

FEBRUARY 1, 2024

U.S. FOREST SERVICE
LANGUAGE ACCESS PLAN
FOR USE BY FOREST SERVICE OFFICES

PROVIDED BY: OFFICE OF CIVIL RIGHTS (OCR)

TABLE OF CONTENTS

Introduction/Civil Rights Statement	1
1. Policy	1
2. Purpose.....	2
3. Scope.....	3
4. Roles and Responsibilities	3
5. Language Access Processes.....	6
A. Identification of Communities with LEP and their Interaction with USDA	
B. Outreach and Engagement with LEP Communities	
C. Notification of the Availability of Language Assistance Services	
D. Identification of Individuals with LEP	
E. Provision of Language Assistance Services	
F. Multilingual Digital Content	
G. Procurement	
H. Quality Assurance and Control	
I. Language Access Procedures	
J. Staff Training	
K. Hiring Practices and Multilingual Staff	
6. Allocation of Resources	19
7. Self-Assessment and Monitoring.....	20
A. Data Collection and Reporting	
B. Tri-Annual Self-Assessment	
8. Federally Assisted Activities	21
9. Definitions.....	21
Appendix: Forest Service Draft on Federal Financial Assistance	1

INTRODUCTION/CIVIL RIGHTS STATEMENT

The mission of the United States Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.

The Office of Civil Rights (OCR) encourages diversity, equity, inclusion, accessibility, and respect in compliance with all statutes, regulations, and directives that govern the OCR. The OCR strives to resolve all disputes at the earliest possible stage, correcting discriminatory actions or inactions that inhibit the positive progression and promotion of civil rights. The OCR provides training and targeted outreach to the most diverse and qualified talent sources available.

This Language Access Plan (LAP or Plan) sets forth the standards, principles, and guidelines that the U.S. Forest Service (Forest Service) will use to provide, and improve, meaningful access for Limited English Proficiency (LEP) persons in Forest Service operations, services, activities, and programs. For more information, resources, and guidelines, see USDA's LAP, <https://usda.gov/oascr/languageaccess> (Nov. 9, 2023).

The U.S. Department of Agriculture (USDA or Department), its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

1. POLICY

Timely and accurate communication with the public is essential to the mission of the USDA to serve all people in the United States by providing effective, innovative, science-based policy leadership in agriculture, food and nutrition, natural resource protection and management, rural

development, and related issues with a commitment to delivering equitable and climate-smart opportunities that inspire and help America thrive. The Department is committed to strengthening its services and programs by ensuring that individuals with LEP receive meaningful access to USDA's federally conducted and federally assisted programs and activities in accordance with Executive Orders 13166, 13985, 14031 and 14091.

Therefore, it is Forest Service policy that all Forest Service programs and staff must take reasonable steps to plan for and provide individuals with LEP timely, accurate, and effective communications within all programs or activities conducted by Forest Service—and must work to ensure that providers of Forest Service-assisted programs are complying with their corresponding obligations. These policies are based on the principle that it is the Department's responsibility, and not that of an individual seeking services, to take reasonable steps to ensure meaningful access to all Department programs and activities and to foster equity for individuals who interact, or may interact, with the Department over the phone, in writing, in person, or via electronic methods.

2. PURPOSE

The Forest Service is committed to ensuring that individuals with LEP have meaningful access to its programs and activities. This LAP sets standards, operating principles, and guidelines to comply with Executive Order 13166 (EO 13166), Improving Access to Services for Persons with Limited English Proficiency, and Departmental Regulation 4330-005, Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA.

EO 13166 has two broad objectives: The first directs each federal agency to develop and implement a system to ensure that LEP individuals can meaningfully access the agency's federally conducted programs and activities. The second directs federal agencies providing federal financial assistance to issue guidance to recipients of such assistance regarding their legal obligation to ensure meaningful access for LEP persons under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964 and implementing regulations. In short, EO 13166 tasks the Forest Service with ensuring accessibility for LEP persons in all agency programs and activities and ensuring that those entities that receive funding from the Forest Service do the same.

Improving access to Forest Service programs and services for individuals with Limited English Proficiency (LEP) involves the coordinated implementation of language access services.

Consultation with stakeholders and individuals with LEP about Forest Service programs and activities is crucial. Providing effective public notice about the availability of free language assistance services and offering quality interpretation services for the public with LEP is essential.

Translation of vital documents into frequently encountered languages contributes to accessibility. Forest Service employees must be trained to understand the importance of providing language access services for effective customer service, equipped with knowledge and resources for

meaningful access. Institutionalizing the identification of barriers and gaps in services for individuals with LEP is key.

Regular monitoring and periodic revisions of the plan ensure its effectiveness and improvement. Documents and resources referenced in this plan will be accessible to employees through the Forest Service LAP SharePoint.

3. SCOPE

The Forest Service LAP applies to all programs and activities conducted by the Forest Service, encompassing OCR oversight, monitoring, and provision of technical assistance to any entity receiving financial assistance from the Forest Service ("providers of USDA-supported programs and activities," as referenced in the USDA LAP). This plan guides both public-facing and administrative activities, aligning with Forest Service's delivery of federally conducted and federally assisted services, programs, activities, and information.

The plan aims to improve the internal management of and language access strategy for all Forest Service programs and activities. It does not create new core services or requirements but seeks to eliminate or reduce, to the maximum extent practicable, LEP as a barrier to accessing Forest Service's programs and activities.

The Forest Service 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, its officers, employees, or agents, or any other person.

Members of the public who wish to provide comments regarding the implementation of this policy or related language access matters should be given the opportunity to do so via email SM.FS.CR_LEP@usda.gov.

4. ROLES AND RESPONSIBILITIES

A. Office of the Chief

The Forest Service Chief sets the tone and direction and provides leadership and oversight for this Forest Service LAP throughout the Forest Service. Coordination, implementation, and monitoring of the LAP throughout the Forest Service at the national and regional levels has been delegated to the OCR. The Chief holds the Civil Rights National Director accountable for ensuring implementation of this plan across the Forest Service to support an equitable and inclusive operational and programmatic environment.

B. Senior Leadership

Forest Service senior leadership— e.g., Senior Executive Service, Deputy Chiefs, Regional Foresters, Research Station Directors, Program Directors —will proactively promote meaningful

access for individuals with LEP and direct personnel under their supervision to take necessary steps to comply with the Forest Service LAP.

C. Office of Civil Rights National Director

The Chief of the Forest Service has designated the Civil Rights National Director as the senior accountable official responsible for language access. In that role, the Civil Rights National Director will:

- Ensure, in coordination with the USDA Office of the Assistant Secretary for Civil Rights that Forest Service has a LAP, and that Forest Service 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 LAP (Nov. 9, 2023).
- Ensure that the Forest Service LAP is maintained, reviewed, and updated as needed, in accordance with the USDA LAP.
- Collaborate with the Assistant Director for Diversity, Equity, Inclusion, and Accessibility and the Branch Chief for Diversity, Equity, Inclusion to designate a Forest Service Language Access Coordinator (FSLAC).
- Serve and/or designate at least one OCR representative—who may be the FSLAC—to serve on the USDA Language Access Coordinating Committee (LACC).

In addition, the FSLAC or their designee(s) will:

- Establish an enterprise approach to implement, coordinate, and monitor the Forest Service LAP and language access efforts across the Forest Service to support an equitable and inclusive operational and programmatic environment.
- Collaborate with leadership in Forest Service divisions, offices, and program areas at the national and regional levels to implement, coordinate and monitor this plan and to align Forest Service 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.

D. LEP Coordinator

In addition to any role(s) designated by the Forest Service OCR National Director, the FSLAC will:

- Develop appropriate expertise and familiarity with federal and Departmental law, regulation, and guidance, and with best and promising practices across the Department and the federal government.
- Coordinate within the Forest Service and consult as appropriate with the USDA LAC.

- Assist the Forest Service with identifying qualified multilingual personnel to serve as interpreters and translators to be included in an interpreter/translator database.
- Assist the Forest Service with identifying interpreter and translator qualifications and professional standards for multilingual personnel.
- Assist with drafting progress reports regarding implementation of the Forest Service LAP for OCR Senior Leadership.
- Develop a method for sharing language access information with Forest Service personnel through an appropriate digital platform.
- Provide technical assistance to the Forest Service as needed regarding the language assistance services needs of individuals with LEP accessing Forest Service programs and activities, including Forest Service program websites and digital services, outreach strategies, program evaluation tools, and more.
- Lead Forest Service with respect to conducting 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 Forest Service programs and activities, funding opportunities, and regulations.
- Lead the Forest Service with respect to the collection and reporting of language access data.
- Research and report on the need for a Language Access Advisory Workgroup composed of Civil Right's personnel for Forest Service Senior Leadership's consideration.
- Convene and coordinate the various working groups identified in this Forest Service LAP, including, for example, in part B (to develop an LEP Outreach Plan), part 11 (part F (to conduct a thorough review of all digital content, and part 7.B (self-assessment process).
- Regularly consult and coordinate with Forest Service civil rights staff.

E. Procurement and Property Services

Procurement and Property Services (PPS) serves a supporting function with language access, in collaboration with OCR. PPS will lead the acquisition and management of any Forest Service-wide contracts to support language access services.

F. Office of Communications

The Office of Communication serves a supporting function on language access for individuals with LEP, and will:

- Model appropriate language accessibility in Forest Service communications, including plain language standards, Section 508 compliance, and notifying the public of the availability of free language assistance.
- Ensure appropriate translation of Forest Service communications such as press releases and statements that target areas where English is not the primary language.
- Maintain and host language access information and resources on Forest Service website.

G. Employees

All Forest Service Employees who interact with individuals with LEP will:

- Familiarize themselves with Executive Orders 13166, 13985, 14091, and Forest Service's LAP, and fulfill all applicable training requirements.
- Familiarize themselves with the standards for effective and accessible communication.
- Take reasonable steps to provide meaningful access to Department programs or services to individuals with LEP.
- Be prepared to effectively use language assistance services when they encounter or have reason to believe that they may encounter individuals with LEP while fulfilling their agency's mission, or upon request by a person with LEP who wishes to access Forest Service programs or activities.

H. USDA Office of the Assistant Secretary for Civil Rights (OASCR)

OASCR provides oversight of all Language Access/LEP program functions within USDA; its role is fully described in the USDA LAP.

I. USDA Language Access Coordinator (USDA LAC)

The USDA Language Access Coordinator (USDA LAC) sits in OASCR and is responsible for developing the Department-wide initiative on language access. The USDA LAC's role is fully described in the USDA LAP and includes providing guidance and technical assistance for USDA agencies and offices, as appropriate, on their ongoing language access needs.

J. USDA Language Access Coordinating Committee (USDA LACC)

The USDA Language Access Coordinating Committee is led by the Assistant Secretary for Civil Rights or senior designee, with the collaboration of the Department's Senior Designee for Equity under Executive Order 14091 and is composed of representatives from both public-facing USDA agencies and offices, and administrative offices. Its role is fully described in the USDA LAP. It includes at least one Forest Service OCR designee.

5. LANGUAGE ACCESS PROCESSES

A. Identification of Communities with LEP and their Interaction with USDA

Until the USDA LAC identifies the top languages for USDA, based on translation requests FSLAC will consider the top languages for Forest Service to be: Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Russian.

Once the USDA LAC identifies USDA's top languages, the FSLAC will supplement this Department-wide determination by identifying any additional top languages spoken by the communities Forest Service serves or may serve. At least every three years, the FSLAC will work across the Forest Service to reassess the top languages spoken by individuals with LEP, based on Forest Service constituency and/or geographic region, using language access data collected by FSLAC, language access data collected from recipient agencies that administer Forest Service-assisted programs and activities, or additional tools and resources identified in the USDA LAP.

B. Outreach and Engagement with LEP Communities

Effective outreach and engagement with communities with LEP, and entities that represent their interests, is critical to language access planning efforts to increase access to Forest Service programs and activities for these communities and to receive regular feedback on the implementation of the Forest Service LAP or language assistance services. For tips, see Department of Justice, Civil Rights Division, *Ten Tips For Conducting Effective Community Outreach* (2015), available at <https://www.justice.gov/archives/crt/fcs/newsletter/Winter-2015/10Tips>.

The OCR will, by three months after the effective date of this LAP, convene appropriate staff (including at least one member of the group with expertise in needs and activities in Puerto Rico) to develop and issue an LEP Outreach Plan within the following three months. Once issued, the plan will be reviewed by the same group, at least annually. It will cover:

- **Relationship building:** Establishing and maintaining relationships with a variety of entities representing the interests of individuals with LEP, and of communities who have traditionally been marginalized because of their limited ability to communicate in English.
- **Outreach:** Communicating clearly through written, video and/or audio means about the nature, scope, and availability of free language assistance services and how to request them.
- **Community participation:** Increasing efforts to encourage participation from local communities in, for example, tribal consultations, focus groups, and/or listening sessions, with the goal of learning about their concerns, needs, and perspectives.
- **Event accessibility:** Taking reasonable steps to ensure that community outreach events involving individuals with LEP are designed to provide meaningful access, where individuals with LEP can participate, receive information, and provide input in their primary language(s) at such events.
- **Information dissemination:** Collaborating with USDA's Office of Communications to create and maintain lists of non-English press to disseminate information about Forest Service programs and activities, and otherwise disseminating information about Forest Service programs and activities in non-English languages.
- **Message amplification:** Reaching out and partnering with stakeholders to amplify Forest Service communications to specific communities that may include individuals with LEP.

- **Feedback mechanism:** Establishing formal and easily accessible mechanisms to receive feedback about the quality of Forest Service language assistance services.

C. Notification of the Availability of Language Assistance Services

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

The FSLAC in partnership with the Regional Civil Rights Offices will take reasonable steps to provide public notification of how to obtain free language assistance services and how to offer feedback or make complaints about the availability of such services. This information will be offered in different mediums (for example, printed and electronic material, social media, radio, etc.) in consultation with program, outreach, public affairs personnel as well as impacted communities. It should be offered in the top language(s) spoken by individuals with LEP (under part A, above), and more if appropriate based on Department of Justice's four-factor analysis (see part E, below).

In public-facing materials, Forest Service programs are encouraged to include multilingual taglines to allow individuals, including those who do not speak the top identified languages, to be informed about the availability of language assistance services. As in DR 4300-003, *Equal Opportunity Public Notification Policy* (Oct. 17, 2019), available at <https://www.usda.gov/directives/dr-4300-003>, space availability may be considered in developing the appropriate tagline and notice. As an example, see FNS *Assistance Tagline Translations*, at <https://www.fns.usda.gov/cr/assistance-tagline-translations>. Another sample tagline is available at lep.gov/translation. Using QR codes is encouraged and considered an optimal practice to facilitate access to these notifications and other digital content. A resource for using QR codes is available at <https://digital.gov/resources/introduction-to-qr-codes/>.

OCR will post this LAP and any additional policies on the Forest Service LEP website at <https://usdagcc.sharepoint.com/sites/fs-oc-cr/SitePages/Limited-English-Proficiency.aspx> and also at <https://usda.gov/oascr/languageaccess>. In addition, Forest Service will post notices informing LEP individuals of their right to free oral language assistance services in frequently encountered languages. This may include, for example, visible signage in Forest Service public spaces announcing the availability of language assistance services, and translated promotional material (flyers, registration forms, etc.) with information about the availability of interpreting services during the event by request.

D. Identification of Individuals with LEP

Individuals with LEP do not speak English as their primary language and 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 have LEP for other purposes (e.g., reading or writing).

At the first point of contact with a person with LEP, Forest Service personnel should determine the language used by the individual and their language assistance needs. If the individual with LEP does not self-identify, personnel may call the appropriate telephonic interpretation service provider to identify the language spoken. If a Forest Service employee has a face-to-face interaction, the employee may use the USDA “*I Speak Statements*” language identification card or promptly contact the telephonic interpretation service provider to identify the language spoken and to obtain interpreter services. Asking the individual about their specific community can also help to identify the language spoken.

Forest Service staff should not make assumptions about an individual’s primary language based on race, color, or national origin. In addition, having a strong accent is not necessarily an indicator that language access services are needed.

E. Provision of Language Assistance Services

The obligation to provide meaningful language access is fact-dependent and required steps are generally evaluated using a four-factor analysis:

- (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by a program;
- (2) the frequency with which LEP individuals come into contact with the program;
- (3) the nature and importance of the program, activity or service provided by the recipient to its beneficiaries; and
- (4) the resources available and the costs of language access services.

The FSLAC will work to proactively provide language access services (for example, in-advance translation of vital documents) for any language spoken by more than 5% of the eligible population; what languages this includes will depend on the region of the office in question.

By three months after the effective date of this LAP, OCR will have put in place appropriate contracts or other methods for provision of language access services, including:

- Live interpretation services using qualified interpreters, accessible via: phone, web-based platform, and in-person.
- Written translation of documents, including webpages.

i. Interpretation Services

Public-facing Forest Service offices should be prepared to provide real-time qualified interpreters free of charge either in-person, over-the-phone, or through video remote technology

to communicate with individuals with LEP. Forest Service staff or contractors should utilize the mode of interpreting that is most appropriate for the situation: consecutive, simultaneous, or sight-translation.¹ This includes preparation for communication with individuals with LEP who also have communications disabilities. All of Forest Service’s remote services—such as hotlines or virtual meetings—should offer effective oral language assistance, for example, by offering multilingual options on automated phone systems, and by notifying members of the public attending virtual meeting of the availability of video interpretation services.

ii. *Translation Services*

A vital document is paper or electronic written information and material that contains content critical for accessing a program or activity. 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, response-required documents, and more. Vital information may also involve specific communications regarding a case or matter between an individual and Forest Service.

As allowed by available resources, the Forest Service seeks to translate vital documents for the general public into the Forest Service’s top languages, and to consider translating into other languages as appropriate based on the application of the four-factor test, given program objectives, constituencies, and/or geographic regions. Accordingly, by three months after the effective date of this plan, the Forest Service will put in place a process to:

- Review its existing documents, to identify which of them are “vital” and if so, whether under the four-factor test, what languages (if any) they should be affirmatively translated into prior to any request.
- Review new documents as they are generated, to identify which of them are “vital” and if so, what languages (if any) they should be affirmatively translated into prior to any request.
- Review any request for translation of a particular document.
- Provide for the use of qualified interpreters for oral translations for individuals with LEP who request access to vital documents but are not literate.

¹ For more information on the different modes of interpreting and when they are used, see District of Columbia Office of Human Rights, *Reference Guide: Types of Interpretation*, available at https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/Ref%20guide_Types%20of%20interpretation.pdf. Information to help staff work effectively with telephone interpreters can be found at *TIPS for Working with Telephone Interpreters*, https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Telephone_Interpreters_0.pdf.

Recognizing that translating vital documents can be costly and time-intensive, the Forest Service staff conducting these reviews will seek stakeholder input in determining which documents should be prioritized for translation.

Plain Language

Plain language writing assists both native English speakers and those whose English proficiency is somewhat limited. The Forest Service 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, the Forest Service 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.

iv. Interpretation and Translation Technology

Government agencies are increasingly relying on machine translation software to convert written text on website and online automated services from one language to another. However, machine translation can be inaccurate. See <https://www.lep.gov/translation>. Accordingly, USDA's LAP discourages machine translation without human review when the information communicated 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.

If the Forest Service is considering using emerging technologies for translation or interpretation applications through third-party services, direct government procurement, or modifying existing services, staff must consult with the USDA LAC, and must consider the following:

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

- Origins of source data utilized for machine-generated and computer-assisted applications.

v. *Direct In-Language Services*

In addition to interpretation, language access can also be provided by direct in-language communication—monolingual communication in a language other than English between multilingual staff and a person with LEP. Absent exigent circumstances, Forest Service staff who have not been formally assessed for their multilingual skills are discouraged from providing direct in-language services. (Staff are free to use multilingual skills for general greetings in a foreign language and basic communication for the purposes of language identification.) Unqualified staff could provide incorrect information, introduce conflicts of interest or other ethical concerns, or incur other potentially negative consequences for the Department and/or the individual with LEP.

vi. *Other Requirements When Communicating with Individuals with LEP*

Some individuals with LEP face additional communication challenges. For example, individuals with LEP may have a hearing, visual, or speech disability that makes effective communication difficult. All Forest Service employees should be mindful of the Forest Service’s responsibility, and the responsibility of state agencies, local agencies, and program operators administering Forest Service programs and activities, to ensure effective communication under federal disability rights laws in its programs and activities.² In such cases, the Forest Service must utilize alternative communication methods, including assistive technologies and other appropriate auxiliary aids and services, such as sign language interpreters, real-time computer-aided transcription services; written materials; exchange of 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, videophones, and captioned telephones.

F. Multilingual Digital Content

The Forest Service is committed to taking reasonable steps to provide meaningful access to individuals with LEP to digital content we produce, including multilingual and accessible content on public websites and electronic documents containing information about:

- The Forest Service’s jurisdiction and mission.
- Contact information, including how to communicate with the Forest Service.
- How to file complaints (including forms and instructions to fill out those forms).
- Press releases and important announcements impacting communities with LEP.
- Education materials for individuals or communities about relevant programs.

² See Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the United States Department of Agriculture, [7 C.F.R. § 15e.160](#); Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance, [7 C.F.R. Part 15b](#); Nondiscrimination on the Basis of Disability in State and Local Government Services, [28 C.F.R. § 35.160](#); Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, [28 C.F.R. § 36.303](#).

- How to access free language assistance services

By three months after the effective date of this plan, the FSLAC will coordinate appropriate staff to conduct a thorough initial review of all digital content—including websites, services, and voicemail menus—to identify if their vital information is accessible to individuals with LEP. This review should catalog content in frequently encountered languages and pinpoint areas for improvement. Consistent with U.S. Web Design System guidance, this assessment and resulting improvements should pursue the “consistent placement, interface, and behavior of the language selection component [that] allows users to easily find and access content in the language the user is most comfortable in,”³ and should utilize other appropriate federal resources as guidance.⁴ Websites should include the ability for users to request translations of the page and/or related documents, and to offer feedback about the quality of the Forest Service language assistance services. A similar review should be repeated as needed—but at least every year.

All digital content must also comply with Section 508 of the Rehabilitation Act of 1973, which requires federal agencies to ensure that their electronic and information technology, including websites, electronic documents, and software applications, are accessible to individuals with disabilities.

G. Procurement

For language access services obtained via procurement actions, designated staff working on those procurements will work closely with the FSLAC and may consult with the USDA LAC to help identify resource-sharing possibilities and learn about currently available USDA language assistance services.

Staff are encouraged to pursue resource-sharing and cost-saving initiatives across the Department for language assistance services, and to consider using local vendors familiar with the culture and language dialect of particular areas.

For any such procurement, the Forest Service’s Procurement and Property Services will ensure that any Request for Proposals or contracts specify Forest Service needs and vendor

³ U.S. Web Design System, USWDS, *Language Selector*, available at <https://designsystem.digital.gov/components/language-selector/>.

⁴ For further resources on Multilingual Digital Content, see LEP.Gov, *Improving Access to Public Websites and Digital Services for Limited English Proficient (LEP) Persons* (2021), available at https://www.lep.gov/sites/lep/files/media/document/2021-12/2021_12_07_Website_Language_Access_Guide_508.pdf; General Services Administration, *Language Connections: Tips to Create, Maintain, and Present Non-English Digital Content* (2022), available at <https://digital.gov/event/2022/02/24/language-connections-tips-to-create-maintain-and-present-non-english-digital-content/>, *10 Tips to Create, Maintain, and Present Non-English Digital Content* (2022), available at <https://digital.gov/2022/05/23/10-tips-to-create-maintain-and-present-non-english-digital-content-a-qa-with-michael-mule/>, *Top 10 Best Practices for Multilingual Websites* (2022), available at <https://digital.gov/resources/top-10-best-practices-for-multilingual-websites/?dg>. The Consumer Financial Protection Bureau may also be a resource for multilingual user testing to ensure individuals with LEP have meaningful access to USDA web content. Consumer Financial Protection Bureau, *Strengthening information accessibility for consumers with limited English proficiency* (2023), available at <https://www.consumerfinance.gov/about-us/blog/strengthening-information-accessibility-for-consumers-limited-english-proficiency/>.

responsibilities to include quality control and assurance procedures, assign liability, and contain dispute resolution provisions. At a minimum, contracts for language assistance services should include:

- **Civil rights:** Civil rights assurance clauses (consult with OCR).
- **Qualified linguists:** Methods for ensuring that interpreters and translators are fluent in both English and the relevant language and qualified for the particular type of services needed (e.g., to interpret or translate communication that is formal, casual, specialized, or regional, as needed); minimum scores for interpretation performance and the option for certification, though not mandatory.
- **Confidentiality/ethics:** Required knowledge of professional ethics and privacy regulations relevant to interpretation services; mechanisms to ensure confidentiality and avoid conflicts of interest.
- **Capacity:** Ability to meet the Forest Service’s demand for interpreters, and for translation, including the delivery of translations in editable electronic or other required formats; acceptable emergency response time; reasonable scheduling of qualified interpreters; on-time service delivery; rapid rates of connection to interpreters via telephone, video, or electronically.
- **Project management/data collection:** Requirements for tracking usage.
- **Reasonable cancellation fees.**
- **Effective complaint resolution:** Effective complaint resolution when translation or interpretation errors occur.

The government-wide Language Services Procurement Committee’s Foreign Language Services Ordering Guide includes additional information regarding ensuring quality and accuracy in purchasing language assistance services. See Language Services Procurement Committee, Interagency Working Group on LEP, *Foreign Language Services Ordering Guide* (Jul. 2020), available at https://www.gsa.gov/cdnstatic/Foreign_Language_Services_%281%29.pdf.

H. Quality Assurance and Control

The Forest Service will use only qualified interpreters with demonstrated proficiency in both English and the other language, and knowledge in both cultures. Quality and accuracy are equally critical for interpretation and translation. But, as the [USDA LEP Guidance](#) states, “[T]he 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.”

vii. Ensuring the Competence of Interpreters and Translators

Forest Service offices 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 qualified to do so and have the resources necessary to meet the Department’s requirements. Use of individuals who are not qualified could result in a breach of confidentiality, a conflict of interest, or inaccurate, impartial, or incorrect interpretation, and is

discouraged. Staff or contracted personnel should not provide interpretive or translation services unless they are able to:

- Demonstrate proficiency in and ability to communicate information accurately in both English and the other language. Forest Service will not utilize multilingual personnel, volunteers, or interns to provide interpretation or to translate vital documents unless Forest Service determines that the employee, volunteer, or intern is qualified to interpret/translate. Forest Service may use outside resources to determine the competence of multilingual personnel. For example, the Interagency Language Roundtable offers skill level descriptions at <https://www.govtllr.org/Skills/AdoptedILRTranslationGuidelines.htm>.
- Accurately interpret or translate materials using appropriate terminology particular to Forest Service's programs or activities and using a degree of sophistication appropriate for the audience (for example, at an appropriate reading level).
- Use the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation).
- Understand and follow Department and other applicable confidentiality, impartiality, and ethical rules in compliance with Department expectations.
- Understand and maintain the role and observe professional standards for interpreters, translators, or multilingual staff.
- Where applicable, understand the appropriate use of current technologies for providing language assistance, including the proper review and use of machine translation.

Competence can often be achieved by use of certified interpreters or translators, but 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.

Staff should be mindful of the professional responsibility and ethical implications of relying on multilingual internal staff to provide language assistance services in select cases. If a Forest Service office decides to consider using employees whose job duties do not already include the provision of spoken language assistance services to provide such services, they should consult with the FSLAC to obtain resources for language testing, language assessment processes, and LEP-specific qualification requirements.

ii. Steps to Assist in Provision of Effective Services

In addition to ensuring that interpreters and translators are competent, the following are guidelines for provision of effective language access services:

- Staff should be aware of potential interpreter fatigue and the possibility that such fatigue can result in errors and should consider strategies to address interpreter fatigue for longer proceedings, where possible, including frequent breaks for the interpreter or the use of multiple interpreters.
- Qualified interpreters and translators must remain alert to the linguistic and cultural characteristics of both languages involved in the language services. Forest Service

terms are specialized and a part of the USDA “culture.” Language services must be linguistically correct, textually coherent, and conceptually meaningful in relation to the USDA domain/culture, while considering the cultural perspective of the target population.

- The FSLAC in partnership the Regional Civil Rights Offices will develop and maintain a list of common phrasing and Forest Service culturally specific terms that can be provided to contracted translators and interpreters, so that they can prepare prior to an engagement.
- The FSLAC will partner with the COR and contracted vendor to develop methods for testing the readability of translated materials. FSLAC could utilize its stakeholders, such as representatives from state or local governments that administer Forest Service programs and activities, advocacy agencies, immigrant-serving organizations, and community-based organizations, to test readability of translated materials. If Forest Service program participants are used to vet translated materials, do so with caution to ensure participants understand that their eligibility for Forest Service programs is not affected by their participation in the vetting process. Additionally, because Forest Service participants are not qualified translators, any revisions to Forest Service materials must be made by qualified translators after receiving input from the vetting process.
- For both oral and written language assistance services, FSLAC will establish feedback methods by which individuals with LEP can provide feedback or make complaints about the quality of the services and will promptly respond to such contacts. One such method will be that translated documents include a description of how to provide feedback or make a complaint.

I. Language Access Procedures

Each Regional Forester Office in partnership with the FSLAC and Regional Civil Rights offices will have in place specific written policies and procedures related to each of the plan elements and Directors will designate adequate staff for assigned field organizations that will be responsible for implementing activities related to these policies. Given the disparate activities and areas of focus within the Forest Service, it will be incumbent upon each Regional Forester Office to determine the threshold needed for its programs and activities and implement a translation strategy.

The FSLAC in partnership with the Regional Civil Rights Offices shall also provide employees with tools to assist in identifying LEP speakers and their desired languages. This may be accomplished in several ways:

- Self-identification by the LEP individual, or companion.
- Inquiring as to the primary language of the individual if they have self-identified as needing language assistance services.
- Asking a multilingual staff or qualified interpreter to verify an individual’s primary language.

- Using a “Point to your language” poster available from your FSLAC. This document – [found here](#) - provides texts in multiple languages with English-language labels to allow the LEP person to point to and identify their desired language.

The FSLAC should also collect data regarding its provision of language assistance services and be prepared to provide that information for annual reports, requests for information, and to assist in determining the appropriate resource requirements for further language assistance service contracts. Data collection should be conducted, to the extent possible, using the [FS-1700-005 Optional Ethnicity Questionnaire](#). Local units may conduct supplemental data collections provided that it is conducted in accordance with Paperwork Reduction Act requirements and in coordination with the Office of Regulatory Management Services. Additional data will be made available to Regional Civil Rights Offices regarding usage rate and frequency on language assistance service contracts. These data will be warehoused on the LEP SharePoint Site.

While individuals with LEP have the right to refuse language assistance services, staff are encouraged in these situations to reiterate the Department’s policy to ensure meaningful access and provide services at no cost. Such refusal shall be documented and submitted to the FSLAC at SM.FS.CR_LEP@usda.gov.

When arranging or requesting interpreting language assistance services, all Forest Service employees should make every effort to ascertain that the interpreter matches the language and/or language variant that the individual(s) with LEP uses and that they can understand each other fully.

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

- Staff who are not qualified.
- Family members (especially minor children). Use of minor children as interpreters shall be avoided in all but the most exigent situations. Absent exigent circumstances, use of adult family members as interpreters shall be allowed only if the individual with LEP is offered a qualified interpreter and declines that interpreter, in writing.
- Friends.
- Acquaintances or bystanders.

Staff should also be mindful of asking community-based organizations or other volunteers to provide free language assistance services. Such individuals may not have the necessary skills, qualifications, or knowledge of rules of professional responsibility to provide accurate, impartial, and confidential interpreting. This may also unduly burden an organization’s staff and resources, and it may constitute a gift under government ethics rules and/or a violation of the Anti-

Deficiency Act, 31 U.S.C. §1342.⁵ Staff should consult the Forest Service ethics officer on a case-by-case basis regarding any volunteer provision of language assistance services.

J. Staff Training

All Forest Service employees need to know how and when to access language assistance services. For policies and procedures to be effective, the FSLAC and the Regional Civil Rights Offices should take reasonable efforts to ensure that new and existing employees periodically receive training on: the content of the language access policy; identifying language access needs; and, providing language assistance services to LEP individuals. The Limited English Proficiency Working Group (LEPWG) has developed a basic LEP Training that units should use as a training for staff having the potential to interact or communicate with individuals with LEP, staff whose job it is to arrange language support services, and managers of such staff. The LEPLWG will make this training available through the AgLearn Learning Management System. The FSLAC may adapt their training or create entirely new versions provided that they do not conflict with USDA LEP training guidance, available on the LEP SharePoint.

Department staff (including contractors who perform customer-facing roles) need to know how to provide language assistance services. So that policies and procedures can be effective, FSLAC will ensure that appropriate new and existing staff and contractors periodically receive language access and effective communication training relevant to their job duties. Language access training needs are part of assessing professional development requirements for all staff, and should include:

- Identification of individuals with LEP and specific language needs.
- Legal requirements relating to language access for individuals with LEP.
- USDA and Forest Service language access policies and plans, including how and when to access interpretation and/or translation services, and how to record and track the use of language assistance services.
- Use of plain language.
- Best practices for providing meaningful language assistance to individuals with LEP.
- Best practices for working with interpreters in person, over the telephone, or via video remote platforms.
- Best practices for working with translators.
- Interpreter ethics.
- Cultural competency.

Fuller training will be developed by three months after the effective date of this Forest Service LAP. In the meantime, FSLAC will deliver to all public-facing staff a basic briefing on language

⁵ The Anti-Deficiency Act states: “An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. A full description is located on www.govinfo.gov.

access obligations and procedures for delivering interpretation and/or translation services and tracking the use of language assistance services.

K. Hiring Practices and Multilingual Staff

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

When making decisions about hiring or utilizing multilingual staff, OCR in collaboration with Human Resources Management office will:

- Assess the extent to which non-English language proficiency in particular languages is necessary or desired for particular positions or to fulfill Forest Service's mission.⁶
- Consider modifying job descriptions, postings and pay rates for roles that interact with individuals with LEP to include language proficiency as a position requirement informed by assessment of Forest Service language needs.
- Collaborate with USDA Office of Human Resources Management (OHRM) with respect to standard classification language that can be appended to existing position descriptions to aid in hiring positions with language requirements.

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

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

6. ALLOCATION OF RESOURCES

Informed by the four-factor analysis, by three months after the effective date of this LAP, the FSLAC will consider and document the appropriate resources needed for language access

⁶ Consider reviewing *Before You Hire – Ask Yourself: “What are my Project’s Language Needs?”*, available at https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Before_You_Hire.pdf or *TIPS on Building an Effective Staff Language Service Program*, available at https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Effective_Language_Program.pdf.

planning, outreach, and assistance services based on the range of interactions all Forest Service employees has with individuals with LEP. As permitted by resource availability, OCR and designated staff will aim to allocate resources in proportion to the level of current and projected interaction that Forest Service programs have, or may have, with individuals with LEP, including any projected expansion of language assistance services.

7. SELF-ASSESSMENT AND MONITORING

An effective LAP incorporates a system for collecting, tracking, reporting, and monitoring the number of LEP persons served, language preferences, translated materials, and other data points, and then using the data to evaluate the language access services and the plan itself:

A. Data Collection and Reporting

The USDA LAP requires the Forest Service to report certain language access data to the USDA LAC semi-annually, and additional data annually. This data is required to be provided electronically to the USDA LAC. The semi-annual and annual requests may be revised by the LAC, but until such revision, the request is listed in the USDA LAP's Appendix B.

By three months after the effective date of this LAP, the FSLAC will, in consultation with appropriate OCR staff, develop a method for recording and tracking the data needed, including all languages spoken and all language assistance services provided at the point of contact with individuals with LEP. Any personal identifiable information (PII) collected during any stage of this data collection, tracking, and reporting, must be kept confidential and accessible only to authorized personnel. The FSLAC will evaluate this data and report the data to OCR leadership and to the USDA LAC, as required.

The OCR will also encourage state agencies, local agencies, and program operators that administer Forest Service-assisted programs and activities to assess the effectiveness of their LAPs by including language-specific data fields within online applications and capturing language assistance services provided in certification and other case management information systems.

B. Tri-Annual Self-Assessment:

The USDA LAP also requires the Forest Service to conduct a self-assessment of its language access needs and services and to share that self-assessment with the USDA LAC and the LACC. The first such self-assessment is due within two years of the effective date of the USDA LAP, unless the USDA LAC sets an earlier date; subsequent self-assessments are due every three years. The topics of the self-assessment are set out in Part C.12 of the USDA LAP, as is the requirement that for each topic, the Forest Service shall consider whether there is a need or opportunity to improve current policy, implementation, and resources, and whether there is a need or opportunity for any change to the Forest Service LAP.

The self-assessment process will be led by the FSLAC, in collaboration with appropriate Forest Service offices and staff.

8. FEDERALLY ASSISTED ACTIVITIES

The Forest Service is not responsible for providing language assistance services on behalf of entities delivering federally assisted programs and activities. However, for Forest Service programs that provide federal support to state and local governments and other entities, whether through funding, in-kind assistance, training, detail of personnel, or other assistance, Forest Service will work to ensure appropriate language access in those programs, including by:

- Including assurances of nondiscrimination in all federal-state agreements and contracts.
- Reviewing and potentially updating assurance of nondiscrimination language periodically.
- Notifying recipients of their obligations through training sessions and surveys to determine future training needs.
- Providing technical assistance during compliance reviews, evaluations, and resolution processes.
- Recommending recipients to develop or adopt a language access policy, plan, and procedures.
- Detailing minimum compliance requirements, such as designating a LEP coordinator and assessing obligations.

9. DEFINITIONS

- a. **Agency.** A major program organizational unit of the Department with delegated authorities to deliver programs, activities, benefits, and services.
- b. **Agency Heads.** Departmental Under Secretaries, Deputy Under Secretaries, Directors, Chiefs, and Administrators within the Office of the Secretary who receive delegated authority under 7 C.F.R. Agency Heads report to and receive their delegated authorities from Under or Assistant Secretaries as prescribed in 7 C.F.R.
- c. **Agency and office, or agency/office.** All USDA units—including mission areas, agencies, and staff offices—that provide programs, activities, or communication with the public.
- d. **Direct in-language services.** Monolingual communication in a language other than English between multilingual staff and a person with LEP (e.g., Korean to Korean).
- e. **Equity.** The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.⁷

⁷ Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 Fed. Reg. 35, 10825 (Feb. 16, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.

- f. **Federally conducted programs and activities.** Program services, benefits, resources, or information delivered directly to the public by USDA. This means that the agency staff directly interacts with the intended beneficiaries (program users and communities) and the agency is responsible to implement a LAP to serve the intended beneficiaries.
- g. **Federally assisted (or federally supported) programs and activities.** Programs and activities provided by a non-federal entity that receives Federal financial assistance. This means that the recipients of federal funding (sometimes referred to as the providers of the program) directly interact with the intended beneficiaries (program users and communities) and those recipients/providers are responsible to provide meaningful access to LEP persons. The USDA agency or office that distributes the Federal financial assistance provides oversight, monitoring, and technical assistance to those recipients to comply with LEP requirements.
- h. **Federal financial assistance.** Grants and loans of Federal funds; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of, and the permission to use Federal property or any interest in such property or the furnishing of services without consideration, or at a consideration which is reduced for the purpose of assisting the recipient; and any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
- i. **Interpretation.** The process by which the spoken word is used—generally in real-time—when transferring meaning between languages.
- j. **Language Assistance Services.** Oral and written language services used to provide individuals with LEP meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the Department.
- k. **Meaningful access.** Access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals. Language assistance offers meaningful access if it delivers accurate, timely, and effective communication at no cost to the individual with LEP needing assistance.
- l. **Persons (or individuals or communities) with Limited English Proficiency (LEP).** Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP. This includes individuals who may be competent in English for certain types of communication but have limited proficiency in English in other areas (reading or writing).
- m. **Primary language.** The language in which an individual most effectively communicates when interacting with the Department. An individual’s primary language may be a language variant.
- n. **Program or activity.** The term “program or activity” and the term “program” mean all the operations of the Department. For the purposes of this Plan, the definition of “program or activity” is identical to that used under the regulations implementing Section 504 of the Rehabilitation Act of 1973: “[A] federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by the regulation: those involving public contact as part of ongoing agency operations

and those directly administered by the department for program beneficiaries and participants.

- o. **Qualified multilingual staff.** An employee who has proficiency in English and the ability to read, write, or speak in at least one other language at the proficiency level required by the agency/office.
- p. **Qualified translator.** An in-house or contracted translator who has been professionally trained and/or demonstrated competence to translate through national certification or comparable testing and is authorized to do so by contract with the Department or by approval of an agency/office. Qualified translators must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.
- q. **Qualified interpreter.** An in-house or contracted interpreter who has been professionally trained and/or demonstrated competence to interpret through court certification, the State Department, or comparable testing and is authorized to do so by contract with the Department or by approval of an agency/office. Qualified interpreters must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.
- r. **Quality assurance.** The process to ensure accuracy, consistency, quality, and reliability of language assistance services.
- s. **Secretary.** The Secretary of Agriculture or any officer or employee of the Department whom the Secretary has heretofore delegated, or whom the Secretary may hereafter delegate, the authority to act in his stead.
- t. **Sight translation.** Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.
- u. **Tagline.** A short notice in non-English languages informing the general public that a document (e.g., notices of language assistance services, notices of rights, forms, correspondence, etc.) or electronic media (e.g., website, announcement via email, etc.) contains vital information and explaining how to request the document or electronic media provided in other languages.⁸
- v. **Transcreation.** A translation-related activity that combines translation, cultural adaptation and (re-)creation of text to adapt or re-create a message in a different language while making sure the new text is suitable, relevant and useful for the intended local audience and application.
- w. **Translation.** The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.⁹
- x. **Vital document.** Paper or electronic written material that contains information that is critical for accessing an agency/office's programs or activities or is required by law.

⁸ LEP.gov, *Federal Agency Translated Taglines*, available at <https://www.lep.gov/translation#toc-taglines>.

⁹ American Translators Association, *Translator vs. Interpreter: What's the difference?*, available at <https://www.atanet.org/client-assistance/translator-vs-interpreter/>.

Translation of vital documents is required if requested. For more information, see C.8.c.

APPENDIX: FOREST SERVICE DRAFT ON FEDERAL FINANCIAL ASSISTANCE

The Forest Service requires recipients of federal financial assistance take reasonable steps to ensure meaningful access to federally assisted programs or activities for individuals with LEP. The Forest Service also ensures these recipients foster equity¹⁰ 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*¹¹; *DR 4330-005*; the *USDA LAP*; and the *USDA LEP Guidance*.¹²

A. Assurance of Nondiscrimination

The Forest Service informs recipients of their language access obligations in various ways. The Forest Service ensures all federal-state agreements and contracts with recipients for contain an assurance of nondiscrimination that requires compliance with all federal statutes relating to nondiscrimination.¹³ 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;¹⁴ *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. The Forest Service will periodically review the 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.

B. Recipient Notification

In addition to federal-state agreements, OCR notifies recipients about their language access obligations through virtual and in-person training sessions that cover the *USDA LEP Guidance*,

¹⁰ Forest Service 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 the *Forest Service Language Access Plan*.

¹¹ Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 159, 50121 (Aug. 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. 22, 2023).

¹² 79 Fed. Reg. 70771 (Nov. 28, 2014)

¹³ 7 CFR 15.4 Assurances required

¹⁴ 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. FNS 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.

program regulations. OCR is required to conduct Civil Rights trainings annually for recipients. OCR also surveys participants to determine future training needs. Additionally, OCR, in collaboration with Forest Service divisions, offices, and program areas, provides recipients with technical assistance during Civil Rights compliance reviews, program management evaluations, and complaints resolution processes. The Forest Service, in collaboration with other federal agencies such as DOJ, develops and distributes program-specific language access technical assistance resources for recipients¹⁵.

C. Minimum Compliance Requirements

The Forest Service recommends each recipient develop or, in the case of a subrecipient with limited resources, adopt their respective recipient's language access policy, plan and procedures. Forest Service ensures each recipient understands that "the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities," and therefore "in the event that a recipient elects not to develop a written plan, it should consider alternative ways to articulate in some other reasonable manner a plan for providing meaningful access."¹⁶

For most recipients, a plan is crucial and includes a method for:

- Designating a LEP coordinator.
- Assessing language assistance services obligations.
- Identifying individuals with LEP who need language assistance.
- Selecting competent and qualified language assistance services.
- Limiting or restricting use of family, friends, and children as interpreters.
- Translating vital information.
- Training personnel.
- Providing notice to individuals with LEP.
- Ensuring access to websites, digital services, and customer service telephone voicemail menus.
- Recording and tracking language assistance data.
- Engaging with communities with LEP.
- Monitoring and updating the LAP.

¹⁵ [*Meaningful Access for Persons with Limited English Proficiency \(FNS SP 27-2016, May 25, 2016\)*](#); [*Ensuring Language Access for Limited English Proficient \(LEP\) Individuals and Effective Communication for Individuals with Disabilities In Consideration of the Recent Unwinding of the Supplemental Nutrition Assistance Program \(SNAP\) Emergency Allotments \(EA\) and Upcoming Unwinding of COVID-19- Program Flexibilities \(FNS CRD - 001-2023, May 30, 2023\)*](#); [*Language Access in Digital Portals and Data Collection Systems \(August 11, 2023\)*](#); [*Improving Access to Public Websites and Digital Services for Limited English Proficient \(LEP\) Persons.*](#)

¹⁶ [*USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency \(79 F.R. No. 299, p. 70783, November 28, 2014\) \(USDA LEP Guidance\)*](#)

Effective plans also set clear goals, management accountability, and opportunities for community input and planning throughout the process.¹⁷

D. Evaluation of Recipient Language Access Efforts

OCR effectuates *Title VI* compliance by conducting compliance reviews and complaint investigations involving its federally assisted programs and activities administered by state agencies, local agencies, and other program operators. OCR utilizes comprehensive Civil Rights compliance review tools with extensive language access questions to determine whether state agencies are meeting their language access obligations. Similarly, Forest Service programs utilize management evaluation, quality assurance, and program access review tools that also contain language access questions, although currently to a lesser degree. Additionally, Forest Service program personnel review state agency program policies, plans, and procedures for concurrence. 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.
- Processing complaints that allege discrimination involving language access.
- Engaging with community organizations to determine whether the recipient's language services are effective.

Additionally, when reviewing and/or authorizing the Forest Service-related content within websites and digital services, the Forest Service will remind state agencies, local agencies, and other program operators to ensure meaningful access for individuals with LEP during the development and implementation stages of these services. During the review process, the Forest Service will determine whether customer service voicemail menus intended for the public are accessible to individuals with LEP and whether the recipient notifies the public about the availability of free language assistance services in a language that they can understand. This may include testing of customer service lines for language access during reviews. State agencies and other recipients that do not provide meaningful access to customer service lines or effective notice are required to take corrective actions.

The OCR and Forest Service divisions, offices, and program areas, will collaborate if a complaint is filed and/or if noncompliance regarding language access is determined when evaluating a Forest Service federally assisted program or activity. In all cases, the Forest Service will seek the cooperation of the recipient in achieving and maintaining compliance with *Title VI* and its implementing regulations at [7 CFR §§ 15.1 et seq.](#)

¹⁷ *Ibid.*, p. 70784.