and/or are addressed in HHS's recipient guidance and would apply to federal activities as well.
- The plan should require translation of vital documents whenever a significant proportion of the eligible service population/population encountered is LEP in a particular language. It should identify the agencies' vital documents and/or a process for identifying those documents. Where the documents have already been translated, the plan should say so. Where the agency's analysis of the four-factors leads to a decision that more translations need to occur, the plan should set goals for needed translations.
- The plan should include the elements of an effective written policy on language assistance. Those elements include planning for:
 - * Identification of LEP individuals who need language assistance
 - * Available language assistance options, including how staff can access those options and when they should be used.
 - * Staff training on the plan and implementation.
 - * Outreach/notice to LEP persons and the community regarding language services. This can include training of community-based organizations, multi-language brochures, media, website, etc.
 - * Monitoring the effectiveness and modifying the plan when necessary.
- The plan should reflect the practicalities of procurement of language services, and can include appropriate use of General Services Administration contracts, as suggested by Jacqueline Crisp of GSA at the November 14, 2000 meeting. For more information on GSA language assistance services, you can visit the website at: www.northwest.gsa.gov/fss/msc, call 1-800-241-RAIN (7246) or e-mail mgmt.services@gsa.gov.

- The plan should include examples of how the obligation to take reasonable steps to provide LEP individuals with meaningful access applies to the agency's activities.
- The plan can provide benchmarks for assessment of need and the provision of services. In other words, it can (and should) be a planning document. Not all of the items in the plan need to be implemented by December 11, 2000.



"Aloot, Sebastian" <Sebastian.Aloot@usdoj.gov>

11/13/2000 05:21:57 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: LEP Stakeholder Meeting Tomorrow

Hopefully, you have been advised that our Stakeholder Meeting will be held tomorrow (Tuesday, November 14, 2000) between 2-5 p.m. in the Great Hall, Main Justice, 950 Pennsylvania Avenue, N.W. If you are planning to attend, you or your agency representatives should (if you have not yet done so) contact Margay M. Williams at (202) 307-0378 or margay.m.williams@usdoj.gov and provide as soon as possible the following information: name, social security number and date of birth. We have been advised that our Security Office requires this information for entry.

The agenda for the meeting is attached in WordPerfect, Word and DOS Text formats.

Sebastian Aloot



- 111400.agenda2.doc



- 111400.agenda2.txt



- 111400.agenda2.wpd

Message Sent To: _____

AGENDA
LEP Community Representatives
Stakeholders' Conference

NOVEMBER 14, 2000 2:00 - 5:00 PM.

Welcome *Merrily A. Friedlander, Chief
Coordination & Review Section*

Opening Remarks *Bill Lann Lee
Assistant Attorney General
Civil Rights Division*

White House Perspective *Michelle Aronowitz
Associate Counsel to the President*

Panel Discussions

FORMAT: Opening statements by panelists: 5 minutes (general remarks on making EO 13166 work)
Audience participation and facilitator questions focused on:
 Panel 1: written translation issues
 Panel 2: oral interpretation issues
 Panel 3: outreach to LEP communities and partnering with community organizations

2:15 - 3:05 First LEP Representatives Panel Christine Stoneman, Facilitator

*Marisa Demeo
Mexican American Legal Defense and Educational Fund
Aaron Gershowitz
Hebrew Immigrant Rights Society
Karin Wang
Asian Pacific American Legal Center of Southern California*

3:10 - 4:00 Second LEP Representatives Panel Sebastian Aloit, Facilitator

*Vincent Eng
National Asian Pacific American Legal Consortium
George Exceus
United for Dignity, Florida
Maurice Emsellem
National Employment Law Project*

4:00 General Services Administration presentation on procurement assistance Jacqueline Crisp

4:10 - 5:00 Third LEP Representatives Panel Elizabeth Keenan, Facilitator

*Carol Khawly
Arab-American Anti-Discrimination Counsel
Josh Bernstein
National Immigration Law Center
Porthira Chhim
Southeast Asian Research Action Counsel
Ellen Tabachnick
Bay Area Legal Services*

Closing Remarks *Helen Norton
Deputy Assistant Attorney General
Civil Rights Division*

MAVSSA - MARDEF

ACS Data - updated data, (ACS has not been fully funded)

Documents -

Don't use mirrors to translate

Fed. Contracted agency - any contract w/ Fed Agency shall meet this category - 5 most common languages -

Chinese - 49 languages

Federal Assisted Contractors -

Need a common standard + consistency.

How translated - qualified interpreters - not contract unless part of job description

Cultural competent translation not word for word

Simple translation bc of literary barrier.

HAIS

Person speaks are skeptical of the govt.

Need a glossary for common words

Bilingual staff Telephone interpreters - if using it, need to understand how to use it.

APALCSE - CA

Gave comments to HHS that could be similar to other fed. agencies.

Agencies - State, INS, but not just agency - USDA, D.C., IRS,

Link between law priority rule + LEP

(1) Examine the goals of the program as well as the initial action.

(2) Coordinate + consolidate - ~~can request~~ resources. (GSA - can provide language translation). Need in-house expertise or evidence - to save \$ + ensure quality.

(3) Cost - include this in the budget.

(4) Data - be careful to define pop. = eligible to be served or may be directly affected (kids + parents).

(5) What does - refer to client + consumer rights;

(6) Glossaries

(7) Use technology

(8) Bilingual limits - some have low literacy levels; audio; video not just written

(9) Safe harbors + triggers - see HHS guidance. Some people may be entitled to oral translation if not written for them.

Q + A

A: Determine what is important

Q: Highly technical documents - summaries are fine (broch or 1st sheet)

A: Put many options.