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**Diversity, Equity,  
Inclusion, and Accessibility  
Issuance System**



DEIA-016

Date:

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Office: Office of Diversity, Equity, Inclusion, and Accessibility

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Subject: Providing Language Access to Limited English Proficient Individuals

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1. **PURPOSE.** This Issuance establishes the Department of the Treasury language access plan (LAP) and policy and procedures for providing meaningful access to limited English proficient (LEP) individuals in compliance with Executive Order (EO) 13166, *Improving Access to Services for Persons with Limited English Proficiency*.
2. **SCOPE.** This Issuance applies to all bureaus, offices, and organizations in the Department, including the Offices of Inspector General. The provisions of this Issuance shall not be construed to interfere with or impede the authorities or independence of the Offices of Inspector General. Nothing in this policy is intended to create legal rights for third parties that do not already exist under a federal statute or the EO 13166.
3. **POLICY.** The Department of the Treasury recognizes the importance of being able to communicate effectively with the individuals it serves, including those with limited English proficiency (LEP), across our many missions and functions. It is the policy of the Department of the Treasury to meet the requirements of EO 13166 by providing LEP members of the public with meaningful access to information about its programs and activities, consistent with, and without unduly burdening, the fundamental mission of the Department.
4. **RESPONSIBILITIES.**
  - a. Office of Diversity, Equity, Inclusion and Accessibility (ODEIA), Civil Rights and Equal Employment Opportunity (OCRE). Under Treasury Order [102-02](#), “Delegation of Authority Concerning Equal Opportunity Programs;” and Treasury Directive [12-41](#), “Delegation of Authority Concerning Equal Employment Opportunity (EEO) Programs;” the ODEIA is responsible for providing guidance and

oversight for implementing the provisions of EO 13166 and this LAP. To ensure consistency and accountability across the agency, OCRE will, among other things:

- 1) Coordinate efforts to implement the provisions of this LAP; serve as a clearinghouse of best practices and opportunities for leveraging resources across the Department; and, research and disseminate information on existing language technologies and the appropriate uses of these technologies.
  - 2) Monitor and coordinate language access activities across the Department and its bureaus.
  - 3) Provide ongoing technical assistance to the bureaus in the development and monitoring of their LAP.
  - 4) In accordance with Treasury complaint processing procedures, review complaints filed by members of the public that allege a denial of meaningful language access to Treasury's programs, services, and activities, and if appropriate, make recommendations for corrective actions.
  - 5) Support the bureaus' and program offices' efforts to train their managerial and front-line employees on language access responsibilities and protocols.
  - 6) Augment existing language services, and facilitate interagency access to existing Federal resources.
- b. Heads of Bureaus shall ensure that their bureau is in compliance with EO 13166 and that this policy and the bureau LAP is posted on intranet and internet websites accessible to employees and members of the public. Copies of the Bureau LAPs will be added to the Appendix to this issuance.
5. **KEY TERMS AND PROCESSES**. In accordance with EO 13166, Treasury's procedures for providing meaningful access to LEP individuals are as follows:
- a. Key Terms.
    - 1) Limited English Proficient (LEP) Persons/individuals. Persons/individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
    - 2) Bilingual Persons. Persons who are bilingual are fluent in two languages and are able to conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language. An individual who is proficient in a language may, for example, be able to greet an LEP individual in his or her language, but not conduct agency business in that language.

Interpretation and translation require the interpreter to be fluently bilingual, and also require additional specific skills as described below in (b).

- 3) Interpretation and translation. Translation involves written communication. Interpretation involves oral communication and requires the immediate oral communication of meaning from one language into another. Interpretation requires skills different from those needed for translation. Interpreting is a complex task that combines several abilities beyond language competence in order to enable delivery of an effective professional interpretation in a given setting. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions, or embellishments on the part of the interpreter.
- 4) Effective Communication. Communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP. For example, staff must take reasonable steps to ensure communication with an LEP individual is as effective as communications with others when providing similar programs and services.
- 5) Language Assistance Services. Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.
- 6) Meaningful Access. Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.
- 7) Vital Document. Paper or electronic written material that contains information that is critical for accessing a component's program or activities, or is required by law.

b. Treasury's LEP Implementation Responsibilities.

Each Treasury program and activity shall provide access to LEP individuals by providing timely, quality language assistance services without unduly burdening the fundamental mission of the agency.

Individuals who come into contact with the Department of the Treasury should have access to our programs regardless of their ability to communicate in English. The Department will not require individuals who need language assistance to provide their own interpreters; rather, we will provide an interpreter free of charge to any individual requesting language assistance or, when it is evident such assistance is necessary to ensure that the individual is not disadvantaged.

The determination of what language services will be readily available will be based case-by-case for each program and using the four-factor needs analysis described in the Department of Justice, [\*Language Access Assessment and Planning Tool\*](#).

The Department of the Treasury will notify the public, as well as Treasury employees who come in contact with the public, of the availability of language services and how to access those services.

Each Treasury bureau is responsible for complying with the following policy principles:

- 1) Resource Allocation. Treasury bureaus will consider the needs of LEP individuals in all of their policies and long-range business and strategic plans. The service needs of LEP individuals will be carefully considered in resource allocation. As the bureaus deliver more services electronically, the bureaus will continue to assess the allocation of resources for LEP services.
- 2) Service Delivery. Treasury bureaus with field offices in contact with the public will develop strategies tailored to the needs of the communities to provide efficient and effective service. Through a variety of outreach activities, field offices will also create and maintain cordial working relationships with different LEP communities.
- 3) Bilingual and Bicultural Staffing. The most effective method for providing quality service to LEP individuals is through bilingual, bicultural or multilingual public-contact employees. The Treasury bureaus will identify bilingual, bicultural or multilingual hiring needs through the continual assessment of changing language and cultural demographics.
- 4) Qualified Interpreter Services. The Treasury bureaus will use either qualified office-based interpreters or telephone interpreters. If the LEP individual prefers to use their own interpreter, such as a family member, friend, or third party, the bureaus will determine whether the interpreter meets the bureau requirements. In general, the bureaus will not permit a child under age 18 to serve as an interpreter (due to the nature and complexities of our business processes).
- 5) Public Information. The Treasury bureaus recognize the value of public information to educate, improve access to our services, to address LEP concerns, to promote program integrity, and to build public confidence in the programs we administer.
- 6) Written Communications. Treasury bureaus will assess the importance of their publications, information materials, notices, and forms, and will ensure that vital documents are translated.
- 7) Outreach. Treasury bureaus will maintain open lines of communication for LEP individuals and the groups that represent them, to allow feedback about the

effectiveness of the bureau language access measures.

- 8) Training. Treasury bureaus will train their employees, especially those who come in contact with the public, about the requirements of the EO, and the availability of language services within the bureau. The bureaus will also provide training to enhance the skills of bilingual employees.
- 9) Monitoring. Bureaus will collect and track LEP contact data on an ongoing basis to determine the needs of the community and to allocate resources accordingly. OCRE will investigate any complaints about the denial of services because of LEP.

c. Guiding Principles for Bureau LAP Development.

Each Treasury bureau having contact with the public is required to develop a LAP that fully incorporates the Treasury LEP policies and principles established by this issuance. Bureau LAPs must be based on recent needs assessments. The appropriate needs assessment methodology is explained in U.S. Department of Justice, Civil Rights Division, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs, May 2011. OCRE is available to discuss the plans and provide feedback through the development process.

Each bureau's LAP should include the following elements:

- 1) Responsible Staff. In addition to listing a primary LEP coordinator for the bureau, the LAP should identify senior management staff, workgroups, committees, or other staff who will have the authority and be responsible for developing and modifying the office or bureau LAP, as well as establishing and implementing operational procedures and guidance. If not designated otherwise, the Bureau EEO/Civil Rights Officer will be the responsible staff person;
- 2) Oversight. Establish protocols for authority and oversight;
- 3) Notice to Employees. Establish methods for explaining to employees their responsibilities and available language resources;
- 4) Prioritization. Include a plan for prioritizing language services based on importance of services, frequency of use, and demographics;
- 5) Language Access Procedures and Guidance. Set out the language access procedures or protocols that staff should follow to provide language services to LEP persons encountered in their daily activities, including: recognizing the LEP status of an individual, identifying the language spoken, identifying situations requiring appropriate language assistance, providing information on how to access this language assistance, and recording the contact. Unless countervailing considerations are explained in detail, protocols should include limits on the use

of family members, friends, or other persons associated with LEP persons to rare situations and nonessential information;

- 6) Quality Control Procedures. Describe quality control procedures that ensure employees who use their foreign language skills do so in an accurate and competent manner, and that contractors provide high quality language services;
- 7) Data Tracking. Outline steps for implementing and maintaining a mechanism for collection and management of data relating to non-English needs, especially through existing databases or tracking systems;
- 8) Resources. Assess the language access needs and the resources necessary to provide language services, identifying existing resources to the extent practical and describing funding and procurement needs;
- 9) Outreach to LEP Communities. Describe collaboration or engagement with LEP communities and other external stakeholders to assess effectiveness of language services;
- 10) Employee Duties. Where appropriate, expand job descriptions to include interpretation and translation activities within the scope of employees' duties; assess these employees' language abilities to ensure their competency to perform language services for particular duties; and describe plans for enhancing employees' language abilities;
- 11) Timeframes. Describe the timeframes and benchmarks for steps to be undertaken;
- 12) Training. Where appropriate, include a plan for managerial and front-line staff training on language access responsibilities, including identifying LEP persons, accessing available language services, and working with interpreters;
- 13) Notice to the Public. Provide for notice of free language assistance services and points of contact for additional information; and inform LEP individuals of the benefits, programs, and services for which they may be eligible;
- 14) Monitoring and Evaluation. Provide for monitoring and evaluating and, if appropriate, updating the plan, policies, and procedures, including monitoring performance, quality assurance, and internal review processes as well as evaluating the impact, if any, of demographic shifts.

6. **AUTHORITIES**.

- a. [Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency](#), August 11, 2000.

- b. [Attorney General Memorandum - Strengthening the Federal Government's Commitment to Language Access \(justice.gov\)](#), November 21, 2022.

7. **REFERENCES.**

- a. Department of Treasury Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, [70 FR 6067](#), (February 4, 2005).
- b. Federal Interagency Working Group on Limited English Proficiency [website](#).
- c. U.S. Department of Justice, Civil Rights Division, [Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs](#), May 2011.

8. **OFFICE OF PRIMARY INTEREST.** Office of Diversity, Equity, Inclusion, and Accessibility and Office of Civil Rights and EEO.

9. **POLICY REVIEW.** The provisions of this Issuance are subject to modifications by changes in pertinent statutes and regulations. The applicable provision or provisions shall be amended or superseded effective on the dates specified in any statutory or regulatory change, and ODEIA shall issue interim guidance addressing the change as soon as practicable. This Issuance will be reviewed after five years.

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