



U.S. DEPARTMENT OF AGRICULTURE

# Agricultural Marketing Service **Language Access Plan**

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Marketing and Regulatory Programs

**Agricultural Marketing Service**  
**(AMS)**  
**Office of Civil Rights**  
**Language Access Plan (LAP)**

**Clifton Gilchrist**  
Civil Rights, Director  
**Ali Muhammad, Esq.**  
Civil Rights, Deputy Director  
Agricultural Marketing Service (AMS)

Prepared by  
**Spencer Gates**  
Equal Employment Opportunity Specialist  
Agricultural Marketing Service

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## **1. Introduction**

### **Mission**

The Agricultural Marketing Service (AMS) administers programs that create domestic and international marketing opportunities for U.S. producers of food, fiber, and specialty crops. AMS also provides the agriculture industry with valuable services to ensure the quality and availability of wholesome food for consumers across the country and around the world.

### **Vision**

Facilitate the strategic marketing of U.S. agricultural products in domestic and international markets, while ensuring fair trading practices and promoting a competitive and efficient marketplace to the benefit of producers, traders, and consumers of U.S. food, fiber, and specialty crops.

### **Core Values**

AMS's core values are what support the vision, underlie the mission, shape the culture, and reflect what is important to the agency. Core values are the essence of the organization's identity because they help form our conduct, our decision-making, and our communication styles.

Our success depends on living by these values in how we treat our customers, partners, stakeholders, and colleagues:

- Honesty & Integrity - We expect and require complete honesty and integrity in all we do.
- Commitment - We make commitments with care and live up to them.
- Accountability - We own up to problems and are always responsive.
- Reliability - We provide valuable service to our customers on time, every time.
- Stewardship - We guard, conserve, and preserve USDA resources the taxpayers have entrusted to us.
- Independence & Objectivity - We act independently and objectively to create trust in our programs and service.

## **AMS Civil Rights Statement**

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

The U.S. Department of Agriculture (USDA), 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, audiotape, 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](mailto:program.intake@usda.gov).

## **2. Policy**

Timely and accurate communication with the public is essential to the mission of the Agricultural Marketing Service and U.S. Department of Agriculture (the Department or 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 limited English proficiency (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 AMS's policy that all AMS Programs must take reasonable steps to plan for and provide individuals with LEP timely, accurate, and effective communications within all programs or activities conducted by AMS and must work

to ensure that providers of AMS-assisted programs are complying with their corresponding obligations. Individuals who have a limited ability to read, speak, write, or understand English are entitled to language assistance services to access AMS Programs and activities. These policies are based on the principle that it is AMS's responsibility, and not that of an individual seeking services, to take reasonable steps to ensure meaningful access to all AMS programs and activities and to foster equity for individuals who interact, or may interact, with AMS over the phone, in writing, in person, or via electronic methods.<sup>1</sup>

AMS relies on our customers to be a successful and accomplished federal entity; therefore, AMS must provide all our customers with the opportunity to learn, grow, and thrive, regardless of their circumstances.

AMS's Language Access Plan (LAP or Plan) will be available on AMS's public website, AMS Office of Civil Rights' forthcoming internal Language Assistance Services webpage, and the Department of Justice's (DOJ's) Limited English Proficiency website on [www.lep.gov](http://www.lep.gov). This Plan aligns with the following goals outlined in the Agency's [Strategic Plan](#):

- Provide Market Information, Intelligence, and Assistance Supporting the Development of New Markets
- Provide Quality Claims and Analyses to Facilitate Agricultural Marketing
- Provide Effective Oversight of Markets and Entities
- Provide Procurement and Technical Solutions to Identify and Fulfill the Needs for Agricultural, Food Assistance and Other Programs
- Facilitate Fair Trade in the Handling and Marketing of Agricultural Commodities and Products
- Sustain and Enrich a Progressive and Dynamic Organization and Workforce

This Plan aligns with the following goals outlined in AMS's [Equity Action Plan](#):

- Increasing targeted investments,
- reducing barriers to AMS programs, and

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<sup>1</sup> Although AMS's Language Access Plan (LAP) focuses on providing language assistance to persons with LEP, AMS also has a separate responsibility to ensure effective communication with individuals with disabilities, as required by Section 504 of the Rehabilitation Act of 1973. This may mean ensuring that communications are compliant with both this Plan and AMS's responsibilities under the Rehabilitation Act.

- advancing equity in procurement.

AMS will continuously seek to improve and expand the services it provides to enable persons with LEP to effectively communicate with the Agency. AMS will re-evaluate its LAP at least once every year to ensure its alignment with the Agency's overall strategic and equity plans; to maintain compliance with the requirements set forth in EO 13166 and other LEP-related guidance; and to ensure that persons with LEP have continued meaningful access to AMS's programs, services, and activities.

### **3. Purpose**

AMS requires its Programs to develop a language access plan to ensure individuals with LEP have meaningful access to its conducted and assisted programs and activities. This AMS Language Access Plan sets standards, operating principles, and guidelines to:

- Improve access to AMS programs and services by individuals with LEP by coordinating implementation of language access services.
- Consult with stakeholders and individuals with LEP regarding AMS programs and activities.
- Provide the public effective notice of the availability of free language assistance services and how to request these services from AMS.
- Provide members of the public with LEP effective interpretation services.
- Translate vital documents and information into frequently encountered languages.
- Ensure AMS employees understand the importance of providing language access services as a means of effective customer service.
- Provide AMS employees with the knowledge and resources necessary to take reasonable steps to ensure meaningful access for individuals with LEP.
- Institutionalize the identification – and subsequent removal or reduction – of barriers and gaps in services for individuals with LEP who access AMS programs and activities.
- Monitor the effectiveness of this plan and periodically revise and improve the plan and related services.

### **4. Scope**

The Agricultural Marketing Service Language Access Plan (AMS LAP) applies to all programs and activities conducted by AMS, including AMS's oversight, monitoring,

and provision of technical assistance to any entity that receives, directly or indirectly, financial assistance from AMS (which the USDA LAP refers to as “providers of USDA-supported programs and activities”). It guides both public-facing and administrative activities, as AMS delivers federally conducted and federally assisted services, programs, activities, and information.

The Plan improves the internal management of and language access strategy for all AMS programs and activities. It does not intend to create new core services or requirements, but instead intends to eliminate or reduce, to the maximum extent practicable, LEP as a barrier to accessing AMS’s programs and activities. This AMS Language Access Plan 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.

## **5. Roles and Responsibilities**

### **AMS Administrator**

- Sets the tone and direction and provides leadership and oversight for this AMS Language Access Plan throughout AMS Programs.
- Ensures adequate resources are allocated to support the LAP program, including compliance monitoring efforts.
- Delegates coordination, implementation, and monitoring of the Language Access Plan throughout AMS at the national and regional levels to the AMS Civil Rights Program (CRP).
- Holds AMS Office of Civil Rights accountable for ensuring implementation of this plan across AMS Programs to support an equitable and inclusive operational and programmatic environment.

### **AMS Senior Leadership**

AMS senior leadership e.g., Senior Executive Service, Deputy Administrators, Division Directors, and Branch Chiefs will proactively promote meaningful access for individuals with LEP and direct AMS Programs personnel under their supervision to take necessary steps to comply with the AMS Language Access Plan.

### **AMS Civil Rights Director**

AMS Administrator has designated the Civil Rights Director as the senior accountable official responsible for language access. In that role, the Civil Rights Director (or their designee) will:

- Ensure, in coordination with the USDA Office of the Assistant Secretary for Civil Rights that AMS has a Language Access Plan, and that that AMS LAP

is consistent with Executive Order 13166; USDA Departmental Regulation (DR) 4330-005, Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA (June 4, 2013); USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency, 79 Fed. Reg. 70771-70784 (Nov. 28, 2014) (USDA LEP Guidance); and the USDA Language Access Plan (Nov. 9, 2023).

- Ensure that the AMS LAP is maintained, reviewed, and updated as needed, in accordance with the USDA LAP.
- Designate an AMS Language Access Coordinator (AMS LAC)
- Serve and/or designate at least one AMS representative – who may be the AMS LAC – to serve on the USDA Language Access Coordinating Committee (LACC).
- Establish an enterprise approach to implement, coordinate, and monitor the AMS Language Access Plan and language access efforts, across AMS Programs to support an equitable and inclusive operational and programmatic environment.
- Collaborate with leadership in AMS Programs and at the national and regional levels to implement, coordinate and monitor this plan and to align AMS 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.

### **AMS Language Access Coordinator**

In addition to any role(s) designated by the AMS Civil Rights Director, the AMS Language Access Coordinator 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 AMS Programs and consult as appropriate with the USDA LAC.
- Assist AMS Programs with identifying qualified multilingual personnel to serve as interpreters and translators to be included in an interpreter/translator database.

- Assist AMS Programs with identifying interpreter to translator qualifications and professional standards for multilingual personnel,
- Assist with drafting progress reports regarding implementation of the AMS Language Access Plan for AMS Senior Leadership.
- Develop a method for sharing language access information with AMS Program personnel through an appropriate AMS digital platform.
- Provide technical assistance to AMS Programs as needed regarding the language assistance services needs of individuals with LEP accessing AMS Programs and activities, including AMS program websites and digital services, outreach strategies, program evaluation tools, and more.
- Lead AMS Programs 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 AMS Programs and activities, funding opportunities, and regulations.
- Lead AMS Programs 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 AMS Program personnel for AMS Senior Leadership's consideration.
- Convene and coordinate the various working groups identified in this AMS LAP. For example, review of LEP Outreach Plan, review of digital content, and self - assessment process.
- Maintain and host language access information and resources on AMS's website.

### **AMS Public Affairs Office**

AMS Public Affairs Office serves a supporting function on language access for individuals with LEP, and will:

- Model appropriate language accessibility in AMS communications, including plain language standards, Section 508 compliance, and notifying the public of the availability of free language assistance.
- Ensure appropriate translation of AMS communications such as press releases and statements that target areas where English is not the primary language.

## **AMS Program Staff**

AMS Programs who interact with individuals with LEP will:

- Familiarize themselves with Executive Orders 13166, 13985, 14091, this Plan, and USDA's Language Access Plan, 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 AMS's Program mission, or upon request by a person with LEP who wishes to access AMS programs or activities.

## **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 Language Access Plan.

## **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 Language Access Plan and includes providing guidance and technical assistance for USDA agencies and offices, as appropriate, on their ongoing language access needs.

## **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 Language Access Plan. It includes at least one AMS designee.

## **6. Language Access Processes**

### **Identification of Communities with LEP and their Interaction with USDA**

Until the USDA LAC identifies the top languages for USDA, AMS will consider the top languages for AMS to be Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Tagalog (including Filipino). These languages were identified are based on USDA LAP.

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

### **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 AMS Programs and activities for these communities and to receive regular feedback on the implementation of the AMS Language Access Plan 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>.

AMS Programs 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 in coordination with AMS LAP within the following three months. Once issued, the plan will be reviewed by the same group, at 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 speak English.
- **Outreach:** Communicating clearly through written, video and/or audio means about the nature, scope, and availability of language assistance services and how to request them.
- **Community participation:** Increasing efforts to encourage participation from local communities in, for example, AMS Civil Rights, 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 AMS programs and activities, and otherwise disseminating information about AMS programs and activities in non-English languages.
- **Message amplification:** Reaching out and partnering with stakeholders to amplify AMS 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 AMS language assistance services.

### **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 AMS programs and activities. As a result, many individuals with LEP may not seek out AMS 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.

AMS 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 Identification of Communities with LEP and their Interaction with USDA, above), and more if appropriate based on AMS's four-factor analysis (see Provision of Language Assistance Services, below).

In public-facing materials, AMS 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. Another sample tagline is available at <https://www.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/>.

AMS will post this LAP and any additional policies on the AMS website at <https://www.ams.usda.gov/about-ams/programs-offices/office-civil-rights>, and also at <https://usda.gov/oascr/languageaccess>. In addition, AMS Programs 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 AMS 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.

### **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, and/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 limited proficiency for other purposes (e.g., reading or writing).

At the first point of contact with a person with LEP, AMS Program 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 an AMS 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.

AMS Program 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. AMS Programs will regularly assess whether they meet the needs of persons with LEP and will identify AMS LAP’s capacity to meet these needs in accordance with the elements outlined in this Plan using as a suggestion these action steps below:

1. At least once a year, conduct a language access needs assessment, as described in Action Steps 2 - 4 below.
2. Identify the language access needs of specific regions of the country and territories being served using demographic data.

3. Assess the comprehensiveness and effectiveness of the services being provided, using LEP data from sources such as customer satisfaction surveys and program reviews.
4. Identify gaps where language assistance services are inadequate to meet LEP needs.
5. Recommend improvements to enhance language assistance services AMS LAC.

### **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.

AMS Programs 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, AMS at the agency level 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 AMS Program 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. AMS Program staff or contractors should utilize the mode of interpreting that is most appropriate for the situation:

consecutive, simultaneous, or sight-translation.<sup>2</sup> This includes preparation for communication with individuals with LEP who also have communications disabilities. All of AMS Programs 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 meetings 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 AMS Programs.

As allowed by available resources, AMS Programs seeks to translate vital documents for the general public into AMS’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, AMS Programs 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.

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<sup>2</sup> 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](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](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Telephone_Interpreters_0.pdf).

- 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. Recognizing that translating vital documents can be costly and time-intensive, the AMS Programs conducting these reviews will seek stakeholder input in determining which documents should be prioritized for translation
- Provide for the use of qualified interpreters for oral translations for individuals with LEP who request access to vital documents but are not literate.

### **iii. Plain Language**

Plain language writing assists both native English speakers and those whose English proficiency is limited. AMS Programs are 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, AMS Programs 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 Language Access Plan 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 AMS Programs are considering using emerging technologies for translation or interpretation applications through third-party services,

direct government procurement, or modifying existing services, AMS Program 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 AMS Program staff and a person with LEP. Absent exigent circumstances, AMS Program staff who have not been formally assessed for their multilingual skills are discouraged from providing direct services in-language. (AMS Program staff are free to use multilingual skills for general greetings in a foreign language and basic communication for the purposes of language identification.) Unqualified AMS Program staff could provide incorrect information, introduce conflicts of interest or other ethical concerns, or experience 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. AMS Programs should be mindful of AMS's responsibility, and the responsibility of state agencies, local agencies, and program operators administering AMS Programs and activities, to ensure equally effective communication under federal disability rights laws in its programs and activities.<sup>3</sup> In such cases, AMS Programs 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.

**Multilingual Digital Content**

AMS Programs shall take 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:

- AMS Program jurisdiction and mission.
- Contact information, including how to communicate with AMS Program staff.
- 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.
- How to access free language assistance services.

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<sup>3</sup> See Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the United States Department of Agriculture, [7 C.F.R. § 15e.160](#); Nondiscrimination on the Basis of Disability 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](#).

By three months after the effective date of this plan, AMS’s LAC 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,”<sup>4</sup> and should utilize other appropriate federal resources as guidance.<sup>5</sup> 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 AMS 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. Reference AMS Accessibility Statement, <https://www.ams.usda.gov/about-ams/accessibility>.

## **Procurement**

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

AMS Program 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.

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<sup>4</sup> U.S. Web Design System, USWDS, *Language Selector*, available at <https://designsystem.digital.gov/components/language-selector/>.

<sup>5</sup> 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](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/>.

For any such procurement, AMS's procurement office will ensure that any Request for Proposals or contracts specify AMS Program needs and vendor 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 AMS CRP).
- **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 AMS Programs 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 (in order to satisfy the self-assessment and monitoring requirements review, Self - Assessment and Monitoring, below).
- **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 Limited English Proficiency, *Foreign Language Services Ordering Guide* (Jul. 2020), available at [https://www.gsa.gov/cdnstatic/Foreign\\_Language\\_Services\\_%281%29.pdf](https://www.gsa.gov/cdnstatic/Foreign_Language_Services_%281%29.pdf).

### **Quality Assurance and Control**

AMS Programs 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**

AMS Programs will take reasonable steps to ensure that qualified multilingual staff or contracted personnel who serve as translators, interpreters, or who communicate “in-language” with individuals with LEP are competent to do so and have the resources necessary to meet the Department’s requirements. Use of individuals who are not competent could result in a breach of confidentiality, a conflict of interest, or inaccurate, impartial, or incorrect interpretation, and is discouraged. AMS Program 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. AMS will not utilize multilingual personnel, volunteers, or interns to provide interpretation or to translate vital documents unless AMS determines that the employee, volunteer, or intern is competent to interpret/translate. AMS may use outside resources to determine the competence of multilingual personnel. For example, the Interagency Language Roundtable offers skill level descriptions at <https://www.govtilr.org/Skills/AdoptedILRTranslationGuidelines.htm>.
- Accurately interpret or translate materials using appropriate terminology particular to AMS’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.

AMS Program 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 an AMS 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 AMS LAC to obtain resources for language testing, language assessment processes, and AMS-specific qualification requirements.

#### **viii. 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:

- AMS Program 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. AMS Programs 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.
- AMS Programs will develop and maintain a list of common phrasing and AMS Program culturally specific terms that can be provided to contracted translators and interpreters, so that they can prepare prior to an engagement.
- AMS Programs will develop methods for testing the readability of translated materials. AMS Programs could utilize its stakeholders, such as representatives from state or local governments that administer AMS Programs and activities, advocacy agencies, immigrant-serving organizations, and community-based organizations, to test readability of translated materials. If AMS Program participants are used to vet translated materials, do so with caution to ensure participants

understand that their eligibility for AMS Programs is not affected by their participation in the vetting process. Additionally, because AMS Programs participants are not qualified translators, any revisions to AMS Program materials must be made by qualified translators after receiving input from the vetting process.

- For both oral and written language assistance services, AMS Programs 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.

### **Language Access Procedures**

AMS Programs shall provide meaningful access to its programs, activities, and services to individuals with limited English proficiency. Language access procedures are essential to ensure effective communication and equal access to services for individuals with limited English proficiency (LEP). The following outline provides a deep and detailed framework for language access procedures within AMS Programs which is comprised of six crucial components that are essential for developing and implementing effective measures to ensure meaningful access to AMS Program federally conducted and assisted programs, services, and activities:

1. **Understanding the Interaction of Individuals with LEP:** Acquiring a comprehensive understanding of how individuals with Limited English Proficiency (LEP) engage with AMS.
  - a. AMS at the agency level will develop a procedural assessment of the need and have a plan in place to identify and assess the language assistance need of the public along with a process to assess the agency's capacity to meet those need according to the elements of this document.
  - b. AMS Programs will assess the access and the quality of language assistance activities for the public with limited English proficiency and maintain accurate record of the language assistance services and implement or improve outreach programs and activities in accordance with the public's need and capacity.
2. **Identifying and Assessing LEP Communities:** Identifying and evaluating communities that have a significant population of individuals with LEP to determine their language access needs.

- a. Once the procedural assessment is complete, AMS Programs will provide oral language assistance such as a qualified interpreter for individuals with limited English proficiency.
  - b. AMS Programs will treat all language access interactions and related information with strict confidentiality and personally identifiable information (PII) shared by limited English speaking persons will be protected and used only for the purpose of providing language access services.
3. **Providing Notice of Language Assistance Services:** Ensuring that clear and concise information regarding available language assistance services is provided to individuals with LEP.
  - a. AMS Programs will notify the public the availability of no cost language assistance and proactively inform the public with limited English proficiency that language assistance is available at no cost.
4. **Offering Language Assistance Services:** Taking proactive steps to provide appropriate language assistance services to individuals with LEP, including interpretation and translation services.
  - a. When arranging or requesting interpreting language assistance services, AMS Programs 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.
  - b. AMS Programs will provide written translation to identify, translate and make accessible in various formats in languages other than English in accordance with assessing the capacity and need. AMS Programs should avoid assumptions about an individual's primary language. AMS Programs can determine whether a person needs language assistance in several ways:
    - i. Self-identification by the LEP individual, or by their relative, friend, or acquaintance.
    - ii. Inquiring as to the primary language of the individual if they have self-identified as needing language assistance services.
    - iii. Asking a qualified interpreter to verify an individual's primary language; and/or

- iv. Using an “I Speak...Language Identification Guide” language poster or guide developed by the Department of Agriculture, (OASCR)
- v. When an LEP individual appearing in person is not able to convey his or her primary language, staff will use language identification cards to identify the person’s language need
- vi. If relatives, friends, or acquaintances, are present with an LEP person, the AMS Program staff member may ask the accompanying party about the primary language of the LEP person. However, absent exigent circumstances, AMS Program staff will avoid using family members (including children), friends, acquaintances, or bystanders to provide interpretation services.
- vii. If AMS Programs receive a telephone call and are unable to identify the language spoken by the caller, AMS Programs will access contracted telephone interpretation services to seek assistance in identifying the non-English language. AMS Programs should access the Interpretation services, approved language service line contract available.

5. **AMS Program Staff Training on Policies and Procedures:** Conducting comprehensive training programs to educate AMS Program staff members about language access policies, procedures, and effective communication practices.

- a. This training helps ensure that all AMS Programs are aware of the resources available, the procedures to access these resources (e.g., interpreters, multilingual staff, translation services, telecommunication interpretation, and on-site interpretation), and AMS Program and USDA OASCR points of contact for technical assistance.

6. **Monitoring, Evaluating, and Updating Language Access Policy Directives:** Continuously monitoring and evaluating the effectiveness of language access policies, plans, and procedures, and making necessary updates to improve accessibility and quality of services.

- a. By the end of the calendar day of second month in each FY quarter, AMS LAC will periodically review and evaluate the effectiveness of the language access procedure plan to identify areas for improvement and consult the AMS LAC with feedback from AMS Program staff and limited English-speaking persons for review by the end of each FY quarter. The goal of this is for this to be a driven approach from AMS Office of the Administrator.

- b. AMS Programs will maintain a record of all interactions with limited English-speaking persons, including the date, time, language used, and the type of assistance provided, and the record will be maintained in a secure and confidential manner PII should not be collected or maintained.
- c. AMS Programs will utilize a process to document complaint details, including the nature of the issue and the steps taken to address and forwarded the information to the designated language access coordinator for resolution.

AMS Programs 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 AMS Program 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.<sup>6</sup> AMS Program staff should consult the USDA ethics officer on a case-by-case basis regarding any volunteer provision of language assistance services.

### **AMS Program Staff Training**

Language access training needs are part of assessing professional development requirements for all AMS Programs and will occur each within the **first quarter** of each Fiscal Year by AMS LAC. So that policies and procedures can be effective, AMS Programs will ensure that appropriate new and existing AMS Program staff and contractors periodically receive language access and effective communication training relevant to their job duties within the **second quarter** of each Fiscal Year. AMS Programs (including contractors who perform customer-facing roles) need to know how to provide language assistance services and the training will occur in the **third quarter** of each Fiscal Year.

- Identification of individuals with LEP and specific language needs
- Legal requirements relating to language access for individuals with LEP
- USDA and AMS 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

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<sup>6</sup> 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](http://www.govinfo.gov).

- 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 AMS LAP. In the meantime, AMS Programs will deliver to all public-facing AMS Program staff a basic briefing on language access obligations and procedures for delivering interpretation and/or translation services and tracking the use of language assistance services. It is important to ensure that all employees in public contact positions (or having contact with those in a recipient's custody) are properly trained.

Recipients have flexibility in deciding the manner in which the training is provided. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. AMS Program staff with little or no contact with LEP persons may only have to be aware of an LEP plan. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

### **Hiring Practices and Multilingual Staff**

AMS Programs values the multilingual skills of its employees, including those 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 AMS Program to meet Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency and Executive Order 13166 requirements for federally conducted and federally assisted programs and activities. They can also help AMS Program recipients of federal financial assistance to meet Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency requirements to ensure meaningful access to LEP persons.

When making decisions about hiring or utilizing multilingual staff, AMS in collaboration with the AMS Human Resources Office will:

- Assess the extent to which non-English language proficiency in particular languages is necessary or desired for particular positions or to fulfill AMS’s mission.<sup>7</sup>
- 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 AMS language needs.
- Collaborate with USDA OHRM with respect to standard classification language that can be appended to existing position descriptions to aid in hiring positions with language requirements.

The AMS LAC 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, AMS LAC 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.

## **7. Allocation of Resources**

Informed by the four-factor analysis, by three months after the effective date of this LAP, AMS Programs will consider and document the appropriate resources needed for language access planning, outreach, and assistance services based on the range of interactions AMS Programs have with individuals with LEP. As permitted by resource availability, AMS Programs will aim to allocate resources in proportion to the level of current and projected interaction that AMS programs have, or may have, with individuals with LEP, including any projected expansion of language assistance services.

## **8. Self-Assessment and Monitoring**

An effective language access plan 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:

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<sup>7</sup> 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](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](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Effective_Language_Program.pdf).

## **Data Collection and Reporting**

The USDA LAP requires AMS Programs 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 AMS 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 AMS LAC will, in consultation with appropriate AMS Programs, record and track 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 AMS LAC will evaluate this data and report the data to AMS leadership and to the USDA LAC, as required.

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

## **Tri-Annual Self-Assessment**

The USDA LAP also requires AMS Programs 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 AMS Programs 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 AMS Language Access Plan.

The self-assessment process will be led by the AMS LAC, in collaboration with appropriate AMS Program offices.

The [DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs](#) (May 9, 2011) provides a detailed approach and tool for conducting language access self-assessments.

AMS will integrate the requirements of the USDA LAP with the DOJ planning tool by developing an AMS LAP Workgroup and each AMS Program will conduct their own self-assessment using the DOJ planning tool in collaboration with the AMS LAC.

## 9. Federally Assisted Activities

- AMS Programs will utilize various communication channels such as email notifications (for example, Gov Delivery, AMS Program Newsletters) in-person meetings, and webinars to inform recipients of their obligations to provide meaningful access to individuals with LEP.
- Written materials will be provided in multiple languages to ensure clear understanding of responsibilities.
- Training sessions will be conducted to educate recipients about the importance of language access and equip them with the necessary knowledge and tools.
- AMS Programs will establish a clear and accessible process for individuals to file complaints related to language access issues using 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](mailto:program.intake@usda.gov).
- Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, 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.
- AMS Programs will designate a point of contact will be responsible for receiving and addressing these complaints promptly and consult AMS LAC and relay complaint to using the USDA Program Discrimination Complaint Form, AD-3027, found online and email the USDA using this email address [program.intake@usda.gov](mailto:program.intake@usda.gov).
- Thorough investigations will be conducted USDA, Office of Assistant Secretary for Civil Rights (OASCR), and appropriate actions will be taken to resolve identified issues and ensure compliance with LEP guidelines.
- AMS Programs will establish a clear and accessible process for individuals to file complaints related to language access issues.

- These terms and assurances will be periodically reviewed to assess their effectiveness and determine if any updates or improvements are needed.
- AMS Programs will develop protocols to ensure, verify and document recipients of Federal financial assistance comply with Title VI. See, e.g., 28 C.F.R. § 42.406. Data and information collection, available at <https://www.ecfr.gov/current/title-28/chapter-I/part-42/subpart-F/section-42.406>.
- AMS Programs will establish a system for collecting and maintaining language access data from recipients of federal financial assistance and coordinate those efforts with AMS Civil Rights and AMS LAC.
- AMS Programs will conduct regular evaluations of language assistance services provided by recipients of federal financial assistance. Surveys and site visits may be utilized to assess compliance, identify gaps, and address deficiencies in language access services.
- Continuous monitoring will help ensure that individuals with LEP can fully engage with federally assisted programs and activities
- AMS Programs will engage proactively with communities with LEP through annual consultations.
- AMS Programs will engage where appropriate in community meetings and focus groups. Surveys shall be conducted to gather feedback and insights on program development, implementation, and funding opportunities, and the results will be shared with AMS LAC.

AMS is not responsible for providing language assistance services on behalf of entities delivering AMS-assisted programs and activities. However, for AMS 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, AMS Programs 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 language access coordinator and assessing obligations.
- Involving stakeholders ensures that the event reflects diverse perspectives, experiences, and needs. This inclusivity promotes a sense of belonging and encourages active participation, which ultimately contributes to the success and effectiveness of the event. By engaging stakeholders, AMS Office of Civil Rights also demonstrates its commitment to transparency, collaboration, and open communication, fostering stronger relationships with all those involved.

## 10. Definitions

**Agency** - A major program organizational unit of the Department with delegated authorities to deliver programs, activities, benefits, and services.

**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.

**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.

**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).

**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.<sup>8</sup>

**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

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<sup>8</sup> 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>.

communities) and the agency is responsible to implement a language access plan to serve the intended beneficiaries.

**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.

**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.

**Interpretation** - The process by which the spoken word is used generally in real-time when transferring meaning between languages.

**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.

**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.

**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).

**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.

**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.

**Qualified multilingual staff** - An employee who has proficiency in English and the ability to read, write, or speak in at least one other language at the proficiency level required by the agency/office.

**Qualified translator** - An in-house or contracted translator who has been professionally trained and/or demonstrated competence to translate through national certification or comparable testing and is authorized to do so by contract with the Department or by approval of an agency/office. Qualified translators must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.

**Qualified interpreter** - An in-house or contracted interpreter who has been professionally trained and/or demonstrated competence to interpret through court certification, the State Department, or comparable testing and is authorized to do so by contract with the Department or by approval of an agency/office. Qualified interpreters must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required USDA terminology.

**Quality assurance** - The process to ensure accuracy, consistency, quality, and reliability of language assistance services.

**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.

**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.

**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.<sup>9</sup>

**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

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<sup>9</sup> LEP.gov, Federal Agency Translated Taglines, available at <https://www.lep.gov/translation#toc-taglines>.

language while making sure the new text is suitable, relevant, and useful for the intended local audience and application.

**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.<sup>10</sup>

**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. Translation of vital documents is required if requested.

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<sup>10</sup> American Translators Association, Translator vs. Interpreter: What's the difference?, available at <https://www.atanet.org/client-assistance/translator-vs-interpreter/>. <sup>10</sup> AMS 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 AMS Language Access Plan. delivery of services, staff training, procurement, as well as performance and evaluation as established by the AMS Language Access Plan. Language Access Plan. delivery of services, staff training, procurement, as well as performance and evaluation as established by the AMS Language Access Plan.

<sup>10</sup> 7 CFR 15.4 Assurances required

Agricultural Marketing Service  
(AMS)  
Office of Civil Rights  
Language Access Plan (LAP)  
Appendix

## 11. Assurance of Nondiscrimination

AMS Programs will inform recipients of their language access obligations in various ways. AMS Programs ensures all federal funded and federally assisted programs and recipients assurance of nondiscrimination which requires compliance with all federal statutes relating to nondiscrimination.<sup>11</sup> These include but are not limited to Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;<sup>12</sup> Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008, which prohibits discrimination on the basis of disability, and other statutes and implementing regulations. AMS Programs 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.

AMS ensures recipients foster equity<sup>13</sup> for individuals who interact, or who may interact, with these entities over the telephone, in writing, in person, or via electronic or digital methods in accordance with Executive Orders 13166, 13985; 14031; and 14091; DR 4330-005; the USDA LAP; and the [USDA LEP Guidance](#).<sup>14</sup>

## 12. Recipient Notification

AMS Programs will notify recipients of federally conducted and federally assisted funds about their language access obligations which are, in accordance with Executive Orders 13166, 13985; 14031; and 14091; DR 4330-005; the USDA LAP; and the USDA LEP Guidance through virtual or in-person training sessions that cover the USDA, AMS LEP Guidance, program regulations.

AMS Civil Rights Programs will be required to conduct LEP training annually for AMS Programs.

AMS 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. AMS Programs will ensure each recipient understands that "the absence of a written LEP plan does not obviate the underlying obligation to ensure

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<sup>11</sup> 7 CFR 15.4 Assurances required

<sup>12</sup> The May 5, 2022, USDA guidance memorandum, Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update, directs states and local agencies, program operators and sponsors to update their non-discrimination policies, informational materials, and websites to include prohibitions against discrimination based on gender identity and sexual orientation. AMS 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.

<sup>13</sup> AMS 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 *AMS Language Access Plan*.

<sup>14</sup> 79 Fed. Reg. 70771 (Nov. 28, 2014)

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.”

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

- Designating a language access 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; and
- Monitoring and updating the language access plan.

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

### **13. Evaluation of Recipient Language Access Efforts**

AMS Civil Rights 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. AMS Civil Rights utilizes comprehensive Civil Rights compliance review tools with extensive language access questions to determine whether state agencies are meeting their language access obligations. Similarly, AMS Programs utilize management evaluation, quality assurance, and program access review tools that also contain language access questions, although currently to a lesser degree. Additionally, AMS 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; and
- Engaging with community organizations to determine whether the recipient's language services are effective.

Additionally, when reviewing and/or authorizing the AMS Program - related content within websites and digital services, AMS Programs will remind those that receive federally funded and federally assisted funds to ensure meaningful access for individuals with LEP during the development and implementation stages of these services. During the review process, AMS Programs in conjunction with AMS LAC 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.

AMS Civil Rights and AMS Programs will collaborate if a complaint is filed and/or if noncompliance regarding language access is determined when evaluating an AMS federally assisted program or activity. In all cases, AMS 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.](#)



U.S. DEPARTMENT OF AGRICULTURE

# Agricultural Marketing Service **Language Access Plan**

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Marketing and Regulatory Programs