



Rural Development

Rural Utilities Service

1400 Independence
Ave., SW Stop 1510
Washington, DC
20250

Voice: 202-720-9540
Fax: 202-720-1725

August 10, 2016

Current USDA/RD Recipient (sent by email through GFRs)
Rural Utilities Service Programs

Subject: Compliance with Limited English Proficiency (LEP) Requirements

Dear RUS Borrower:

This letter clarifies and replaces our agency's previous communications on Limited English Proficiency Guidance sent on July 28, 2016.

In accordance with Title VI of the Civil Rights Act of 1964, 7 CFR 15, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," and related case law, recipients of Federal funds shall not discriminate on the basis of race, color, or national origin. USDA policy and other laws also prohibit other forms of discrimination. This letter focuses on the borrowers' obligation to not discriminate on the basis of "national origin." Federal court cases and the United States Department of Justice have determined that this obligation includes providing meaningful access to Federally funded programs to persons with Limited English Proficiency (LEP). On November 28, 2014, USDA published guidelines in the Federal Register (79 FR 70771) to help those who participate in Federally assisted programs, like the RUS loan programs, to comply with their obligation to provide meaningful access to LEP individuals.

This information is provided to ensure that borrowers are aware of their obligation to provide meaningful access to LEP individuals and to inform borrowers of the USDA guidance. Following the guidance is recommended because it helps borrowers better serve all their customers and reduces the risk of litigation or non-compliance.

The published guidance sets out the policies, procedures, and steps that USDA recipients may take to ensure that LEP persons have meaningful access to Federally assisted programs and activities. The guidance recommends that recipients conduct a four-factor analysis of their customers, including 1) the number and proportion of LEP persons served or encountered; 2) the frequency with which LEP persons come in contact with your service; 3) the importance of the services provided to LEP persons; and 4) the resources available and costs of meeting the language needs of LEP persons. The guidance then recommends that (the RUS borrower) adopt a Language Assistance Plan (LAP) which provides a strategy to address the results of the four-factor analysis so that persons with LEP have meaningful access to RD funded programs. Following the guidance will help borrowers demonstrate that they meet their meaningful access obligations.

Our periodic civil rights compliance reviews will continue to take into account borrowers' efforts to provide LEP persons with meaningful access to their services. The availability of the guidance provides a way for borrowers to clearly demonstrate compliance. The guidance notes that "the implementation of a comprehensive system to serve LEP persons is a process and that a system will evolve over time as it is implemented and periodically reevaluated." It further states that as borrowers take reasonable steps, "USDA will look favorably on intermediate steps recipients take that are consistent with the LEP guidance."

The RD LEP Implementation Strategy for Assisted Programs (available at: <http://www.rd.usda.gov/about-rd/offices/civil-rights>) outlines the step-by-step approach for the four-factor analysis recommended by the LEP guidance. The RD LEP guidance will assist you in gaining information relating to LEP, conducting an LEP four-factor analysis and developing your LAP. Additionally there are informational webinars, which are scheduled for:

Tuesday, August 23, 10:00am – 12:00pm EDT, LEP – Assisted Programs
Thursday, August 25, 4:00pm – 6:00pm EDT, LEP – Assisted Programs
Tuesday, August 30, 4:00pm – 6:00pm EDT, LEP – Assisted Programs
Thursday, September 1, 10:00am – 12:00pm EDT, LEP – Assisted Programs

The link below will allow participants access to the meeting.

1. For audio, dial into the conference line (800-981-3173) from your phone and provide the access code (8717#)
2. For video, navigate to the following url: <https://usdard.adobeconnect.com/dkaihlane/>

The trainings below are for RUS recipients only:

8/22/16 from 10 am – 12 pm EDT
8/22/16 from 4 pm – 6 pm EDT
8/24/16 from 10 am-12 pm EDT
8/24/16 from 4 pm – 6 pm EDT

The link below will allow participants access to the meeting.

1. For audio, dial into the conference line (800-981-3173) from your phone and provide the access code (8717#)
2. For video, navigate to the following url: <https://usdard.adobeconnect.com/spaylor/>

We look forward to discussing your efforts to address LEP needs in your community as part of your regularly scheduled General Field Representative compliance reviews. LEP guidance is issued to help clarify pathways to prevent discrimination based on National Origin as covered by Title VI of the Civil Rights Act of 1964. Specifically, the Assurance Agreement (RUS Form 266) commits borrowers to comply with Title VI (42 U.S.C. 2000d) and 7 CFR Part 15. The Rural Utilities Service is required to provide notification of this requirement to all existing recipients. This notification satisfies this requirement. The previously requested response is no longer required.

If you have any questions, concerns or need assistance, please feel free to contact Darren Kaihlane at 405-446-2619 or email at rd.civilrights@wdc.usda.gov.

Sincerely,



Brandon McBride
Administrator
Rural Utilities Service