



DEPARTMENT OF COMMERCE

LIMITED ENGLISH PROFICIENCY (LEP) IMPLEMENTATION PLAN FOR FEDERALLY CONDUCTED PROGRAMS

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INTRODUCTION

This Plan is developed for Department of Commerce (DOC) operating units to ensure that the programs and activities they normally provide in English are accessible to Limited English Proficient (LEP) persons and, thus, do not discriminate on the basis of national origin. Operating units will be expected to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. DOC examined its policies and practices to determine whether they adversely affect LEP persons. This Plan reflects an assessment of DOC's programs and activities.

The Office of Civil Rights (OCR) was tasked with consolidating the input from DOC bureaus in developing this plan.

This August 2011 Limited English proficiency (LEP) Implementation Plan for Federally Conducted Programs supersedes the previous plan, dated December 2003.

BACKGROUND

English is the predominant language of the United States. However, according to Census 2000 data¹, the United States is also home to around 9.6 million individuals who are “Limited English Proficient,” subject to change pending data from the 2010 Census. There are many individuals who are eligible for federal services, yet cannot effectively use those services due to their limited English proficiency. Acknowledging the issue at hand, former President William J. Clinton signed Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency” (EO) on August 11, 2000.² The President recognized that language barriers were preventing the Federal Government from effectively serving a large number of LEP people in U.S. and set upon the framework to ensure accessibility for all.

Specific language information pertaining to the DOC is not readily available, but data taken from the Census Bureau provides a guideline that references the language groups most likely to be limited English proficient. According to Census 2000 data, 32.4% of all Spanish-speakers 31.7% of all Chinese speakers and 37.5% of all Vietnamese-speakers reported that they spoke English “not well” or “not at all.” The DOC is committed to improve accessibility to eligible LEP persons.

The Department of Justice (DOJ) issued general guidance (Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons), which sets forth four factors Federal agencies must consider to ensure that the programs and activities they normally provide in English are accessible to LEP persons and do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. These factors are the following: (1) number or proportion of LEP individuals; (2) frequency of contact with the program; (3) nature and importance of the program, for example, whether denial or delay of access may have life or death implications; and 4) resources available. Operating units were directed to apply these factors in assessing the accessibility of all federally conducted programs and activities to LEP persons.

1 See Appendix 1

2 See Appendix 2

LEGAL AUTHORITY

I. EXECUTIVE ORDER 13166: “IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY”

The purpose of this Executive Order (EO) is to eliminate, to the maximum extent possible, limited English proficiency as an artificial barrier to the full and meaningful participation by beneficiaries in federally assisted and federally conducted programs and activities. The EO also requires Federal agencies to implement a plan to ensure access to its federally conducted programs and activities by eligible LEP persons. It requires each Federal agency to examine the services it provides, identify any need for services, and develop a plan to provide those services so LEP persons can have meaningful access to them. The EO also requires agencies that provide federal financial assistance (federally assisted programs) to draft LEP guidance for recipients.

II. DEPARTMENT OF JUSTICE GUIDANCE AND ATTORNEY GENERAL MEMORANDUM

The Department of Justice guidance analyzed a significant body of Federal case law that should be used to guide agencies in adopting these standards. Although the cases affirm the obligation of recipients of federal financial assistance to ensure that LEP persons can meaningfully access federally assisted programs, their findings speak to the disparate treatment of LEP individuals when they are denied meaningful access to Federal programs and services. DOC acknowledges their relevancy to agencies by ensuring that LEP persons can meaningfully access federally conducted programs and activities. DOC enforces nondiscrimination on the basis of national origin through its regulations at 15 C.F.R. 8

In a February 17, 2011 memorandum from Attorney General Eric Holder,³ agencies were requested to undertake eight (8) action items to ensure compliance and engagement with Executive Order 13166, including the submission of an updated LEP plan within six months after the issue date of said memorandum to the Department of Justice (DOJ). Thus, ensuring steps will be taken to provide effective communication between LEP individuals and the corresponding agency.

Furthermore, in May 2011 the Department of Justice’s (DOJ) Federal Coordination and Compliance Section (previously the ‘Coordination and Review Section), issued a planning tool titled “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs.”⁴ The purpose of this tool was to “ensure that [the] agency communicates effectively with limited English proficient (LEP) individuals.” The DOC utilized this tool as guidance when updating its LEP plan.

³ See Appendix 3

⁴ See Appendix 4

DEPARTMENT OF COMMERCE

OBLIGATION TO TAKE REASONABLE STEPS TO PROVIDE LEP INDIVIDUALS WITH MEANINGFUL ACCESS

The DOC mission is to promote job creation, economic growth, sustainable development and improved living standards for all Americans by working in partnership with business, universities, communities and workers to: 1) build for the future and promote U.S. competitiveness in the global marketplace by strengthening and safeguarding the nation's economic infrastructure; 2) keep America competitive with cutting-edge science and technology and an unrivaled information base; and 3) provide effective management and stewardship of the nation's resources and assets to ensure sustainable economic opportunities. In fulfilling this mission, DOC works with many different clients, including manufacturers, service companies, science/research and development firms, industry, trade, and professional associations, universities, economists, government agencies, and individuals who are interested in obtaining information and assistance in either starting a minority-owned business, or in starting or expanding an export business. Current participation of LEP persons in Commerce's programs and activities is mainly negligible.

The EO states that the "Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language." Unlike many Federal agencies that provide services and benefits such as immigration benefits, food stamps, educational programs, Medicaid, housing, job training, emergency services, and public legal assistance, DOC does not provide 'services and benefits' of the entitlement or general public service type. However, it provides services to the public in the form of information and assistance on business-related matters, the decennial census, and information pertaining to the forecasting of storm warnings, hurricanes, tornadoes, and other weather-related events.

DOC's obligation to make weather forecast products accessible to LEP persons is a matter of national public safety. While it is true that, in most instances, one must be proficient in English to engage in business in this country, this is not universally the case. Many who came to this country with nothing more than the will to succeed have built thriving businesses despite a limited grasp of English. Although the participation of LEP individuals in DOC programs has to date been negligible, DOC recognizes that such persons might inquire about its programs, if they had access to this information through language services.

In keeping with the spirit and intent of the EO, i.e., to improve access to services (information) for persons with LEP, DOC acknowledges its obligation to take reasonable steps to make sure LEP persons can access DOC for business information.

PLAN REQUIREMENTS

I. WHAT IS COVERED?

DOJ advised that the definition of “federally conducted program or activity” should be the same as the definition used under the regulations for application of Section 504 of the Rehabilitation Act of 1973 to federally conducted programs (28 C.F.R. Pt. 39). That definition states: “A Federally conducted program or activity is, in simple terms, anything a Federal agency does.” DOJ further advised that, aside from employment, there are two categories of federally conducted programs or activities covered by the regulation: those involving general public contact as part of ongoing agency operations and those directly administered by the department for program beneficiaries and participants. Activities in the first part included communication with the public (telephone contacts, office walk-ins, or interviews) and the public’s use of the Department’s facilities. Activities in the second category included programs that provide federal services or benefits (immigration activities, health clinics, schools, etc.).

The LEP Guidance directed that each federal agency plan to improve access to its federally conducted programs and activities by eligible⁵ LEP persons must be consistent with the standards set forth in the LEP Guidance. DOJ required agencies to take reasonable steps to provide meaningful access for LEP persons to its federally conducted programs and activities. The standards provided four factors to be considered in determining ‘reasonable steps’: (1) number or proportion of LEP individuals; (2) frequency of contact with the program; (3) nature and importance of the program, for example, whether denial or delay of access may have life or death implications; and 4) resources available.

II. ASSESSMENT OF NEED

DOC conducted an assessment of its bureaus’ programs and activities to determine: (1) the number or proportion of LEP individuals participating in the respective programs and activities; (2) the frequency of contact with the program; and (3) the nature and importance of the program. Bureaus completed a survey that asked the following questions:

Does your Bureau/Office have program activities involving general public contact? If YES, please address the following assessment.

I. Communication with the Public: *Please describe each type and answer the second and third columns appropriately.*

Will persons likely to participate in this activity be able to do so if they are Limited English Proficient?
Please indicate accordingly and explain.

YES _____ NO _____

5 LEP person eligible to be served and/or likely to be affected by the given program.

If the answer is NO, what corrective active actions do you plan to implement to improve access?

II. Programs that provide Federal services or benefits: *Please describe each type and answer the second and third columns appropriately.*

Will persons likely to participate in this activity be able to do so if they are Limited English Proficient? *Please indicate accordingly and explain.*

YES _____ NO _____

If the answer is NO, what corrective active actions do you plan to implement to improve access?

Once the bureaus answered the aforementioned survey, they were advised to proceed with a more extensive survey titled "Department of Commerce 2011 Federal Language Access Survey." Its questions derived mainly from the Department of Justice's Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs.

III. ASSESSMENT FINDINGS

Some bureaus reported current participation of LEP individuals to be minimal to negligible in their federally conducted programs and activities. Their responses to the first two factors, i.e., (1) number or proportion of LEP individuals in the eligible service population, and (2) frequency of contact with the program, are both negligible. Given the low number and instances, it is difficult to accurately assess the nature and importance of the programs for persons with LEP and to determine what resources are necessary. Bureaus who reported LEP participation to be minimal or negligible were the Bureau for Economic Analysis (BEA), the Economic Development Administration (EDA), the Economic and Statistics Administration (ESA), the Bureau for Industry and Security (BIS), the National Technical Information Service (NTIS) and the National Institute of Standards and Technology (NIST).

As stated in the DOJ Guidance "Accordingly, 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." As it is, the survey questions identified language assistance activities the bureaus provided on the rare occasions when the need surfaced.

Bureaus' analyses of their federally conducted programs and activities fell into three distinctions: (1) Federally conducted programs and activities which had some interface with LEP individuals and provided language assistance (U.S. Census Bureau, MBDA); (2) Federally conducted programs and activities which reported negligible interface with LEP individuals, but recognized the lack of accessibility of their programs to this population (NTIA, NIST). These bureaus agreed to work with the Department to take corrective action to improve the accessibility of their programs to LEP persons; and (3) Federally conducted programs and activities that reported negligible interface with LEP individuals e.g., Bureau of Economic Analysis (BEA), Economic Development Administration (EDA), Bureau for Industry and Security

(BIS), the National Technical and Information Service (NTIS), the National Institute of Standards and Technology (NIST).

BUREAUS' LEP INITIATIVES

U.S. CENSUS BUREAU

INTRODUCTION

The Census Bureau conducts censuses and surveys throughout the decade to measure demographic and economic conditions of the nation. Many of these operations utilize bilingual/multilingual approaches to provide outreach and operational support to Limited English Proficiency groups. In order to increase access to Census Bureau operations and data to these communities, the agency has enhanced its operations through several venues by providing language support. These included the following:

Census Information Centers: Through a Memorandum of Agreement, the Census Bureau expanded its partnership with communities and organizations from five minority organizations to 57 national, regional, and local non-profit organizations to increase access to Census Bureau data, including a full array of data products along with training and technical support. In return, the Census Information Centers serve as repositories of census data and reports. The Census Information Centers use census data in areas such as program planning, advocacy needs assessment, service-area-definition, public policy developments, new business development and racial/ethnic research. The Census Information Centers have made and will continue to make census information and data available in the languages of the communities they serve.

State Data Centers: The Census Bureau's State Data Center program has, since 1978, provided an effective vehicle for the dissemination of information about Census Bureau programs and products to state and local governments. The Business and Industry Data Center component was added in 1988 to address the data needs of local business communities. The State Data Center network is comprised of approximately 1,800 independent organizations throughout the United States, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. The Census Bureau and the states signed a Memorandum of Agreement to support this federal-state partnership. These organizations include state agencies, universities, regional planning and government agencies, and trade associations. These organizations provide local access and technical assistance (including translated census materials) to varied audiences on Census Bureau data for planning and decision-making by local governments and businesses.

Census Bureau Data Products: All 2010 Census data, available for all 50 states and D.C., are also available for Puerto Rico, in Spanish. The main data dissemination interface, American FactFinder, is available in Spanish for data users to obtain 2010 Census data for Puerto Rico. The Census Briefs and other Special Reports provide data for population groups and will be translated into Spanish and Asian languages, as applicable to their topic.

Major Programs

There are several directorates within the Census Bureau that operate with Limited English Proficient responsibilities. The major operations at the Census Bureau that reach out to Limited English Proficient communities are the Decennial Census, American Community Survey, Demographic Surveys, and Economic Censuses and Surveys. The description of the four major programs along with their language support services are explained in the sections that follow.

DECENNIAL CENSUS

The 2010 Census included a number of activities that helped ensure the entire population was counted. The goal was to identify the most effective way to provide the opportunity to respond to the 2010 Census for people who do not speak English very well or at all. A variety of Language Assistance Program components were complementary efforts that ensured residents who do not speak English were aware of, and had access to, a wide range of options.

Language Selection and Supporting Materials and Operations

The Census Bureau provided input for the selection of languages to be used to create content for the census questionnaires (Spanish, Chinese, Korean, Vietnamese, and Russian), language assistance guides, and related materials provided to non-English speaking populations. The Census Bureau also selected the areas where English/Spanish bilingual questionnaires were delivered.

The supporting materials and operations included the following:

- **Questionnaires** – Questionnaires (available at Be Counted Sites and/or requested through Telephone Questionnaire Assistance) were translated into Spanish, Chinese, Korean, Vietnamese, and Russian to provide respondents the opportunity to fill out their questionnaires in their native languages.
- **Bilingual English/Spanish Questionnaires** – Bilingual questionnaires were delivered to almost 12 million housing units located within “Spanish Assistance” tracts. The questionnaires had side-by-side response columns (English and Spanish) with the same questions and response categories in both languages.
- **Language Assistance Guides** – Language Assistance Guides were created in 60 different languages that provided translations of each question and instruction on the 2010 English Census form. These were made available via the 2010 Census website, Telephone Questionnaire Assistance, Be Counted sites, and media and other promotional outlets.

- **Informational Questionnaires** – Informational Questionnaires were created in English, English/Spanish (bilingual), Spanish, Chinese, Korean, Vietnamese, and Russian. These were replicas of the production forms and used for informational purposes. Informational questionnaires were made available via the 2010 Census website and distributed through media and other promotional outlets.
- **Language Identification Cards** – Language Identification Cards were created in English and 50 other languages to help determine what language respondents needed assistance in. These were utilized during field operations.
- **Language Reference Dictionary** – A Language Reference Dictionary was created in Spanish, Chinese, Korean, Vietnamese, and Russian. Its intent was to provide a glossary of commonly used census terms and phrases to help in maintaining consistency among translated terminology during preparation of translated documents and materials being prepared for dissemination.
- **Telephone Questionnaire Assistance** – Telephone assistance was available in English, Spanish, Chinese, Korean, Vietnamese, and Russian for respondents to enable them to provide their information over the phone, request a questionnaire or Language Assistance Guide, and/or to have their questions answered about the census.
- **Instructional Videos** – Instructional videos were created in English and 59 other languages to explain how individuals and households should complete their questionnaire and were made available on the 2010 Census website.
- **Frequently Asked Questions** – A list of frequently asked questions available in Spanish, Chinese, Korean, Vietnamese, and Russian, used by telephone agents responsible for responding to callers seeking questionnaire assistance, were also uploaded on the 2010 Census website.
- **Translations** – A set of translation guidelines was developed in order to ensure translation quality and cultural appropriateness of translated materials. These translation guidelines recommend a committee approach to translation and pretesting of translations with speakers of target languages.
- **Cognitive testing of questionnaires** – A series of cognitive testing was conducted with speakers of target languages to evaluate the Bilingual English/Spanish questionnaire and questionnaires translated into Chinese, Korean, Vietnamese, and Russian to ensure that the translations were accurate, correct, and appropriate.
- **Direct Mail Postcards** – An additional postcard providing the Telephone Questionnaire Assistance numbers was created in English, Spanish, Chinese, Korean, Vietnamese, and Russian. These postcards were sent out between the period of the initial mailing of

the 2010 Census forms and the reminder postcards to all addresses within a zip code area determined to be in need of assistance in Chinese, Korean, Vietnamese, or Russian.

CENSUS OUTREACH

Integrated Communications: The 2010 Census Integrated Communications Campaign began in January 2010 and continued through July 2010. The Census Bureau hired a multicultural and multiethnic team of contractors to help ensure the campaign was diverse enough to reach the entire population of the United States. This was a multimedia campaign that took a multilingual and multi-targeted approach using traditional media such as TV, radio, print, and out of home, as well as new (e.g. online) and non-traditional media (e.g. local community stores).

The components of the campaign included public relations, direct marketing, advertising, earned media, as well as other grassroots focused programs, such as the Census in Schools, the Partnership Program, and the Portrait of America Road Tour. The campaign was developed in 28 different languages to support the non-English speaking audience. Through this mass communications campaign, advertisements in 28 languages also educated residents about the census and its importance while providing continuous motivation to participate.

Census in Schools: The Census in Schools program provided teaching guides, including lesson plans and student worksheets, for all kindergarten through 8th grade schools, and lesson plans for 9th through 12th grade schools. Targeted outreach extended throughout the program to kindergarten through 8th grade district-level superintendents, state-level social studies supervisors, adult English as Second Language managers, English Language Learners, high school social studies chairpersons, kindergarten through 8th grade media specialists, and parent-teacher organization/parent-teacher association presidents.

Take-home materials for kindergarten through 8th grades were translated into 28 languages and included Telephone Questionnaire Assistance numbers for English, Spanish, Chinese, Korean, Vietnamese, and Russian and Web links for language assistance. Spanish Census in Schools materials were sent to Puerto Rico and U.S. Virgin Island schools. Printed English and Spanish take-home materials were sent to all schools throughout the United States, Puerto Rico, and U.S. Virgin Islands. English and Spanish versions of the Census in Schools lessons were made available on the 2010 Census Web site for public, private, and home schools throughout the United States.

Partnership Program: The mission of the Partnership Program for the 2010 Census was to engage in efforts to help raise awareness of and increase participation in the census through the development of local and national partnerships and to provide outreach and operational support for Census programs in hard-to-count populations. In support of the Partnership Program, the 2010 Census Integrated Communications Campaign contract team produced close

to 300 different promotional materials and products designed to reach those living in the United States and Puerto Rico. These were allocated to the 12 Census Regional Offices for dissemination to partner organizations for use when reaching out to and educating communities across the country on the benefits of participating in the census. Customizable products were developed in 28 non-English languages in an effort to motivate census participation.

The Partnership Program distributed Language Assistance Guides, Language Identification Flash Cards, and informational census questionnaires and supported multilingual enumerators, Questionnaire Assistance Centers (30,000), and Be Counted sites (40,000). The 12 regional offices hired over 227 partnership staff that had over 100 language capabilities to support their outreach efforts.

Portrait of America Road Tour: The Portrait of America Road Tour was held across the country to educate the public about the census and motivate people to complete and mail back their forms. There were 13 vehicles, one for each of the 12 Census Bureau Regions and one national vehicle. They were specifically designed to educate, engage, and encourage participation across the entire population.

The Portrait of America Road Tour delivered an interactive experience integrated with the rest of the communication efforts through the use of common images and digital media as it aimed to reach hard-to-count populations in their communities. Promotional items were produced in English, Spanish, and Puerto Rican Spanish. Regional staff supplemented Road Tour stock at events, providing printed in-language materials distributed based on the targeted audience and their language needs.

Be Counted/Questionnaire Assistance Center: The Be Counted operations were designed to provide assistance to individuals who did not or believed they did not receive a census questionnaire during the mailout/mailback period or were not included on the census questionnaire returned from their address. Be Counted forms were available in English, Spanish, Chinese, Korean, Vietnamese, and Russian in the United States, as well as in Spanish and English in Puerto Rico. The forms were available at joint Be Counted/Questionnaire Assistance Center sites as well as Be Counted sites independent of the joint Be Counted/Questionnaire Assistance Center sites.

Local community organizations in hard-to-count areas, primarily defined by Census 2000 results, hosted the Questionnaire Assistance Centers. The hosting organizations in hard-to-count areas were selected based on a variety of factors, including connection with residents who spoke languages other than English. All Questionnaire Assistance Centers had copies of the Language Assistance Guides in 59 languages to help individuals within the neighborhood who needed additional assistance in other languages that were not available by staff at each site.

Additionally, Questionnaire Assistance Centers provided a venue in which individuals could

receive assistance to fill out their questionnaires. Questionnaire Assistance Center representatives had resources such as a Job Aid in Spanish that explained their main duties and included frequently asked questions to answer general questions, a Questionnaire Reference Book to answer specific questions, language flashcards to identify the language of the respondent, and Language Assistance Guides in 59 languages.

AMERICAN COMMUNITY SURVEY

American Community Survey forms are mailed every month to a random sample of addresses in each county. If a household does not respond in six weeks, Census Bureau staff will attempt to contact the respondent by telephone to complete the survey. Finally, a sample of the remaining non-respondents is visited by Census Bureau staff for an in-person interview.

Currently, all stateside American Community Survey respondents receive an English questionnaire in the mail. That questionnaire includes an explanation on the cover in Spanish that provides a toll-free number they can call to obtain help in Spanish, or receive a Spanish paper form in the mail. In Puerto Rico, the American Community Survey does something similar—mailing a Spanish questionnaire to all households and mailing an English questionnaire upon request. In late 2011, the American Community Survey will begin to include a multilingual brochure with the pre-notice letter sent to the respondent to inform the respondent how he/she may obtain assistance in completing the survey in English, Spanish, Chinese, Korean, Russian, or Vietnamese.

The American Community Survey is currently developing language guides for the paper questionnaire in Chinese and Korean. The language guides will be available upon respondent request and will also provide a useful translation study guide for personal visit and telephone interviewers in these languages.

The American Community Survey has many bilingual staff working on the Telephone Questionnaire Assistance lines and conducting telephone interviews. More than 35 languages are spoken by these bilingual telephone interviewers. If an interviewer cannot identify the language spoken, other bilingual interviewers who speak different languages attempt to call and complete the interview.

The American Community Survey also has many bilingual staff working in the field data collection conducting personal visit interviews. These bilingual staff can conduct interviews with respondents in many languages. In addition, there is a network of interpreters that Regional Offices and their Field Representative can call upon when they encounter a non-English speaking household. If an American Community Survey Field Representative encounters a respondent who speaks a language that the Field Representative does not speak,

the first attempt is to have another household resident (age 15 or older) interpret the interview. If this is not possible, then another option is to obtain a telephone number and conduct a telephone interview using a Field Representative that speaks that language.

In addition, there are informational materials that are available in languages other than English. The American Community Survey currently uses a Language Identification Flashcard to help the respondent identify his/her non-English language at the door. Significant effort and resources are placed in the development of translated materials that a personal visit interviewer can use with respondents. These materials include:

- An introductory letter
- A thank you letter
- A short informational brochure
- A longer Question and Answer brochure

The Census Bureau has translated and cognitively tested these materials in Spanish, Chinese, Russian, Korean, Vietnamese, French, Haitian Creole, Portuguese, Polish, and Arabic. Interviewers are finding these materials to be very helpful in obtaining cooperation from households that speak these languages. Also, the Census Bureau has recently translated some letters to be used with reluctant respondents in the telephone and personal visit phases of data collection.

DEMOGRAPHIC SURVEYS

Throughout the decade, the Census Bureau conducts many monthly, quarterly, or annual surveys to measure demographic and economic conditions. Census Bureau regional offices and telephone centers have bilingual or multilingual interviewers/interpreters available for non-English speaking households. A brochure that explains the Census Bureau pledge of confidentiality has been translated into Spanish for distribution to survey respondents. Additionally, many of the questionnaires, explanatory letters, and other materials are also available in Spanish or other non-English languages.

These include:

- **Current Population Survey:** An advance letter, flash-card booklet, questionnaire, informational material titled *"The Changing Situation of Americans and their Families"* continue to be utilized. Additionally, the Census Bureau is currently developing advance letters in non-English languages other than Spanish.
- **Survey of Income and Program Participation:** An advance letter, questionnaire, flash-

card booklet continue to be utilized.

- **National Health Interview Survey:** An advance letter, flash-card booklet, questionnaire, informational booklet, immunization permission form, consent form, and thank-you letter continue to be utilized.
- **National Crime Victimization Survey:** Various questionnaires, information-card booklets, and advance and thank-you letters continue to be utilized.
- **Consumer Expenditure Survey:** The consumer expenditure diary and flash card booklets continue to be utilized.
- **American Housing Survey:** An advance letter, questionnaire, and flash card booklet continue to be utilized.

ECONOMIC CENSUSES AND SURVEYS

Economic Census

For the 2012 Economic Census, phone centers in Jeffersonville, IN and Tucson, AZ will be prepared to answer questions from non-English speaking callers. Currently, the phone centers employ 265 staff supporting 14 languages. All other requests will be handled on an ad hoc basis. For the 2007 Economic Census, the phone centers answered most in-language requests on an ad hoc basis, identifying around 20 bilingual/multilingual employees to assist as needed. The Census Bureau plans to maintain a list of such employees for future contact.

Additionally, for the 2007 Economic Census, the Economic Directorate provided nine Spanish language forms for companies based in Puerto Rico. The Census Bureau also provided Spanish language instructions for the forms. For the 2007 Survey of Business Owners, when staff received a request for a Spanish form, they informed the caller that forms were only available in English. When the call was complete, however, staff used an online Spanish Form Request Counter in the Telephone Assistance Menu on the internal version of the Business Help Site. This was to inform Survey of Business Owners staff of the number of Spanish forms requested.

Foreign Trade Division

The Census Bureau's Foreign Trade Division has developed several programs and outreach activities to address the non-English speaking trade community. Many of the educational efforts and export resources available are prepared in both English and Spanish. The following

ongoing outreach activities held throughout the United States are conducted in Spanish:

- Automated Export System (AES) Compliance Seminars
- AESPcLink Workshops
- U.S. Customs and Border Protection Port Training
- Webinars on export reporting
- Individual company visits within the export trade community

Many of the resources produced for the export trade community have been translated into Spanish to ease burden on this sector of the customers. The following export resources are available in Spanish:

- Export Compliance Flipper – A Quick Guide to Title 15, Part 30 Foreign Trade Regulations
- Quarterly Automated Export System Newsletter
- Foreign Trade Division Call Center has coverage for Spanish speaking customers
- Incoming E-mails in Spanish are responded to in Spanish
- AESPcLink data collection application

In addition to the above mentioned activities, the Foreign Trade Division continues to build upon its partnerships with various Spanish speaking agencies and associations. Strong ties have been developed with the Hispanic Chamber of Commerce, the Texas Brokers Association, Laredo Freight Forwarders Association, and several others. Through these partnerships, educational activities including Automated Export System Compliance Seminars and AESPcLink Workshops are conducted in Spanish to ensure export reporting compliance.

INTERNATIONAL TRADE ADMINISTRATION (ITA)

Trade Information Center: The International Trade Administration (ITA) manages the Trade Information Center, a comprehensive resource for information on all U.S. Government export assistance services. The TIC provides trade information to the public through a toll-free number at 1-800-USA-TRAD(E) and can provide assistance to Spanish-speaking individuals.

In addition, ITA's U.S. and Foreign Commercial Service (US&FCS), its principal outreach arm to the American public through 105 offices across the United States, has the ability to make ITA's services available to persons with limited English proficiency through a select number of languages. Numerous employees working in US&FCS U.S Export Assistance Centers speak several languages and can assist LEP clients; however, the language ability of each USEAC depends on the skills of specific employees. In addition, Spanish-speaking personnel are stationed in California, Texas, and Florida.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST)

National Institute of Standards and Technology (NIST)

The mission of the National Institute of Standards and Technology is to strengthen the U.S. economy and improve the quality of life by working with industry to develop and apply technology, measurements, and standards. NIST accomplishes this mission by providing a range of products and services that improve the quality of U.S. goods, services, and organizations, and enhance the technology and manufacturing infrastructure of the nation.

NIST works with many different customers, spanning diverse areas. These include U.S. industry, including manufacturers, service companies, and science/R&D companies; industry, trade or professional associations; Members of Congress and other policy decision makers; academic institutions; government agencies; and the general public.

National Institute of Standards and Technology

Telephone Calls, Faxes, and E-Mail: In FY 2010, NIST's Public Inquiries Office handled more than 7,300 general and technical inquiries by phone, e-mail, fax, and postal mail. Most calls from LEP individuals would be processed through this office; staff estimates that fewer than 1 percent of telephone inquiries are from LEP individuals. Calls and inquiries from LEP individuals are handled on a case-by-case basis. If the language needed can be determined, efforts are made to contact a NIST employee fluent in that language.

The International and Academic Affairs Office (IAAO) and Office of Information Services (NIST Research Library) have provided assistance on an informal basis. IAAO has staff who have handled requests from LEP individuals speaking Spanish, French, Portuguese, Italian, Japanese and Mandarin Chinese. IAAO coordinates the foreign guest researcher program at NIST and can ask for foreign guest researcher assistance in translating calls, faxes, or e-mails. NIST hosted more than 840 guest researchers from over 74 different countries in FY 2010.

In addition IAAO has an agreement with the Office of Language Services at the U.S. State Department for language translation and language comparison. The NIST Research Library staff currently includes people fluent in the following languages: Armenian, Cantonese, German, Indonesian, Mandarin, Russian, Spanish, and Thai. The staff of the library is available to assist with foreign language visitors and inquiries.

Tours: The NIST Office of Public and Business Affairs organizes and leads approximately 50 tours per year. We host VIPs from U.S. government agencies and industry, peer professionals attending English-language conferences at NIST, and science students from American

universities and local secondary schools. Should the need arise, our tour director is fluent in Spanish and efforts will be made to have bilingual speakers able to speak the appropriate language and answer specific questions. Peer professional tours generally consist of highly educated individuals with technical backgrounds. NIST might occasionally host international tours of non-English-speaking individuals. Such tours usually provide their own interpreter.

Audiovisual Materials: NIST's Weights and Measures Division distributes a Spanish language version of a training CD "NIST SP1001S – Basic Mass Metrology." (This is a core topic in the training of state and local weights and measures inspectors.) The publication date is September 2003. The Spanish language version is sent by request. About a dozen are distributed each year.

Special NIST Programs

Manufacturing Extension Partnership (MEP): MEP is a network of not-for-profit centers across the country in over 370 locations nationwide. The program's sole purpose is to provide small and medium-sized manufacturers with the technical and business assistance to help them create and retain jobs, increase profits, and save time and money. The nationwide network provides a variety of services, from innovation strategies to process improvements to green manufacturing. The centers are linked together through the national program headquartered at NIST. Several centers serve LEP clients in their local region.

Examples of the services include Lean English Essentials (Lean for Limited English Speakers). This service provides ESL support and instruction in the essential vocabulary of Lean to prepare LEP workers to participate in company-wide activities conducted in English. Lean ESL helps organizations more effectively and more quickly implement Lean through the adoption of the ideas and talents of their LEP workers.

Measurement Service Programs: NIST's Standard Reference Data (SRD) and Calibrations programs have links for Spanish-speaking customers. The Spanish version of the SRD Price List is available at http://www.nist.gov/srd/dblist_spanish_v.cfm and Calibrations Services ordering information may be found at <http://www.nist.gov/calibrations/spanish.cfm>. In addition, three Spanish-language brochures describe Calibrations Services, Standard Reference Materials and Standard Reference Data programs.

Baldrige Performance Excellence Program: The Baldrige Performance Excellence Program provides easy-to-use questionnaire and performance measurement tools to help organizations assess their performance and learn how to improve, which are available in Spanish-language versions at http://www.nist.gov/baldrige/publications/upload/AWMP_Spanish_Version.pdf ("¿Estamos Progresando?") and http://www.nist.gov/baldrige/publications/upload/AWMPAL-Spanish_Version.pdf ("¿Estamos Progresando como líderes?").

Bureaus Corrective Actions to meet LEP needs:

NIST is committed to ensuring access for all U.S. citizens to its services. At present, NIST is aware of very few requests for services from LEP individuals. Nevertheless to ensure that NIST is not neglecting customers who require these services but are unable to communicate their needs, NIST will provide a Web page where LEP individuals can request services in a variety of language other than English. Requests made through this page will be tracked and reported in the following year. Efforts will be made to ensure that interpreters can be provided for the top five most requested languages.

The Web page will be linked from the NIST home page at www.nist.gov.

In addition, within the next year, NIST will produce a set of overview Web pages describing its services and will translate the content of these pages into the top five most popular languages identified by the U.S. Census Bureau as those most likely to be spoken by LEP individuals. Each page will have a contact email for further assistance.

MINORITY BUSINESS DEVELOPMENT AGENCY (MBDA)

Telephone: MBDA's communication with the public relates primarily to requests for referrals to programs that provide business development services to eligible minority business persons: African Americans, Spanish-speaking Americans, Asian-Pacific Americans, Native Americans, Puerto Ricans, Asian Indians, Inuit or Alaskan Natives, and Hasidic Jews. MBDA has a widely diverse workforce representing all minority groups it services in the Washington DC area headquarters and throughout its field offices around the country. Thus LEP individuals are able, over the telephone or in person, to request referrals to Agency programs.

Internet Portal: The Internet Portal provides on-line business development tools, services and referrals to services to the above-referenced eligible minority business firms. LEP persons may not be able to understand the information that is provided on the Internet Portal in English. However, the website has a language translator tool to translate the information to numerous languages. MBDA's home page provides information in Spanish, Yiddish, Navajo, and the most commonly spoken Chinese dialects, instructions on further information concerning access to services.

MBDA is a small but highly diverse agency and we have representatives from minority groups who speak various languages in our staff. Therefore, in the rare case where we may need to assist LEP persons, we have the resources to do so through our staff and network of funded centers.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

NATIONAL WEATHER SERVICE (NWS)

National Weather Service (NWS): The National Weather Service (NWS) provides continuous forecast and warning services for the protection of life and in support of the Nation's economic well-being. This is provided for air, land and sea with products that include meteorological, hydrologic, tsunami, space and climate information for the United States, its territories, adjacent waters and ocean areas. The accumulated NWS products, services and information forms a national database and infrastructure for the use of local, state and federal governmental agencies, the media and business sectors, the public, and the global community. The NWS has made major steps in implementing systems by which limited English proficient (LEP) persons can access meaningfully life-saving warnings as well as vital weather, water, climate and space information to enhance their health and economic means by minimizing language barriers through timely and effective translations in a manner that effectively reaches millions of citizens and visitors.

Internet Portal: Forecast offices within the Southern Region of the NWS now feature Spanish-language forecasts, watches, warnings, advisories and hazardous weather outlooks on the Internet. Each website of the 32 Weather Forecast Offices in 12 southern states and US territories from New Mexico through Florida and to include Puerto Rico and the U.S. Virgin Islands, launches to a watch, warning and advisory map. Selecting a point on the map sends visitors instantly to a link "en español" to view weather information in Spanish. Additionally, forecast offices use a new Interactive Forecast Preparation System (IFPS) to draw raw weather data directly from the NWS National Digital Forecast Database (NDFD) to automatically create Spanish language Point Forecast pages.

Radio: The automated NOAA Weather Radio programming system supports Spanish language recordings and broadcasts. Spanish language synthesized voices provide for select products received in Spanish language. In addition, transmitters serving a significant Hispanic population in the El Paso, San Diego, San Juan and Miami areas broadcast automated Spanish translations of all emergency weather and natural hazard messages issued for the Emergency Alert System (EAS). These translations service NOAA Weather Radio listeners by broadcasting immediately after the official EAS warning is issued.

Written Materials: Many Weather Forecast Offices, including NWS Headquarters, have select Spanish-language brochures available in viewable, printable and downloadable formats.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA)

4. NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Communication with the Public: Telephone contacts, Electronic Mail contacts, Freedom of Information Act Requests, Public Conferences and Meetings, NTIA Public Home Page. Each of the types of public contacts are routine communications between the agency's personnel and the general public in the conduct of the agency's mission to develop public policy with respect to domestic and international telecommunications and information issues. While NTIA has no records indicating that persons with limited English proficiency have been unable to participate in the agency's activities, it is likely that their ability to do so would be limited. NTIA will cooperate with the Department as it oversees a Bureau-wide analysis of LEP accessibility.

NTIA administers programs for grants that were awarded to assist state and local governments, educational institutions, public service agencies, and other groups in effectively using telecommunications to better provide public services and advance other national goals. Currently, NTIA does not have any open grant programs. Any future grant programs will no longer need to incorporate specific program guidance regarding LEP since the guidance has been incorporated into the standard terms and conditions for all Commerce grants.

NTIA publishes information regarding the grant program (notices, posters, etc.), when needed, in the specific language of the largest population being assisted. NTIA previously provided Spanish translation of information for the Digital Television Coupon Program. However, NTIA has not recently administered similar programs.

Anticipated Time Frame for Periodic Reevaluation of LEP Plan

In accordance to the February 17, 2011 memorandum from Attorney General Eric Holder, requesting all federal agencies to recommit to the implementation of Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency (LEP),” the U.S. Department of Commerce (DOC) hereby establishes an anticipated time-frame for periodic reevaluation of its LEP plans and related documents.

This periodic reevaluation encompasses a responsibility between the Department of Commerce and the limited English proficiency persons it services to enhance and promote the quality and effectiveness of our LEP initiatives, fulfilling the mission of the U.S. Department of Commerce (DOC) in compliance with the goals of E.O. 13166. In this context, it has applicability to all its components.

FREQUENCY OF PERIODIC EVALUATION: Periodic evaluations shall occur every four (4) years beginning [DATE].

CONDUCT OF THE PERIODIC EVALUATION:

1. The responsibility for consolidating the inputs from each periodic reevaluation shall lie with the Department of Commerce, Office of Civil Rights (OCR). Every component (Census, NOAA, NIST, NTIA, NTIS, ITA, EDA, ESA, BEA, BIS and MBDA) shall conduct separate evaluations based on their unique programs. The purpose being to maintain and improve the effectiveness of LEP initiatives, resulting in discussions, suggestions, and reports concerning the maintenance and improvement of LEP initiatives.
2. For each periodic evaluation, each department must have an LEP representative available at all times to comply with procedures to update and improve meaningful access for their bureau.
3. At the conclusion of the reevaluation process, all materials and reports, shall be submitted to the Federal Coordination and Compliance Section (previously named the Coordination and Review Section) of the Department of Justice (DOJ)

Appendixes
