

# Improving Language Access in Federal Programs

## Recommendations for the Task Force on New Americans

MARCH 2023

BY JACOB HOFSTETTER AND MARGIE MCHUGH

In late 2022, the Task Force on New Americans (TFNA) was launched pursuant to President Biden’s Executive Order 14012.<sup>1</sup> Led by the White House’s Domestic Policy Council (DPC), the task force’s mission is to strengthen and coordinate federal, state, and local efforts to support the integration and inclusion of immigrants and refugees. The Migration Policy Institute’s National Center on Immigrant Integration Policy (NCIIP) has long argued for the need to create an office within the White House to analyze immigrant integration challenges and opportunities and identify ways the federal government can address them. The creation of the TFNA is a welcome development in this regard, and its efforts will hopefully model new and effective ways the federal government can build its capacities to understand and address integration issues that flow from the country’s immigration policies.

Drawing from NCIIP’s extensive record of research, policy analysis, and technical assistance for government entities, this document describes pressing issues related to language access in federal programs and offers recommendations for how the task force can organize its work to address them. It is part of a broader set of recommendations for the TFNA that also covers topics such as workforce and adult education and can be found at [www.migrationpolicy.org/research/task-force-new-americans](http://www.migrationpolicy.org/research/task-force-new-americans).

Federal civil rights regulations guarantee all individuals in the United States the right to meaningful access federally funded services, regardless of their level of English proficiency. This right to language access applies both to programs managed directly by the federal government as well as services such as education, health care, and social services that receive federal funds but are delivered by state and local governments or nongovernmental organizations. Hindering access to these services for those who do not speak English fluently undermines the effectiveness of public programs, limits the government’s ability to communicate with the public, and can create public health and safety risks for immigrant communities and the general public.

---

*Despite decades of work at the federal, state, and local levels, the removal of language barriers ... is still a distant goal, rather than a reality.*

Despite decades of work at the federal, state, and local levels, the removal of language barriers—that is, achieving “language access” for those interacting with federal agencies and programs they fund—is still a distant goal, rather than a reality. Given the outsized importance of this issue in improving the efficacy and

<sup>1</sup> White House, “Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans” (executive order, February 2, 2021).

accessibility of all federally funded services, TFNA efforts to examine and improve federal policies and management approaches in this arena must—and hopefully will—provide a solid foundation for the success of other agency-level task force efforts.

The following recommendations are offered to support the task force’s deliberations on how to address challenges in this critically important arena:

- ▶ **The TFNA should organize itself in a way that allows a multidimensional review of factors that have thwarted efforts to ensure language access in federal programming—both programs delivered through state and local governments and nongovernmental organizations, and those provided at the federal agency level.** This review should lead to the compilation of recommendations for new approaches designed to both overcome these challenges and ensure their effective implementation and ongoing evaluation. The review’s multiple dimensions should include: 1) the responsibilities, system design, and capacity-building needs of individual federal agencies; 2) corresponding needs for federal cross-agency coordination, accountability, and technical support; and 3) processes and structures for ongoing consultation and collaboration with the executive branches of state and local governments.

Diligent efforts on the part of the U.S. Department of Justice (DOJ)’s Federal Coordination and Compliance Section (FCS) and several agency-level Offices of Civil Rights (OCRs) notwithstanding, federal agency responses to the challenges of ensuring language access in federal programming have proven too weak and poorly designed to be effective. The TFNA should organize its efforts to analyze and address these shortcomings, including through new cross-agency coordination and oversight efforts that can be undertaken by entities such as the DPC, Office of Management and Budget (OMB), and the DOJ. This work by the TFNA should place an especially sharp focus on strategies to improve language access in federally funded services administered by state and local recipients given their impact, reach, and the complexity of ensuring compliance across so many types of systems, programs, and providers. To do so, the TFNA should:

- Direct federal agencies covered by Executive Order 14012 to analyze and report to the DPC on the successes and failures that they and their state/local counterparts experience in eliminating language barriers to the programs and services they administer. Well-targeted strategies and tactics to address challenges would ideally be put forward by agency teams working on TFNA efforts as well as a team within TFNA examining these issues from a cross-agency perspective.
- Consult with governors, mayors, and county executives implementing language access programs to identify opportunities for collaboration and capacity-building supports that can extend the value and effectiveness of existing language access measures while also planning for implementation of more coherent and effective system designs emerging from TFNA efforts.

- ▶ **The TFNA should produce policy and programmatic recommendations that lay out concrete strategies to improve access to federal programs for Limited English Proficient (LEP) individuals via improved coordination across the federal government and expanded efforts to ensure compliance by recipients of federal funding.** While modeling and conducting the type of multidimensional review necessary to take account of the range of challenges that thwart meaningful compliance with federal language access requirements, the task force should also consider a range of efforts that may be useful within the more coherent system design it proposes, including:
  - **Issuance of specific, standardized guidance on how to provide language access to services by major public-facing federal programs.** Currently, all federal agencies have issued their own “LEP guidance” based on DOJ’s original guidance from 2002. Though an important tool, LEP guidance documents are intended for entire agency and not tailored to reflect the design and service sector of each major federal program, such as individual public assistance programs. Major public-facing federal programs should be required to issue their own LEP guidance and/or technical assistance documents that detail how providers can comply with language access obligations. Once the TFNA’s analysis and recommendations for broader improvements in design and governance of language access are completed, the task force should ensure that agency OCRs, agency leadership, and offices administering major public-facing programs work to initiate and coordinate the issuance of such guidance and other tools to model compliance for state and local recipients of federal funding.
  - **Incorporation of language access into agency funding, reporting, and review processes.** Language access is a civil rights obligation, yet recipients of federal funding are generally not required to provide evidence of compliance or plans for how they will serve LEP individuals. Embedding language access planning and evaluation into programs’ regular processes and reviews would spur greater transparency regarding compliance with federal requirements. Thus, the TFNA’s multidimensional review should specifically explore how language access can be incorporated in a more robust way into key aspects of major program operations, such as creation and review of state plans, grant application processes, program reporting requirements, and evaluation measures. The TFNA’s multidimensional deliberations should also specifically engage with OMB to examine the extent to which federal funding and grantmaking processes could better embed budgeting and planning for language access needs.
  - **Expanded reach and scale of accountability mechanisms.** Given that there is no private right-of-action for language-access-related civil rights violations, the most common avenue of redress for LEP individuals is filing an administrative complaint with an agency OCR. These complaints can lead to investigations and resolutions that aim to bring recipients of federal funding into compliance, but OCRs lack resources to conduct such investigations in anything remotely commensurate with the scale of need for them. The TFNA’s deliberations should include work with the DPC, DOJ, agency OCRs, and other experts to consider additional or expanded accountability measures that are sustainable and can advance language access in all federal programs, especially those delivered primarily by state and local recipients.

- **Direct support for state and local language access services.** Over the past two decades, many state and local governments have undertaken efforts to expand access to their services for LEP individuals. This work often suffers from a lack of resources to cover costs of language assistance services such as interpreting and translation of written materials—particularly those for low-incidence languages spoken by smaller populations of refugees. The TFNA should provide recommendations for how the federal government can better support such services, especially those for recently arrived refugees and other populations admitted under federal parole and humanitarian guidelines. In addition, the TFNA should explore the possibility of the federal government negotiating language services contracts that would aggregate demand for them across federally funded programs in a state or region and obtain lower unit pricing; this would allow federal programs to then purchase language services they need at lower prices than they could negotiate on their own.
  
- **Improved provision of data on English proficiency and languages spoken in states and localities.** The superdiverse nature of local populations across the United States means that all agencies and nongovernmental organizations involved in delivering federally funded information and services require accurate and timely data in order to understand and address language access needs in the communities they serve. While some useful data related to existing and emerging language groups are available via the U.S. Census Bureau’s American Community Survey, its specificity is limited on the crucial questions of languages spoken and how close to the local level data can be provided. The TFNA should consult with experts to explore data sources that can be leveraged by the federal government to create and share more accurate data on language diversity and LEP communities, including the needs of recently admitted immigrants and refugees. The TFNA should also explore promising data practices from the state level, such as those in Washington State,<sup>2</sup> as it considers federal solutions.
  
- ▶ **Finally, the TFNA should create and make publicly available a detailed record of its consultations and deliberations on these issues.** In order for the thousands of state and local stakeholders working in this arena to benefit from information gathered in the course of TFNA efforts, the task force should create and make available a detailed record of all of the challenges and opportunities articulated to it during its multidimensional review, its deliberations and data or other resources that informed them, and recommendations put forth by state and local government partners as well as agency and cross-agency teams.

---

<sup>2</sup> Christy Hoff and Erica Gardner, “An Innovative Model for Generating Limited English Proficient Population Estimates,” Migration Policy Institute, accessed February 3, 2023.

## Related Resources

**The Migration Policy Institute's [Language Access: Translation and Interpretation Policies and Practices](#).** This webpage offers practical resources for government administrators, policymakers, and others looking for ways to provide high-quality and cost-effective translation and interpretation services, as well as research on a variety of language access issues at the federal, state, and local levels.

**The U.S. Department of Justice's [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons](#).** This 2002 guidance established the model for agencies' versions of their own LEP guidance and lays out recommendations on how recipients of federal funding from the DOJ can ensure compliance with Title VI requirements to provide language access. [Similar versions of this guidance](#) exist for all major federal agencies.

**The Migration Policy Institute's [A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies](#).** This report provides a novel framework detailing the most common features of state and local language access laws and policies. In addition to providing an overview of how many states and localities seek to ensure language access in their services, this report also contains an important repository of states, counties, cities, and towns with dedicated programs and policies related to language access.

**The federal government's [LEP.gov](#).** This webpage, which is managed by the Federal Coordination and Compliance Section (FCS) of the DOJ, contains an array of resources related to language access, including federal laws and regulations, agencies' language access plans and LEP guidance, along with links to relevant items for specific policy areas such as education, housing, and law enforcement.

*This set of recommendations was prepared by Jacob Hofstetter, an Associate Policy Analyst with the Migration Policy Institute (MPI) National Center on Immigrant Integration Policy (NCIIP), and Margie McHugh, Director of NCIIP.*

*For more information on NCIIP's work, visit the MPI website at [www.migrationpolicy.org/integration](http://www.migrationpolicy.org/integration) or contact MPI at [info@migrationpolicy.org](mailto:info@migrationpolicy.org).*

*© 2023 Migration Policy Institute. All Rights Reserved.*