

April 2010

# LANGUAGE ACCESS

## Selected Agencies Can Improve Services to Limited English Proficient Persons



GAO

Accountability \* Integrity \* Reliability



Highlights of [GAO-10-91](#), a report to congressional requesters

### Why GAO Did This Study

Executive Order 13166 (August 11, 2000) directs each federal agency to improve access to federal programs and services for persons with limited English proficiency (LEP). Using guidance issued by DOJ, agencies are generally required to develop recipient guidance and/or an LEP plan outlining steps for ensuring that LEP persons can access federal services and programs. As requested, GAO (1) determined which agencies have completed their recipient guidance and LEP plan, (2) assessed the extent to which the selected agencies have implemented the Executive Order consistent with DOJ's guidance, and (3) examined DOJ's and the three selected agencies' efforts to enhance collaboration. GAO analyzed the Executive Order and agencies' recipient guidance and plans posted on LEP.gov; selected the IRS, FEMA, and SBA for this review because of the amount and significance of their interaction with LEP persons; and reviewed documentation of agencies' collaborative efforts to provide access to federal services.

### What GAO Recommends

GAO recommends that DOJ, DHS, FEMA, IRS, and SBA take a variety of steps to ensure that LEP persons can access federal services and programs. All five agencies agreed with our recommendations and provided technical changes that have been incorporated into this report, as appropriate.

To view the Spanish translation of this highlights page, please see <http://www.gao.gov/highlights/d10685high.pdf>.

View [GAO-10-91](#) or [key components](#). For more information, contact Robert Goldenkoff at (202) 512-6806 or [goldenkoffr@gao.gov](mailto:goldenkoffr@gao.gov).

## LANGUAGE ACCESS

### Selected Agencies Can Improve Services to Limited English Proficient Persons

#### What GAO Found

As of February 2010, 22 agencies have completed their recipient guidance. Additionally, DOJ has reported receiving LEP plans from 58 federal agencies. However, the total number of agencies required to complete recipient guidance and an LEP plan cannot be determined because the Executive Order makes agencies responsible for determining the need for guidance and a plan based on their interaction with LEP persons and does not require agencies to report on the results of their determination. Consequently, some agencies may determine that drafting a recipient guidance or an LEP plan is not necessary. Further, although the Executive Order requires agencies to make recipient guidance public, the same requirement does not exist for plans. DOJ's guidance contains four elements for improving access to federal programs and services by LEP persons. IRS has fully addressed each of these elements, while FEMA and SBA have made less progress, as shown in the table below.

**Elements for Improving LEP Access Addressed by the Selected Agencies**

Element	Description	IRS	FEMA	SBA
1. Agency commitment	Issuance and implementation of agencywide LEP plan and issuance of guidance to funding recipients, as well as integrating services into strategic planning, processes, and resource allocation.	●	●	●
2. Needs assessment	Collection of data on size of LEP customer base, frequency of contact, and the level of service provision needed.	●	●	○
3. Service delivery	Systematic and strategic provision of services and outreach provided through internal resources, technology, and partner organizations.	●	●	●
4. Monitoring	Stakeholder feedback, ongoing measurement of resources used and program outputs and outcomes, and compliance with civil rights requirements.	●	●	●

● Fully implemented ● Partially implemented ○ Not implemented

Source: GAO analysis of Executive Order 13166 and DOJ guidance.

IRS has centralized its language access services within one office, overseen by an agencywide executive council. Additionally, IRS regularly identifies the LEP populations it serves, administers a variety of targeted language access services, and monitors these services for potential improvements. FEMA has demonstrated agency commitment, identified LEP populations, and delivered services during disasters, but it lacks a structured approach to monitor these services. While SBA is continuing to draft its LEP plan, the agency does not conduct a needs assessment, and provides limited monitoring of services to LEP populations.

Among the three agencies GAO reviewed, FEMA collaborates with SBA and IRS to provide LEP persons a centralized location for receiving assistance during a declared disaster. Additionally, these agencies (along with 21 other federal agencies), participate in an Interagency Working Group on LEP issues. GAO identified a potential shared services approach agencies could use for translation and interpretive services.

---

# Contents

---

<b>Letter</b>		1
	Background	5
	While Many Agencies Have Completed Guidance and Plans, the Extent of Compliance across the Executive Branch Cannot Be Determined	7
	IRS, FEMA, and SBA Are Implementing the Executive Order to Varying Extents	9
	Opportunities Exist for Additional Collaboration and Leveraging Resources	32
	Conclusions	36
	Recommendations for Executive Action	37
	Agency Comments and Our Evaluation	39
<b>Appendix I</b>	<b>Objectives, Scope, and Methodology</b>	41
<b>Appendix II</b>	<b>Comments from the U.S. Department of Homeland Security</b>	45
<b>Appendix III</b>	<b>Comments from the U.S. Small Business Administration</b>	48
<b>Appendix IV</b>	<b>GAO Contact and Staff Acknowledgments</b>	56
<b>Related GAO Products</b>		57
<b>Tables</b>		
	Table 1: Agencies with Recipient Guidance Listed on LEP.gov	7
	Table 2: Agencies That Have Made Their LEP Plans Publicly Available on LEP.gov	8
	Table 3: Elements for Improving LEP Access	10
	Table 4: Elements for Improving LEP Access	13
	Table 5: Elements for Improving LEP Access	18
	Table 6: Elements for Improving LEP Access	29

---

---

## Figures

Figure 1: Elements for Improving LEP Access Addressed by Agencies	10
Figure 2: IRS LEP Strategic Needs Assessment Model	14
Figure 3: IRS Bilingual Tax Processing Flowchart	19
Figure 4: IRS Form 433-A: Collection Information Statement for Wage Earners and Self-Employed Individuals	20
Figure 5: FEMA Tele-registration Flyers and Instructions Translated into Farsi	23
Figure 6: FEMA Tele-registration Flyers and Instructions Translated into Bosnian	24
Figure 7: FEMA Spanish Website	26
Figure 8: SBA's Web Site Links to the Introduction to SBA Document in Other Languages	27

---

---

## Abbreviations

DHS	Department of Homeland Security
DOJ	Department of Justice
DRC	Disaster Recovery Center
FEMA	Federal Emergency Management Agency
GIS	Geographic Information System
IRS	Internal Revenue Service
LEP	Limited English Proficiency
LITC	Low Income Taxpayer Clinic
MLISO	Multilingual Initiative Strategic Operations
NVTC	National Virtual Translation Center
SBA	Small Business Administration
SBDC	Small Business Development Center
TAC	Taxpayer Assistance Center
TAS	Taxpayer Advocate Service
VITA	Volunteer Income Tax Assistance
WBC	Women's Business Center

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



United States Government Accountability Office  
Washington, DC 20548

April 26, 2010

The Honorable Daniel Akaka  
Chairman  
The Honorable George Voinovich  
Ranking Member  
Subcommittee on Oversight of Government Management,  
the Federal Workforce, and the District of Columbia  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Michael M. Honda  
Chairman  
Congressional Asian Pacific American Caucus

According to 2007 U. S. Census Bureau data, 21.7 million adults in America, or 9.5 percent of the population, were defined as adults that speak English less than “very well,” an increase of 21.8 percent from 2000.<sup>1</sup> Persons with limited English proficiency (LEP) may be unable to access federal programs and services that they are otherwise eligible to receive, which in turn could affect individual LEP persons or entire LEP communities.

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall be discriminated against on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.<sup>2</sup> On August 11, 2000, President Clinton issued Executive Order 13166, which extended the principles of meaningful access for limited English proficient persons embodied in Title VI to federal agencies’ programs and services. Executive Order 13166 required federal agencies to examine how to improve access for LEP persons to programs, services, and activities conducted by both federal agencies as well as state, local, and regional entities that receive federal financial assistance (a group referred to in the Executive Order as “recipients”). While the Executive

---

<sup>1</sup>2007 American Community Survey (ACS). The total number of adults that speak English less than “very well” was determined in the ACS from the number of adults ages 18 and over, who indicated that they speak a language other than English at home and also report speaking limited English.

<sup>2</sup>42 U.S.C. § 200d.

---

Order does not prescribe specific approaches for improving access for LEP persons, it does require federal agencies that provide federal assistance to state, local, or regional programs and services to develop guidelines (referred to as recipient guidance) that clarifies their Title VI obligations. It also requires agencies to prepare LEP plans outlining the steps they will take to ensure that eligible LEP persons can access their programs and activities. The Executive Order gives the Department of Justice (DOJ) responsibility for approving agencies' recipient guidance and serving as a central repository of agencies' plans.

In light of the growing size and diversity of the nation's LEP communities, you asked us to examine aspects of the implementation of the Executive Order governmentwide, and to provide illustrative examples of how specific agencies were meeting the Executive Order's requirements. As agreed with your offices, we (1) determined which executive branch agencies have completed recipient guidance and plans; (2) assessed the extent to which three selected agencies have implemented the Executive Order consistent with DOJ's guidance; and (3) examined DOJ's and the selected agencies' efforts to enhance collaboration to improve access to federal programs and services for LEP populations, as well as other potential opportunities for collaboration.

To determine which executive branch agencies have completed recipient guidance and LEP plans, we reviewed the recipient guidance and LEP plans published on LEP.gov, a Web site created and maintained by DOJ to implement the Executive Order. We also reviewed the requirements of the Executive Order and DOJ's guidance that was issued to assist agencies in developing their recipient guidance. Additionally, we interviewed DOJ officials regarding the technical advice they provided to federal agencies on preparing recipient guidance and LEP plans. We assessed whether the selected agencies implemented four elements discussed in the DOJ guidance, specifically (1) agency commitment, (2) needs assessment, (3) service delivery, and (4) monitoring. These elements were assessed to determine whether they were fully implemented, partially implemented, or not implemented. For example, an agency would be assessed as having implemented the "agency commitment" element if it had completed its recipient guidance and/or LEP plan and had incorporated into its agency mission, strategic plans, processes, and resource allocation. Additionally, if its recipient guidance and/or LEP plan had not been formalized and/or it had not integrated its language access efforts into all aspects of its plans, processes, or resources, the agency would be assessed as having partially implemented the agency commitment element. An agency would be

---

assessed as minimally implementing this element if it had taken no actions or minimal actions to address the element.

To review the extent to which selected agencies have implemented the Executive Order consistent with DOJ guidance, we selected three agencies to obtain a range of different types of interactions with, and services provided to LEP populations, as well as a mix of agencies with diverse missions and size. Specifically, we reviewed the following agencies:

- Internal Revenue Service (IRS), with 90,647 full-time equivalents and a budget of \$11 billion as of fiscal year 2008, which interacts with all taxpayers nationwide. All persons earning an income are subject to paying taxes regardless of citizenship, immigrant status, or level of English proficiency.<sup>3</sup>
- Federal Emergency Management Agency (FEMA), with 2,765 permanent full-time equivalents and several thousand part time disaster assistance employees and a budget of \$20 billion as of fiscal year 2008, which leads federal efforts to prepare for, prevent, respond to, and recover from all hazards. It provides life-sustaining and life-saving services and information to LEP and non-LEP persons affected by presidentially declared disasters.
- Small Business Administration (SBA), with 3,636 full-time equivalents and a budget of \$1.6 billion as of fiscal year 2008, which provides services and grants to LEP and non-LEP persons seeking assistance to start and build upon their small businesses. Additionally, it assists small businesses in recovery from disasters through its disaster assistance program.

Because these agencies were a nonrandom selection, the results cannot be generalized to other federal agencies. For each of the three agencies, we analyzed the selected agencies' recipient guidance for their funding recipients, their LEP plans and language access policies, and their

---

<sup>3</sup>Full-time equivalent (FTE) employment means the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked by employees divided, by the number of compensable hours applicable to each fiscal year. Annual leave, sick leave, compensatory time off and other approved leave categories are considered "hours worked" for purposes of defining full-time equivalent employment that is reported in the employment summary (see section 85.6). This definition is consistent with guidance provided by the Office of Personnel Management (OPM) in connection with reporting FTE data as part of the SF 113G reporting system. A list of compensable days (with associated hours) is provided in section 85.5(b). Office of Management and Budget Circular A-11.



---

strategic and human capital plans, and interviewed agency officials responsible for implementing the Executive Order.

To review DOJ's and the three selected agencies' collaborative efforts, we reviewed DOJ, IRS, FEMA, and SBA documentation of these efforts and compared those programs with practices that we have identified that enhance collaboration.<sup>4</sup> Additionally, we interviewed officials who participate in interagency language groups and programs as well as officials from the selected agencies that collaborate with other agencies. To examine additional opportunities for collaboration, we interviewed officials from the National Virtual Translation Center (NVTC), created by statute and housed by the Federal Bureau of Investigation, which makes translation services available to 15 federal intelligence agencies on an as needed basis.

To observe the agencies' language access services and collaborative efforts and to obtain views of agency officials who interact directly with LEP persons, we interviewed IRS, FEMA, and SBA officials in California, Georgia, Louisiana, North Dakota, Texas, Washington, and Washington, D.C. We selected these states because of the nature and significance of agencies' field office interaction with LEP persons and the diversity of the LEP populations in these locations.

In addition to this report, we have recently issued other reports addressing the federal government's foreign language capabilities. These reports cover several federal agencies' efforts, including the Department of Transportation's efforts to serve their LEP customers; Health and Human Services's (HHS) Centers for Medicare & Medicaid Services translation of documents and HHS's Child Care Bureau process for sharing information to improve access to LEP families; services for English language learners administered by the Departments of Education, Labor, HHS, and National Institute for Literacy; and the foreign language capabilities of the Department of Defense and the Department of State. A list of these related GAO products is provided at the end of this report. Together, these reports provide a broad perspective on the extent to which the federal government is developing the necessary foreign language capabilities and cultural sensitivities to face the nation's emerging foreign language challenges.

---

<sup>4</sup>GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration Among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: October 21, 2005).

---

Because these reports broadly cover federal agencies capabilities and recipient issues, we excluded these agencies from this review. We also excluded the U.S. Census Bureau from this review due to the numerous reports we have issued on the Census Bureau's efforts to increase participation of LEP persons in the decennial Census.<sup>5</sup>

We conducted this performance audit from September 2008 to February 2010 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Additional details on the scope and methodology for this review are provided in appendix I.

---

## Background

Under Title VI of the Civil Rights Act of 1964, state, local, or regional entities that receive federal funding to provide programs and services may not discriminate based on race, color, or national origin. Executive Order 13166 extends the language access requirements of Title VI to federal agencies that provide programs and services themselves and specifically addresses persons who, as a result of their national origin, are LEP persons. While the Executive Order does not prescribe specific approaches to language access services, it does require federal agencies to prepare plans (referred to as LEP plans) outlining the steps they will take to ensure that eligible LEP persons can access their programs and activities. According to DOJ, these LEP plans are important because they outline the steps agencies will take to ensure that eligible LEP persons can access federal programs and activities.

Federal agencies that provide financial assistance to state, local, or regional programs and services are also required to develop guidance (referred to as recipient guidance) that clarifies the funding recipients' obligations under Title VI. Rather than express uniform rules of compliance, DOJ's guidance incorporates "reasonableness" as its guiding

---

<sup>5</sup>See GAO, *2010 Census: Communications Campaign Has Potential to Boost Participation*, [GAO-09-525T](#) (Washington, D.C.: March 23, 2009); *2010 Census: Diversity in Human Capital, Outreach Efforts Can Benefit the 2010 Census*, [GAO-07-1132T](#) (Washington, D.C.: July 26, 2007); and *Decennial Census: Lessons Learned for Locating and Counting Migrant and Seasonal Workers*, [GAO-03-605](#) (Washington, D.C.: July 3, 2003).

---

principle by suggesting agencies assess their programs, services, or activities using four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient; (2) the frequency with which LEP persons come in contact with the program; (3) the nature and importance to people's lives of the program, activity, or service provided by the recipient; and (4) the resources available to the recipient and the costs of language access services. By instructing agencies to use this four-factor analysis, DOJ's guidance intends to create a balance between ensuring meaningful access to critical services for LEP persons and not imposing undue burdens on federal agencies or the small businesses, local governments, or nonprofits that may be receiving federal assistance.

The Executive Order required agencies to develop and implement their LEP plans by December 11, 2000. Agencies were required to send copies of their LEP plans to the Coordination and Review Section (COR) of DOJ's Civil Rights Division, which is responsible for serving as a central repository for agencies' plans.<sup>6</sup> Additionally, COR is responsible for providing technical assistance to federal agencies in developing LEP plans and recipient guidance. Agencies' recipient guidance was to be submitted to DOJ for review and approval by December 11, 2000. Following DOJ's approval, each agency was required to publish its recipient guidance in the Federal Register for public comment. Agencies also placed their recipient guidance on LEP.gov, a Web site created by the Federal Interagency Working Group on LEP formed by DOJ in 2002 to share information on efforts to implement the Executive Order. COR maintains the Web site.

---

<sup>6</sup>The Executive Order does not specifically identify which agencies have activities or services that may impact LEP persons.

## While Many Agencies Have Completed Guidance and Plans, the Extent of Compliance across the Executive Branch Cannot Be Determined

As of December 1, 2009, 22 federal departments and independent agencies, including 13 of the 16 executive-level departments, had posted completed guidance for funding recipients on LEP.gov. Of these cabinet-level departments, recipient guidance for the Department of Homeland Security (DHS), Department of Defense, and Department of Agriculture are listed as “pending.” Table 1 lists the agencies that have posted their recipient guidance.

**Table 1: Agencies with Recipient Guidance Listed on LEP.gov**

Executive-level agencies	Independent agencies
<ul style="list-style-type: none"> <li>• Department of Commerce</li> <li>• Department of Education</li> <li>• Department of Energy</li> <li>• Department of Health and Human Services</li> <li>• Department of Housing and Urban Development</li> <li>• Department of Interior</li> <li>• Department of Justice</li> <li>• Department of Labor</li> <li>• Department of State</li> <li>• Department of Transportation</li> <li>• Department of the Treasury</li> <li>• Department of Veterans Affairs</li> <li>• Environmental Protection Agency</li> </ul>	<ul style="list-style-type: none"> <li>• Corporation for National and Community Service</li> <li>• General Services Administration</li> <li>• Institute of Museum and Library Sciences</li> <li>• National Aeronautics and Space Administration</li> <li>• National Archives and Records Administration</li> <li>• National Endowment for the Arts</li> <li>• National Endowment for the Humanities</li> <li>• National Science Foundation</li> <li>• Nuclear Regulatory Commission</li> </ul>

Source: www.LEP.gov as December 2009.

The number of federal agencies that still must complete recipient guidance or LEP plans could not be determined. The Executive Order does not assign DOJ the responsibility for ensuring agencies complete recipient guidance or LEP plans. Rather, under the Executive Order, executive branch agencies are responsible for determining the need to develop recipient guidance based on whether they provide financial assistance to entities that provide federal services to LEP populations. Likewise, agencies are responsible for determining if they must draft LEP plans by assessing whether they have frequent or significant contact with LEP persons. If an agency determines that it is not required to draft recipient guidance, an LEP plan, or both, the agency is not required to report that determination to DOJ. DOJ has, however, provided technical assistance in many of these determinations and issued numerous reminders to agencies regarding their responsibilities under the Executive Order. For example, on November 12, 2002, the Civil Rights Division issued a memorandum to

heads of federal agencies, general counsels, and civil rights directors. Section II of that memorandum asks that each federal agency draft or update LEP plans and urged each agency to place a copy of that plan on its Web site and provide COR with the link so that it could be placed on LEP.gov. Other DOJ letters, speeches, and memoranda have encouraged agencies to publish recipient guidance and to issue or update LEP plans.

Although the Executive Order requires agencies' recipient guidance to be placed in the Federal Register for public comment, there is no similar requirement that agencies make their LEP plans publicly available. Rather, DOJ officials stated that, while it has encouraged agencies to post LEP plans and provide links to those plans on LEP.gov, agencies are given the discretion to make their LEP plans public. Of the 58 agencies that had submitted LEP plans to DOJ as of December 2009, 17 agencies have posted their LEP plans on LEP.gov, these are listed in table 2.

**Table 2: Agencies That Have Made Their LEP Plans Publicly Available on LEP.gov**

<b>Executive-level agencies</b>	<b>Independent agencies</b>
<ul style="list-style-type: none"> <li>• Department of Education</li> <li>• Department of Energy</li> <li>• Department of Housing and Urban Development</li> <li>• Department of Justice</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer Product Safety Commission</li> <li>• Equal Opportunity Employment Commission</li> <li>• Federal Deposit Insurance Corporation</li> <li>• Federal Trade Commission</li> <li>• National Aeronautics and Space Administration</li> <li>• National Council on Disability</li> <li>• National Credit Union Administration</li> <li>• National Endowment for the Arts</li> <li>• Nuclear Regulatory Commission</li> <li>• Pension Benefit Guaranty Corporation</li> <li>• Railroad Retirement Board</li> <li>• Social Security Administration</li> <li>• U.S. Office of Special Counsel</li> </ul>

Source: www.LEP.gov as of December 2009.

Our prior work has noted that high-performing organizations focus on the needs of their external stakeholders. Additionally, on December 8, 2009, OMB issued a memo directing agency heads to promote transparency and accountability by providing the public timely access to information on the

---

activities of federal agencies.<sup>7</sup> As such, publicly available LEP plans could help ensure that federal agencies appropriately focus on the needs of LEP communities by enhancing the transparency of agencies' efforts and allowing for stakeholder scrutiny. Stakeholder review of LEP plans is especially important given the consequences that may occur if LEP communities do not have the appropriate level of access to federal programs and activities.

Of our three selected agencies, only IRS has posted its completed recipient guidance.<sup>8</sup> FEMA and SBA have their recipient guidance listed as "pending." In regard to LEP plans, only IRS has issued an LEP plan, while FEMA and SBA have not.<sup>9</sup>

---

## IRS, FEMA, and SBA Are Implementing the Executive Order to Varying Extents

The elements of an effective LEP plan, which involve agency commitment, a comprehensive needs assessment, systematic provision of services, and ongoing monitoring are included in DOJ's guidance.<sup>10</sup> We used these elements as criteria to assess the selected agencies' progress in implementing aspects of the Executive Order. As shown in figure 1, IRS has addressed all the elements of an effective LEP Plan while FEMA has addressed half the elements, and SBA has met one element.

---

<sup>7</sup>Office Management and Budget (OMB) Memorandum for the Heads of Executive Departments and Agencies on the Open Government Directive, M-10-06.

<sup>8</sup>IRS is a component of the Department of the Treasury, which issued the departmentwide LEP guidance in 2005.

<sup>9</sup>FEMA is a component of the Department of Homeland Security, which is responsible for issuing LEP guidance for the entire department.

<sup>10</sup>The DOJ guidance list five elements of an effective plan on language assistance for LEP persons: (1) Identifying LEP individuals who need Language Assistance; (2) Language Assistance Measures; (3) Training Staff; (4) Providing Notice to LEP Persons; and (5) Monitoring and Updating the LEP plan. The criterion used for this review was based on our review and synthesis of the five elements outlined in the DOJ guidance.

**Figure 1: Elements for Improving LEP Access Addressed by Agencies**

Element	Description	IRS	FEMA	SBA
1. Agency commitment	Issuance and implementation of agencywide LEP plan and issuance of guidance to funding recipients, as well as integrating services into strategic planning, processes, and resource allocation.	●	●	●
2. Needs assessment	Collection of data on size of LEP customer base, frequency of contact, and the level of service provision needed.	●	●	○
3. Service delivery	Systematic and strategic provision of services and outreach provided through internal resources, technology, and partner organizations.	●	●	●
4. Monitoring	Stakeholder feedback, ongoing measurement of resources used and program outputs and outcomes, and compliance with civil rights requirements.	●	●	●

- Fully implemented
- Partially implemented
- Not implemented

Source: GAO analysis of Executive Order 13166 and DOJ guidance.

Note: Language access services that are a part of service delivery include oral interpretation and written translation.

## IRS, FEMA, and SBA Show Varying Levels of Commitment to Providing Language Services

**Table 3: Elements for Improving LEP Access**

1. Agency Commitment	Implementation of agencywide LEP plan and issuance of guidance to funding recipients, as well as integrating services into strategic planning, processes, and resource allocation.
2. Needs Assessment	Collection of data on size of LEP customer base, frequency of contact, and the level of service provision needed.
3. Service Delivery	Systematic and strategic provision of services and outreach provided through internal resources, technology, and partner organizations.
4. Monitoring	Stakeholder feedback, ongoing measurement of resources used and program outputs and outcomes, and compliance with civil rights requirements.

Source: GAO analysis of Executive Order and DOJ guidance.

Agencies can articulate their commitment to serving LEP populations by issuing an LEP plan and recipient guidance, integrating language access services into strategic plans, and aligning those services with core

---

processes, activities, and resource allocations. Of the three agencies we reviewed, only IRS had fully implemented this element, while FEMA and SBA had partially implemented this element. Specifically, IRS has issued an LEP plan and recipient guidance.<sup>11</sup> Additionally, based on its prior multilingual policy from 1999 and the requirements of the Executive Order, IRS's LEP plan notes that its Multilingual Initiative, originally implemented in 2000, would expand and integrate products and services to improve service for LEP taxpayers.

IRS has further demonstrated its commitment to serving LEP populations by establishing a Language Services Executive Council to oversee its Multilingual Initiative. The council, which includes senior executives and stakeholders from all of IRS's major business operating divisions, sets agency policy, objectives, and strategy for serving LEP persons. To implement the decisions of the council, IRS created the Multilingual Initiative Strategic Operations unit, a central office that has the responsibility for facilitating the delivery of language assistance to LEP taxpayers by the agency's different divisions.

IRS and Taxpayer Advocate Service (TAS) recognize that LEP individuals face challenges in meeting their tax obligations and, consequently, have integrated improvements for delivering services to LEP populations into their strategic planning. IRS's Strategic Plan for 2005-2009, the Taxpayer Assistance Blueprint (the agency's strategic plan for taxpayer service), the agency's workforce plan, pilot programs, and grant applications all emphasize the importance of communicating with and serving LEP populations, demonstrating its commitment to improving LEP persons' access to IRS's programs and services.

According to DHS officials, DHS submitted its draft recipient guidance to DOJ in April 2009 and received approval in March 2010, pending incorporation of several comments from DOJ into the draft. DHS expects to send the recipient guidance to the Office of Management and Budget for publication in the Federal Register in April 2010. DHS informed us that the Office of Civil Rights and Civil Liberties will lead the Department in finalizing the LEP plan. FEMA officials stated that, prior to its merger with DHS, FEMA developed an LEP plan and recipient guidance in 2002, which

---

<sup>11</sup>IRS's LEP plan and recipient guidance also cover the activities of the Taxpayer Advocate Service (TAS), an independent office within IRS created to assist taxpayers in resolving individual and systemic problems dealing with IRS.



---

they have used in the absence of an LEP plan issued by DHS. FEMA officials stated that they were instructed to not publish their recipient guidance and LEP plan in the Federal Register until a DHS-wide LEP plan and recipient guidance was developed.

FEMA disperses the authority and responsibility of improving LEP access among its disaster directorates. FEMA officials stated that, as a result, providing the information and services for LEP persons is not the responsibility of a particular FEMA office, rather these efforts are integrated into various agency programs and activities. After Hurricane Katrina and the passage of the Post-Katrina Emergency Management Reform Act of 2006, the agency took steps to improve services to LEP persons within all of its directorates, including, updating standard operating procedures, translating necessary materials, training staff on communicating with LEP persons, and including LEP persons in planning and preparedness activities.<sup>12</sup>

Similar to FEMA, SBA had not issued its recipient guidance or LEP plan by December 1, 2009, however, SBA officials provided us with their draft recipient guidance. They attributed the delay in completing their LEP plan and recipient guidance to several factors, including staff turnover in key positions that are responsible for developing and approving their LEP plan and recipient guidance as well as a major transformation effort involving SBA's business operations, goals, and staffing arrangements. SBA officials did not provide a specific date for the completion of their LEP plan and recipient guidance.

At SBA, language access services are decentralized in that they are not coordinated by any central office. Furthermore, SBA's strategic plan, and program announcements for the Small Business Development Centers (SBDC), and Women's Business Centers (WBC) do not mention services in non-English languages and do not emphasize identifying and serving LEP populations. Because SBA provides both business development services as well as disaster-recovery assistance that require different language access services, SBA should use DOJ's guidance to help it complete its LEP plan and recipient guidance consistent with SBA's specific requirements.

---

<sup>12</sup>42 U.S.C. § 5196f(3). Section (a)(3) requires that FEMA shall "develop and maintain an informational clearinghouse of model language assistance programs and best practices for State and local governments in providing services related to a major disaster or emergency."

## Rigor of Agencies' Needs Assessments Varies

**Table 4: Elements for Improving LEP Access**

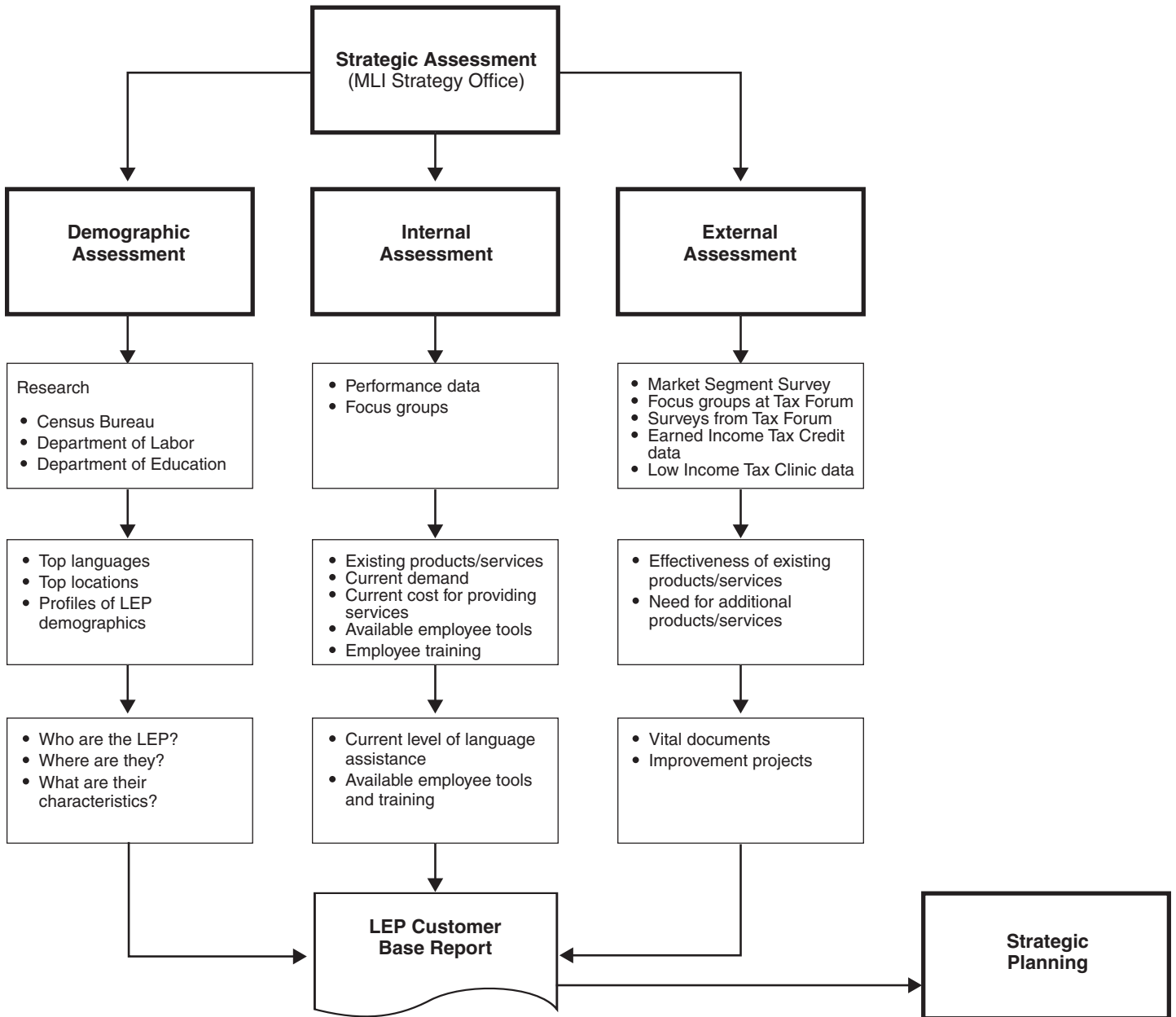
1. Agency Commitment	Implementation of agencywide LEP plan and issuance of guidance to funding recipients, as well as integrating services into strategic planning, processes, and resource allocation.
<b>2. Needs Assessment</b>	<b>Collection of data on size of LEP customer base, frequency of contact, and the level of service provision needed.</b>
3. Service Delivery	Systematic and strategic provision of services and outreach provided through internal resources, technology, and partner organizations.
4. Monitoring	Stakeholder feedback, ongoing measurement of resources used and program outputs and outcomes, and compliance with civil rights requirements.

Source: GAO analysis of Executive Order and DOJ guidance.

Of the three selected agencies, IRS and FEMA have implemented a needs assessment process, while SBA has not. Specifically, IRS and FEMA conduct national and local needs assessments of LEP populations, but SBA does not. To help ensure optimal use of resources, DOJ's guidance states that agencies should conduct a needs assessment to identify their LEP customer base and how frequently they interact with LEP persons. Although DOJ's guidance states that such an assessment helps agencies identify appropriate and cost-effective language assistance services, the guidance does not specify how frequently agencies should conduct this assessment. Instead, the guidance gives agencies considerable flexibility in conducting these assessments and only suggests that LEP plans be updated periodically.

IRS uses a comprehensive approach to determine the needs of LEP persons and communities. For example, at the national level, IRS completes three types of assessments to create a profile of LEP taxpayers, including (1) a demographic assessment of LEP persons eligible to be served or encountered, (2) an internal assessment of the multilingual products and services across the agency available to LEP persons, and (3) an external assessment of the effectiveness of language access services from the perspectives of internal and external stakeholders. IRS integrates data from these assessments and produces a Customer Base Report every 3 years. Figure 1 presents IRS's LEP strategic needs assessment model that consists of these three assessments.

**Figure 2: IRS LEP Strategic Needs Assessment Model**



Source: IRS.

---

IRS officials use the Customer Base Report to assist in all major strategic decision making regarding multilingual services provided by IRS and its recipients. Following the four-factor analysis described in DOJ's guidance, IRS has used the data from the Customer Base Report to identify Spanish as the "regularly encountered language," and Chinese, Vietnamese, Russian, and Korean as other predominant languages. Moreover, IRS uses data from the Customer Base Report and elsewhere to determine program priorities, budgetary and training needs, and changes needed in service provision, as well as to choose new initiatives and the geographic areas into which IRS should direct funding for recipients. As an example, IRS's Low Income Taxpayer Clinic (LITC) program considers an area's language needs when analyzing grant proposals by relating the placement of clinics to population density of homes where Spanish is spoken.

FEMA officials stated that they rely on census data to develop the agency's national needs assessment, which is conducted by FEMA's Office of External Affairs, Multilingual Function within the Disaster Operations Directorate. Additionally, data from FEMA's National Processing Service Center is aggregated to identify the most commonly encountered languages used by individuals applying for disaster assistance. FEMA combines these data sources with literacy and poverty rates and FEMA's historical data on the geographic areas most prone to disasters. Furthermore, practices identified by other federal and state agencies as well as practitioners in the translation industry are reviewed and used in preparing this assessment. Through its needs assessment, FEMA officials reported that FEMA has identified 13 of the most frequently encountered languages spoken by LEP communities.

SBA does not conduct a national needs assessment. SBA officials reported researching the number and characteristics of immigrant business owners; however the agency does not perform a similar analysis for LEP business owners. Additionally, SBA does not systematically collect data on the number of interactions it has with LEP persons from its programs or those conducted by its funding recipients. Although the intake forms for clients participating in funding recipients' programs sometimes will include a field for the LEP business owner's primary language, SBA does not require this information to be collected or included in quarterly reports prepared by funding recipients. Without being able to identify the size and characteristics of its LEP client base, and without tracking information on the number of LEP clients it serves, SBA may find it difficult to estimate the size, location, and specific needs of the eligible LEP populations, a necessary step to ensure that LEP persons are given equal access to its programs and activities.

---

At the local level, IRS and TAS funding recipients that we interviewed have strong ties to LEP communities, and use networks of social service organizations to locate and target isolated communities. For example, the Legal Aid Society of San Diego, an LITC, partners with a social service provider within the LEP community, and interacts with local coalitions of community-based organizations, enabling it to draw on successful outreach strategies and learn about new or isolated LEP communities.<sup>13</sup> Although IRS and TAS collect data from recipients on the overall number of LEP customers served, reports from funding recipients that we reviewed do not include details on the specific language group served or their particular service needs. TAS officials may want to assess whether it would be beneficial to collect this data from its funding recipients to identify potential improvements to the services provided to LEP persons.

TAS's local taxpayer advocate offices lack a formal procedure to conduct needs assessments of LEP populations at the local level. TAS uses national data from IRS's Customer Base Report and contracts with a firm to conduct market research on Spanish-speaking customers. Interviews at selected IRS local taxpayer advocate offices indicated that they did not have systematic procedures for identifying the LEP communities in their jurisdictions but instead relied on staff familiarity with the area or information from other organizations, rather than established data sources. Although the staff's information might be useful, it may not be comprehensive. Indeed, by using more comprehensive and verifiable data sources, TAS will more likely be able to ensure that the local taxpayer advocate offices are not missing LEP populations in their jurisdictions or inadequately addressing the needs of existing LEP populations.

Locally, in response to a disaster, FEMA conducts a needs assessment by following its standard operating procedures, which describe actions to be taken from the date of notice of a disaster until four days following the disaster's occurrence. FEMA's Multilingual Function staff use information from the U.S. Census Bureau, data from local school districts, and information from foreign language media outlets in the area to help FEMA determine the amount of funding required to ensure proper communication with affected LEP communities. In addition to this research, FEMA staff conduct an on-the-ground assessment to evaluate

---

<sup>13</sup>IRS funds LITCs through a grant program established in the IRS Restructuring and Reform Act of 1998, 26 U.S.C § 7526. LITCs are independent from the IRS and usually are operated by nonprofit organizations or law, business, or accounting schools.

---

damages and locate victims. Together with staff from other federal, state, and local agencies, FEMA staff go door to door in areas affected by a disaster to assess damages, identify victims, provide assistance, and communicate disaster information. Data from on-the-ground assessments are included in a jurisdictional profile, a record providing a brief snapshot of the disaster area's demographics, government jurisdictions, and damages sustained. Demographic information contained in jurisdictional profiles, which are meant to be updated regularly throughout FEMA's disaster response, help FEMA identify LEP populations and tailor disaster assistance information for specific language needs. In addition to jurisdictional profiles, FEMA uses analytical techniques to identify LEP victims of potential disasters, specifically, geographic information systems technology, demographic data, models of natural disasters, and estimates of the disaster's effects.

In addition to these standard operating procedures for disaster response, in the spring of 2009, FEMA has recently formalized new procedures to identify LEP communities at the local level. While the agency's national needs assessment provides a starting point to identify LEP communities across the country, the assessment does not fully ensure that FEMA identifies the existence and location of LEP populations in small communities within states and counties. To that end, officials from FEMA's Multilingual Function developed a common set of procedures for identifying the location and size of LEP populations at the local level. The new procedures include collecting data from national, state, and local sources, and creating a profile of community language needs, local support organizations, and local media outlets. FEMA initiated this pilot program while responding to a flood affecting North Dakota and Minnesota in the spring of 2009; the program enabled FEMA officials to develop communication strategies targeted to Arabic, Bosnian, Chinese Simplified, Dinka, Farsi, Kirundi, Kurdish, Nepali, Somali, Spanish, Swahili, and Vietnamese LEP communities. FEMA officials stated that they have formalized these procedures for use in responding to future presidentially declared disasters.

SBA does not request or systematically receive information on the number and characteristics of LEP persons served by funding recipients that provide grants and other services to LEP business owners at the local level. District-level officials we interviewed did not have systematic, data-driven means for assessing their LEP populations. During a disaster recovery operation, SBA mainly relies on FEMA's resources to identify language needs for interpretation and translation services, and the effectiveness of SBA's efforts is dependent on the accuracy of FEMA's

assessment. In addition to working with FEMA to identify language needs, SBA's Customer Service Representatives in the Office of Disaster Assistance perform outreach in each community where a disaster occurs and alert management when they determine a language need. The Office of Disaster Assistance regularly attends community meetings and continually collaborates with FEMA to ensure all language needs are met.

Each Selected Agency Provides Services Using Internal Resources, Technology, and Partner Organizations to Varying Degrees

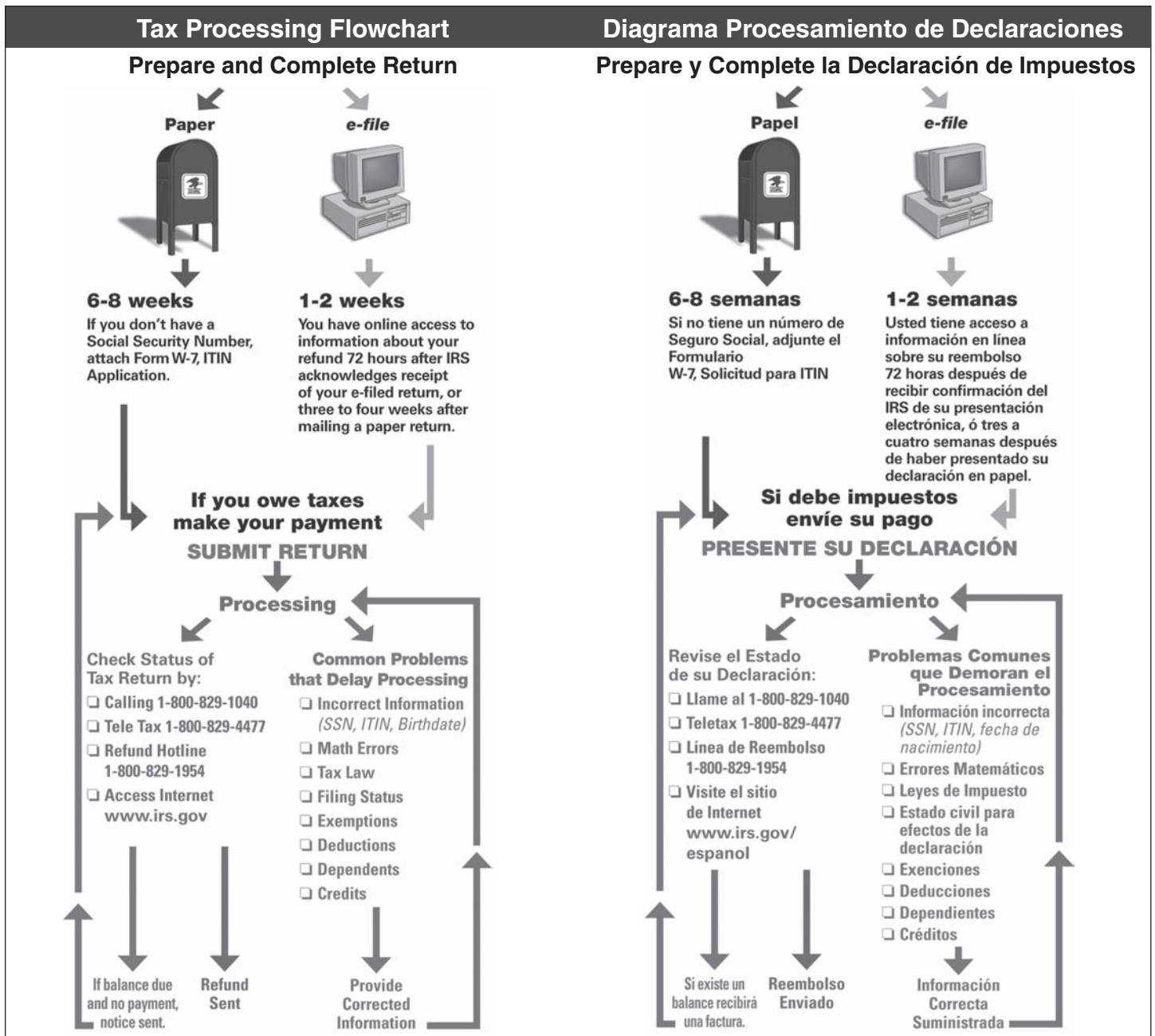
**Table 5: Elements for Improving LEP Access**

1. Agency Commitment	Implementation of agencywide LEP plan and issuance of LEP guidance to funding recipients, as well as integrating services into strategic planning, processes, and resource allocation.
2. Needs Assessment	Collection of data on size of LEP customer base, frequency of contact, and the level of service provision needed.
<b>3. Service Delivery</b>	<b>Systematic and strategic provision of services and outreach provided through internal resources, technology, and partner organizations.</b>
4. Monitoring	Stakeholder feedback, ongoing measurement of program outputs and outcomes, resources used, and compliance with civil rights requirements.

Source: GAO analysis of Executive Order and DOJ guidance.

IRS, FEMA, and SBA all have implemented services for LEP persons, specifically translation and interpretation services that are provided either through internal resources or contracted services. While IRS provides some services in several different languages that have been identified through its needs assessment, the majority of its translation and interpretation services are in Spanish. For example, IRS translates numerous publications and some selected tax forms into Spanish. Figure 3 and 4 provide an example of a bilingual publication describing the process for filing an income tax return and a tax form translated into Spanish used for collecting information from wage earners and self-employed individuals.

Figure 3: IRS Bilingual Tax Processing Flowchart



Source: IRS.



**Figure 4: IRS Form 433-A: Collection Information Statement for Wage Earners and Self-Employed Individuals**

Forma <b>433-A(SP)</b> (Rev. January 2008) Department of the Treasury Internal Revenue Service		<b>Información de Cobro Para los Asalariados                  y los Individuos Autónomos</b>	
<b>Asalariados</b> Complete las Secciones 1, 2, 3, y 4, incluyendo la firma en la página 4. <i>Conteste todas las preguntas o escriba N/A (no aplica).</i> <b>Individuos Autónomos</b> Complete las Secciones 1, 2, 3, 4, 5 y 6 y la firma en la página 4. <i>Conteste todas las preguntas o escriba N/A. Para Información adicional, refiérase a la Publicación 1854, "Cómo Preparar un Informe Sobre la Información de Cobro"</i> <b>Si necesita espacio adicional para contestar cualquier pregunta, añada las hojas necesarias.</b>			
Nombre en la Cuenta del Servicio de Impuestos Internos (IRS)		Número de Seguro Social (SSN) en la Cuenta del IRS	Número de Identificación Patronal (EIN)
<b>Sección 1: Información Personal</b>			
1a Nombre Completo del Contribuyente y Cónyuge (si aplica)		1c Teléfono Residencial ( ) ( )	1d Teléfono Celular ( ) ( )
1b Dirección (Calle, Ciudad, Estado, Zona Postal) (País de Residencia)		1e Teléfono Comercial ( ) ( )	1f Teléfono Celular Comercial ( ) ( )
		2b Nombre, Edad, y Parentesco con el/los Dependientes	
2a Estado Civil: <input type="checkbox"/> Casado <input type="checkbox"/> Soltero (Soltero, Divorciado, Viudo)			
3a Contribuyente		No. de Seguro Social (SSN)	Fecha de Nacimiento (mmd/yyyy)
3b Cónyuge		Número de Licencia de Conducir y Estado	
<b>Sección 2: Información del Empleo</b>			
Si el contribuyente o el cónyuge operan un negocio o tiene ingresos del trabajo autónomo, también complete la Información Comercial en las Secciones 5 y 6.			
<b>Contribuyente</b>		<b>Cónyuge</b>	
4a Nombre del Patrono del Contribuyente		5a Nombre del Patrono del Cónyuge	
4b Dirección (Calle, Ciudad, Estado, Zona Postal)		5b Dirección (Calle, Ciudad, Estado, Zona Postal)	
4c Número de Teléfono del Trabajo ( ) ( )	4d ¿El patrono permite comunicarse en el trabajo? <input type="checkbox"/> Sí <input type="checkbox"/> No	5c Número de Teléfono en el Trabajo ( ) ( )	5d ¿El patrono permite comunicarse en el trabajo? <input type="checkbox"/> Sí <input type="checkbox"/> No
4e Qué tiempo lleva con éste patrono (Años) (Meses)	4f Ocupación	5e Qué tiempo lleva con éste patrono (Años) (Meses)	5f Ocupación
4g Número de Exenciones reclamada en la Forma W-4	4h Período de Pago: <input type="checkbox"/> Semanal <input type="checkbox"/> Quincenal <input type="checkbox"/> Mensual <input type="checkbox"/> Otro	5g Número de Exenciones reclamada en la Forma W-4	5h Período de Pago: <input type="checkbox"/> Semanal <input type="checkbox"/> Quincenal <input type="checkbox"/> Mensual <input type="checkbox"/> Otro
<b>Sección 3: Otra Información Financiera (Adjunte copias de documentación que aplique.)</b>			
6 Es el individuo ó propietario único del negocio, parte de un litigio (Si contesta sí, conteste lo siguiente) <span style="float: right;">Sí <input type="checkbox"/> No <input type="checkbox"/></span>			
<input type="checkbox"/> Demandante <input type="checkbox"/> Demandado		Localidad de Radicación	Representado por
Cantidad de la Reclamación \$	Possible Fecha de Conclusión (mmd/yyyy)	Causa de Acción del Litigio	
7 El individuo o propietario único del negocio se ha declarado en quiebra alguna vez (Si contesta sí, conteste lo siguiente) <span style="float: right;">Sí <input type="checkbox"/> No <input type="checkbox"/></span>			
Fecha de Radicación (mmd/yyyy)	Fecha que se disolvió o se exoneró (mmd/yyyy)	No. de Petición	Localización
8 Anticipa cualquier aumento/disminución en el ingreso (negocio o personal) (Si contesta sí, conteste lo siguiente) <span style="float: right;">Sí <input type="checkbox"/> No <input type="checkbox"/></span>			
Explique (Añada hoja adicional si es necesario)		Cuánto aumentará/disminuirá \$	Cuánto aumentará/disminuirá
9 Es el individuo o propietario único beneficiario de un fideicomiso, herencia, o póliza de seguro de vida (Si contesta sí, conteste lo siguiente) <span style="float: right;">Sí <input type="checkbox"/> No <input type="checkbox"/></span>			
Lugar de Registración:		EIN: ;	
Nombre del fideicomiso, herencia, o póliza	Cantidad que anticipa recibir \$	Cuándo espera recibir la cantidad	
10 En los últimos 10 años, el individuo ha residido fuera de los Estados Unidos por un período de 6 meses o más (Si contesta sí, conteste lo siguiente) <span style="float: right;">Sí <input type="checkbox"/> No <input type="checkbox"/></span>			
Fechas que residió en el extranjero: (desde mmd/yyyy)		Hasta (mmd/yyyy)	
www.irs.gov		Cat. No. 20503E	Forma 433-A(SP) (Rev. 1-2008)

Source: IRS.

---

According to the DOJ Guidance, whether a document (or the information it solicits) is considered “vital” depends upon the importance of the program, information, or service involved, and the potential consequence to the LEP person if the information in question is not provided accurately or in a timely manner. Although the DOJ Guidance acknowledges the difficulty of classifying documents as vital or nonvital, it still encourages agencies to create a plan for consistently determining, over time and across its various activities, what documents are “vital” to provide meaningful access for the LEP populations they serve. Additionally, our prior work has identified the importance of classifying documents as vital and has recommended that agencies develop policies to ensure that vital documents are translated, as appropriate.<sup>14</sup> To guide the agency’s efforts to provide translation services, IRS has developed criteria for determining whether a document is vital (required by law or containing critical information for taxpayers to receive a benefit or service), or nonvital (for education and outreach). IRS’s Virtual Translation Office has identified 97 vital documents of which 89 have been translated.<sup>15</sup> Based on the results of prior assessments, IRS has decided that its vital documents should only be translated into the regularly encountered language (i.e., Spanish), while nonvital documents may be translated into any language where that language is highly concentrated. An IRS official explained that translating vital documents into other languages would pose additional challenges on the agency, due to the complexity of ensuring high quality translation of legal documents, and the large impact it would have on IRS offices responsible for processing tax forms and other documents submitted by LEP persons. In addition to these translation services, the agency has 2,990 bilingual staff members who directly assist taxpayers, handle telephone inquiries from Spanish speaking persons, address taxpayer correspondence in Spanish, and conduct outreach to LEP communities.

FEMA also translates materials and makes them available to disaster victims based on the languages identified at that disaster. However, FEMA does not necessarily provide the public with general disaster information uniformly in all of the 13 frequently encountered languages it identified. While FEMA officials cited resource limitations as the reason for this,

---

<sup>14</sup>GAO, *Centers for Medicare and Medicaid Services: CMS Should Develop an Agencywide Policy for Translating Medicare Documents into Languages Other Than English*, [GAO-09-752R](#) (Washington, D.C.: July 30, 2009).

<sup>15</sup>The remaining eight documents have text in Spanish that refers to an IRS toll-free number to obtain assistance in Spanish.

---

FEMA's lack of criteria for determining vital documents, and the large number of identified languages, are likely contributing factors for not providing disaster information uniformly in different languages. Between October 2006 and August 2009, FEMA's External Affairs Multilingual Function translated approximately 3,400 written documents, covering issues related to community relations, media outreach, disaster preparedness, and recovery activities. FEMA officials determine which languages to translate documents based on the language needs of LEP populations in a specific disaster area. For example, during the floods in North Dakota, to better serve residents who originally hailed from the Middle East, central Asia, and the Balkans, FEMA's translated flyers promoting its teleregistration process for disaster assistance were translated into Farsi and Bosnian, as shown in figures 5 and 6 below.

Figure 5: FEMA Tele-registration Flyers and Instructions Translated into Farsi

The State of North DakotaFEMA

# کمک در صورت مصیبت دریافت

برای کسانی که دارای منزل میباشند، کرایه کننده و صاحب کسب و کار هستند  
اگر دچار خسارت یا صدمه ای شده اند، ممکن است که برای دریافت کمک جهت دچار شدن به مصیبت واجد شرایط باشند

**با این شماره تماس بگیرید: (3362) 1-800-621-FEMA**

برای کسانی که مشکل شنیدن دارند، یا دارای شنوایی سنگین هستند  
**TTY: 1-800-462-7585**

یا میتوانید از طریق آن لاین تقاضا کنید: **www.disasterassistance.gov**

هنگامیکه جهت دریافت کمک برای مصیبت وارده تقاضا میکنید، لطفاً اطلاعات زیر را در دسترس داشته باشید:

- شماره سوشل سکيوریتی
- شماره تلفن روز تا بتوانیم با شما تماس بگیریم
- نشانی و کد پستی ملکی که به آن خسارت وارد شده است
- راهنمایی و مسیر به خانه یا ملکی که به آن خسارت وارد شده است
- اگر بیمه خصوصی دارید، آن را در دسترس داشته باشید

کلیه کمکها جهت دریافت خسارت بدون تبعیض بر اساس نژاد، رنگ پوست، جنس، مذهب، سن، از کار افتادگی، مهارت زبان انگلیسی یا وضع اقتصادی صورت میگیرد. اگر باور دارید که حقوق منی شما نقض شده است، با این شماره تماس بگیرید: 1-800-621-3362 or TTY 1-800-462-7585.

Disaster Assistance - Farsi

Source: FEMA.

Figure 6: FEMA Tele-registration Flyers and Instructions Translated into Bosnian



**FEMA**

# POMOĆ ZBOG KATASTROFE

Ako ste pretrpjeli gubitke ili štetu možda imate pravo na pomoć zbog katastrofe.

**Za prijavljivanje, nazovite:**

## **1-800-621-FEMA (3362)**

Kada se prijavljujete za pomoć zbog katastrofe, molimo vas da imate sljedeće informacije:

- Broj socijalnog osiguranja (vaš i vašeg supružnika)
- Informacije o privatnom osiguranju, ako je dostupno
- Adresu i poštanski broj oštećene imovine
- Uputstva kako se dolazi do oštećene kuće ili imovine
- Broj telefona na koji vas FEMA može nazvati

**Za osobe s oštećenim govorom i sluhom:**

**Tekstualni telefon (TTY) 1-800-462-7585**

**ili se prijavite preko interneta: [www.disasterassistance.gov](http://www.disasterassistance.gov)**

*Pomoć za oporavak od katastrofe dostupna je bez obzira na rasu, boju kože, vjeru, nacionalnost, pol, godine starosti, invalidnost, poznavanje engleskog jezika ili ekonomski status. Ako je prema vama ili nekome koga vi poznajete napravljena diskriminacija, nazovite FEMA-in besplatni broj telefona 1-800-621-FEMA (3362).  
Za korištenje tekstulanog telefona, nazovite: 800-462-7585.*

Teleregistration Flyer - Bosnian

Source: FEMA.

DOJ guidance states that an LEP person's awareness of their rights or the services available to them contributes to meaningful access. Unlike IRS and SBA, FEMA translates incoming documents from LEP persons. FEMA's Disaster Assistance cadre, which manages the National Processing Service Centers, translates applications for individual assistance that LEP disaster victims submitted in foreign languages.

---

During its recovery operations, FEMA has several staffing options to augment its permanent staff. FEMA officials explained that staff from FEMA's reserve corps, whose language capabilities are recorded in an automated deployment database, can be temporarily assigned to recovery operations. When FEMA lacks enough permanent and temporary staff with the appropriate foreign language skills, it hires individuals from within the affected area to fill unmet multilingual needs. For example, in 2008, FEMA used local hires who spoke Vietnamese in the recovery operations for Hurricanes Gustav and Ike in Galveston and Austin, Texas. FEMA officials stated that these local hires are especially useful during recovery efforts because they have relevant language capabilities as well as knowledge of the disaster area and established relationships with the affected communities.

Additionally, when disaster assistance employees and local hires are unavailable, FEMA can use contractors to provide translation and interpretation services. To ensure that the agency has the capacity to handle different levels of disasters, an official stated that FEMA is awarding a 4-year contract of up to \$9.9 million, to support language access and related activities. During nondisaster periods, staff and funding are significantly reduced, which may contribute to the limited services for disaster preparedness targeted toward LEP communities.

Like FEMA, SBA's Office of Disaster Assistance has multilingual staff to provide services in foreign languages and, additionally, can incorporate multilingual individuals from the area affected by a disaster into recovery efforts, either as temporary employees or as volunteers. However, SBA does not have guidelines for what documents require translation or into which languages the documents should be translated.

Each agency uses technology to leverage services and resources operationally across its divisions and geographically across the nation, such as using contractors to provide over-the-phone interpretation services in more than 170 languages. IRS's Virtual Translation Office and FEMA's External Affairs Multilingual Function maintain central repositories of translated documents, accessible to their employees in their duties serving LEP persons. In addition, each agency operates national call centers. Each agency has a Spanish Web site: IRS (<http://www.irs.gov/espanol/index.html?navmenu=menu3>), FEMA (<http://www.fema.gov/media/resources/spanish.shtm>), and SBA (<http://www.sba.gov/espanol/>). In addition, FEMA maintains various multilingual Web sites, including a page offering translated documents (<http://www.fema.gov/media/resources/languages.shtm>), a site for



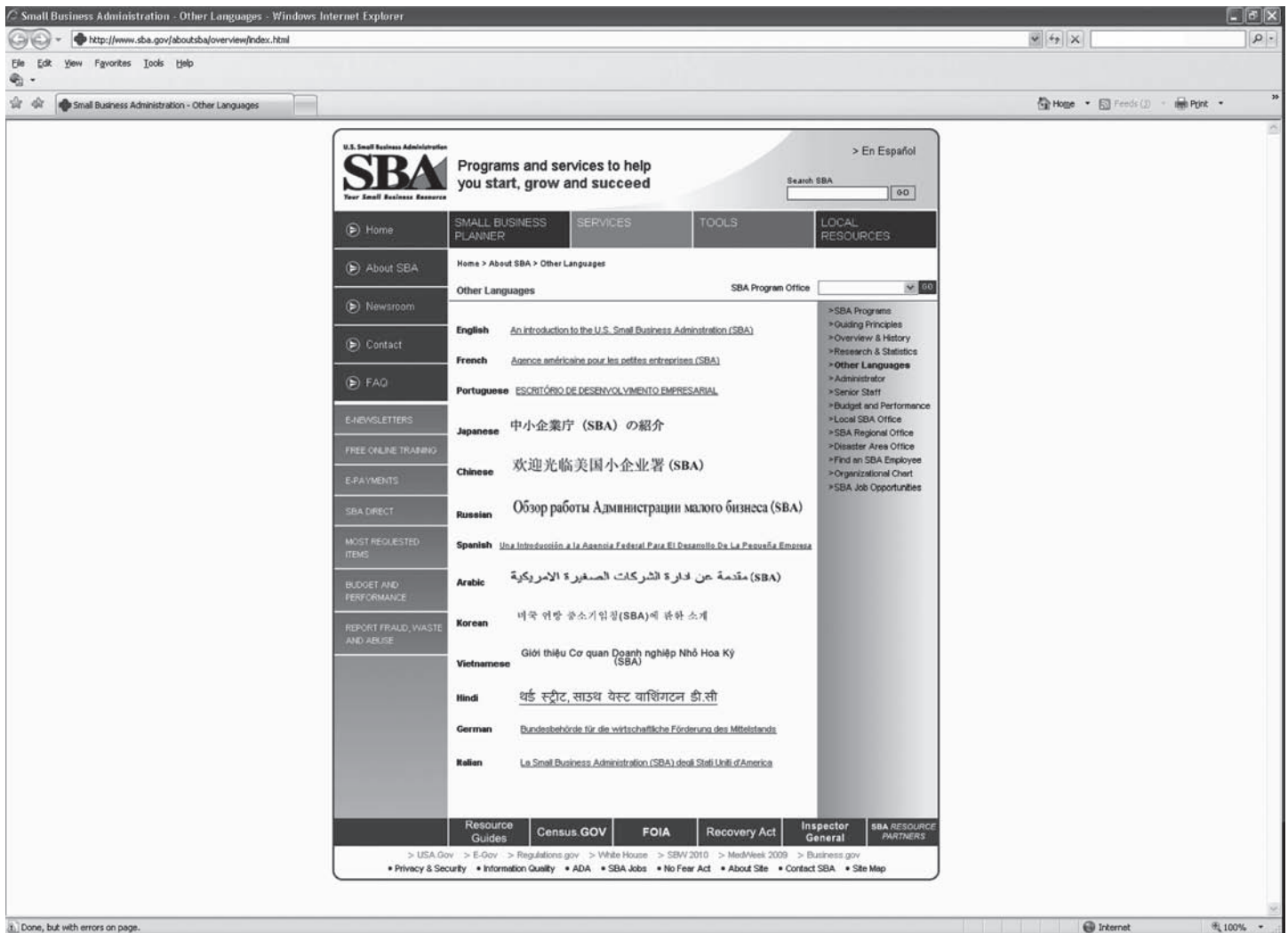
emergency preparedness ([www.listo.gov](http://www.listo.gov), the Spanish version of Ready.gov), and a site to register for disaster assistance ([www.disasterassistance.gov/daip\\_es.portal](http://www.disasterassistance.gov/daip_es.portal)). See figure 7 for FEMA's Website containing information on emergency preparedness translated into Spanish. SBA's Web site also contains links to its Introduction to SBA document in various languages. See Figure 8 for SBA's web link to its document (<http://www.sba.gov/aboutsba/overview/index.html>).

**Figure 7: FEMA Spanish Website**



Source: FEMA.

Figure 8: SBA's Web Site Links to the Introduction to SBA Document in Other Languages



Source: SBA.

IRS has within some of its field offices self-service kiosks in Spanish, Chinese, Russian, and Korean—kiosks provide a quick means for LEP taxpayers without Internet access to get forms and basic tax information. In contrast to IRS and FEMA, SBA does not use technology to service LEP persons, apart from its over-the-phone interpretation service.

All three agencies use either local government or nonprofits to provide LEP persons access to their services. IRS and TAS leverage partnerships



---

among community-based and faith-based organizations, nonprofits, businesses, state and local governments, and foreign language media, to reach out and provide services to LEP populations. For instances, IRS provides funds to 1,543 organizations through its Volunteer Income Tax Assistance sites, Tax Counseling for the Elderly, and American Association for Retired Persons Tax-Aide grants that may provide services in other languages. The Taxpayer Advocate Service provides funds to 162 Low Income Tax Clinics to reach LEP communities, which provide their own language access services through multilingual staff. Subject to their organizational capacity and customer base, these partners provide services in more languages than the five languages identified in IRS's national needs assessment. For example, the Chinese Newcomers, an LITC in San Francisco, has bilingual and multilingual staff who speak Cantonese, Mandarin, and Shanghei. Local taxpayer advocate offices, administered by TAS, are additionally required to conduct external outreach in their jurisdictions, which promotes their services to LEP customers. IRS and TAS actively promote collaboration across IRS's business units to serve LEP populations through national conferences and an e-mail listing, both of which serve as forums for participants to share best practices.

FEMA also leverages its partnerships with foreign language media, state and local governments, and volunteer nonprofit organizations to meet LEP needs. To rapidly disseminate information to affected communities, FEMA uses a database of foreign language media outlets based on information from state and local officials and organizations, as well as a contracted public relations service. Voluntary nonprofit, local governments, and community organizations assist in identifying LEP communities and providing language access for disaster assistance services. These partnerships are integral in facilitating communication with linguistically isolated populations, particularly where skepticism of government exacerbates isolation. For instance, this occurred during FEMA's response to Hurricane Ike in September 2008 when FEMA staff reached out to groups known as "colonias," which are communities along the Texas-Mexico border of mostly Mexicans who often do not have legal immigration status. According to FEMA officials, residents of the colonias did not trust FEMA staff, confusing them with officers from Customs and Border Patrol or Immigration and Customs Enforcement leading to the circulation of misinformation and residents' refusal to accept FEMA's services. Officials stated that FEMA was able to clarify this situation by forming partnerships with local governments and community organizations that had well-developed relationships with residents of the colonias.

Like IRS, SBA provides services to LEP populations through funding recipients who may be positioned to serve targeted LEP communities through well-established relationships. For example, the Asian Pacific Islander Small Business Program in Los Angeles, California, a Women’s Business Center grant recipient, targets five Asian ethnic groups (Chinese, Filipino, Japanese, Korean, and Thai) through relationships with organizations with strong historical ties to each community. SBA relies on funding recipients to serve LEP populations and the agency provides limited support to recipients for their language access services.

## IRS Systematically Monitors the Effects of Service Provision

**Table 6: Elements for Improving LEP Access**

1. Agency Commitment	Implementation of agencywide LEP plan and issuance of LEP guidance to funding recipients, as well as integrating services into strategic planning, processes, and resource allocation.
2. Needs Assessment	Collection of data on size of LEP customer base, frequency of contact, and the level of service provision needed.
3. Service Delivery	Systematic and strategic provision of services and outreach provided through internal resources, technology, and partner organizations.
<b>4. Monitoring</b>	<b>Stakeholder feedback, ongoing measurement of resources used and program outputs and outcomes, and compliance with civil rights requirements.</b>

Source: GAO analysis of Executive Order and DOJ guidance.

Of the three selected agencies, IRS has fully implemented a monitoring process, while FEMA and SBA have made partial progress to implement this element, specifically through their efforts to monitor compliance with civil rights requirements. As noted in our February 2004 report on improving organizations’ performance, high-performing organizations recognize the fundamental importance of monitoring and measuring outcomes and how these outcomes can help organizations accomplish their missions and programmatic goals.<sup>16</sup> Periodic monitoring of an agency’s progress toward increasing access to programs and services provides information for effective oversight by identifying performance

<sup>16</sup>GAO, *High Performing Organizations: Metrics, Measurement, and Mechanisms for Achieving High Performance in the 21st Century Public Management Environment*, [GAO-04-343SP](#) (Washington, D.C.: February 13, 2004).

---

shortfalls and appropriate improvement actions. Based on our review of the DOJ guidance, we identified three types of monitoring activities:

- Measurement of resources used and program outputs and outcomes: Performance information that measures or assesses the relevant outputs, service levels, and outcomes of each program activity.
- Stakeholder feedback: Feedback from internal and external stakeholders, either systematic (through formal surveys, focus groups, and reports) or informal (solicited or unsolicited comments from individuals).
- Civil rights compliance: Oversight by an agencies' equal opportunity or civil rights offices.

At present, IRS, including TAS, is the only agency we reviewed that gathers information to measure performance outputs and outcomes. IRS collects data for its performance metrics (including the agency's foreign language capacity, the number of LEP taxpayers served, and customer satisfaction) and for budgetary expenditures for IRS's language access services, enabling IRS to measure the quality of services provided to LEP persons. Additionally, TAS monitors IRS's service delivery. The National Taxpayer Advocate, the head of TAS, has reported on systematic gaps in IRS's services for LEP populations and has recommended that IRS provide publications in foreign languages other than Spanish, expand language access service during the audit process, and require that contracted debt collectors have plans for dealing with LEP taxpayers.

IRS also gathers data on the quality of its language access services by conducting surveys and focus groups with IRS employees, tax practitioners, and LEP persons. IRS uses the feedback to identify improvements to service delivery for LEP populations. For example, according to an IRS official, based on survey responses from LEP taxpayers, IRS expanded the interactive applications on its Spanish Web site that can be used to estimate an individual's tax credits. Since that change was made, the official noted that the number of hits on the Web site increased by 300 percent.

To ensure civil rights compliance, IRS's External Civil Rights unit oversees funding recipients' compliance with Title VI and the Executive Order. The unit requires plans for compliance, conducts audits to ensure equal access, and handles complaints from LEP customers.

---

FEMA obtains feedback from its staff that provide response and rescue services. According to officials we interviewed, FEMA's Joint Field Offices periodically identify critical issues and problems emerging in disaster operations, and create after-action reports, describing how FEMA served disaster-affected communities. FEMA officials stated that their reports identify what actions worked and improvements in effectiveness, efficiency, coordination, and interoperability.

According to FEMA officials, they use informal feedback from voluntary organizations and community groups following disasters to evaluate FEMA's efforts to meet the needs of LEP persons. Although FEMA has received feedback from these organizations and groups, it does not obtain this information in a structured and consistent manner. Without a structured feedback process, which could be conducted after the completion of initial rescue and recovery activities, an opportunity is being missed to collect data that could be used by FEMA management to assess and improve services, as needed.

As in the case with FEMA, SBA does not analyze data on the services it provides to LEP persons or those provided by funding recipients. Without systematically and consistently collecting program information on language access services, both FEMA and SBA may have difficulty identifying areas in need of improvement as well as processes and practices which can lead to more effective implementation. Moreover, SBA does not use a feedback process to systematically monitor its language access services or those services provided by its funding recipients. SBA requires funding recipients to evaluate their programs regularly; however, these evaluations do not use a uniform tool to collect the information. Furthermore, while this information is used by the funding recipient to improve their program and language access services, SBA does not use the information to identify potential service improvements. SBA's only consistent effort to collect information and conduct oversight of its funding recipients is done by SBA's Office of Civil Rights Compliance, which investigates possible nondiscriminatory practices relative to Title VI compliance.

---

## Opportunities Exist for Additional Collaboration and Leveraging Resources

Collaboration among agencies to improve LEP access through planning and providing language access services is ongoing, but could be enhanced. Our prior work has found that by collaborating on crosscutting issues, federal agencies are able to deliver results more efficiently than when acting alone. As part of that effort, we have identified practices that agencies can employ to improve their collaboration.<sup>17</sup> Of these practices, we found the following four practices applicable to agencies' efforts to improve language access services:

- Define and articulate a common outcome through identifying a compelling rationale for agencies to collaborate;
- Establish mutually reinforcing or joint strategies by aligning agencies' activities, core processes, and resources to accomplish the common outcome;
- Agree on roles and responsibilities, including how the collaborative effort will be led, clarifying who will do what, organizing their joint and individual efforts, and facilitating decision making; and
- Identify and address needs by leveraging each others' resources, thus obtaining additional benefits that would not be available if agencies were working separately.<sup>18</sup>

Our work found that these collaboration practices are employed by the Federal Interagency Working Group on LEP, a network of federal agencies established in 2002 by DOJ to help foster governmentwide collaboration for serving LEP communities. The working group's invitation list includes 46 different federal agencies. DOJ estimates that approximately 24 federal agencies participate actively. The group includes the three selected agencies, several cabinet level departments, such as the Department of Health and Human Services, and several smaller agencies, such as the National Labor Relations Board. The group's mission is to build awareness of the needs and methods for ensuring that LEP persons have meaningful access to federal and federally funded programs and activities.

The working group meets approximately twice a year to discuss topics such as language access services in emergency preparedness, promising practices in a variety of contexts, enforcement, and other cross-cutting

---

<sup>17</sup>GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: October 21, 2005).

<sup>18</sup>The remaining four collaboration practices were not applicable to agencies' efforts to improve access to federal programs and services for LEP persons.

---

language access issues. The working group also consists of committees that meet on a more frequent basis to work on various implementation issues. The working group's Federally Conducted Committee, for example, developed a guide of suggested practices for implementing language access services based on a survey it administered to federal agencies. In addition, the working group convenes larger conferences covering a broader range of issues, such as stakeholder partnerships, dealing with limited budgetary resources, and leveraging technology. COR coordinates these meetings, committees, and conferences.

The working group and its committees have sought to improve access for LEP populations by promoting collaboration among federal agencies and state and local government entities. These efforts include sharing information through the production and distribution of informational brochures and videos as well as surveying federal agencies about their initiatives to improve access for LEP persons. Additionally, the working group has sought to increase understanding and dissemination of language data from the U.S. Census Bureau and to strengthen enforcement efforts. According to DOJ officials, the working group reports that their efforts have improved inter-agency understanding of LEP issues, and in some cases, have helped to keep the implementation of the Executive Order and language access services a priority within agencies.

The working group's Web site, [www.LEP.gov](http://www.LEP.gov), which is maintained by COR, shares the information it has collected and the practices it has developed. The Web site includes information on Executive Order 13166, a list of links to agency recipient guidance, as well as some of the published LEP plans that agencies have sent to DOJ's Civil Rights Division. Agencies are able to share and learn from the information available on the LEP Web site and the site can be used as a resource by other agencies or organizations when creating their own LEP plans and recipient guidance. Moreover, the Web site posts best practices, planning and technical assistance tools, other tools and samples, and links to resources on topics such as interpretation, translation, and civil rights. For example, the general planning and technical assistance tools include information on how to access census data, a selection of census data on LEP populations by state, and an introduction to choosing language service providers, among other information. These efforts to share information have assisted agencies in addressing the executive order and in providing meaningful access to LEP populations. The Federally Conducted Committee has considered building upon these efforts by exploring the possibility of sharing resources among agencies, which is not currently done by the members of the working group. According to an official from the working

---

group, the committee has discussed the possible benefits of creating an entity that would allow federal agencies to share translation and interpretation services as well as services for training translators and interpreters.

In addition to these efforts to share information, the working group has begun exploring how agencies might share resources to improve access to federal programs and services by LEP persons. Our prior work has examined how federal agencies have shared resources for various support services, such as human resource management, financial management, and other administrative services.<sup>19</sup> A shared services approach enables agencies to leverage their resources by allowing multiple agencies to use the same service provider to meet a common need rather than each agency individually identifying and managing those services. Moreover, we have also found that this approach holds promise for enhancing the economy and efficiency of federal operations in an environment of increasingly constrained federal resources.

---

### Selected Agencies Have Collaborated on LEP Access During Disaster Recovery

Efforts at the Disaster Recovery Centers (DRC) demonstrate the four applicable collaboration practices. The National Response Framework, developed by the Department of Homeland Security, directs FEMA to coordinate disaster recovery activities, including IRS and SBA disaster assistance programs. FEMA partners with IRS's Office of Disaster Assistance and Emergency Relief and SBA's Office of Disaster Assistance, among others, to operate DRCs, which are readily accessible facilities or mobile offices during the recovery from a disaster where applicants may obtain information about disaster assistance programs. FEMA shares information on affected LEP communities with IRS and SBA, and the agencies share oral and written language access services for LEP persons. For example, an IRS official stated that while at a DRC, FEMA personnel assess the English-language ability of taxpayers seeking assistance and are responsible for providing interpreter services as needed.

FEMA and SBA staff have collaborated on providing language access services at the DRCs in Austin, Texas for Hurricanes Ike and Gustav as

---

<sup>19</sup>GAO, *Financial Management Systems: OMB's Financial Management Line of Business Initiative Continues but Future Success Remains Uncertain*, [GAO-09-328](#) (Washington, D.C.: May 7, 2009); GAO, *Human Resource Lines of Business*, [GAO-08-1163R](#) (Washington, D.C.: September 19, 2008); GAO, *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*, [GAO-05-81](#) (Washington, D.C.: October 4, 2004).

---

well as in Bismarck, North Dakota for the Midwest floods. For example, according to a senior SBA official, during Hurricane Ike and Gustov, SBA worked very closely with officials from FEMA's Individual Assistance and Public Assistance programs to prepare the preliminary damage assessment when the disasters first occurred. In addition, in Bismarck, North Dakota, FEMA and SBA provided interpretation and translation services in multiple languages to LEP disaster victims that applied for federal assistance. Collaboration among the selected agencies facilitated LEP persons applying for federal aid after the disasters.

---

### Shared Services Approach May Enable Agencies to Leverage Foreign Language Capabilities

The approaches used by DOJ and the selected agencies are two examples of how agencies can leverage resources to provide LEP persons access to programs and services. A third example is the use of a shared services approach, which is used to leverage foreign language capabilities among the federal intelligence community. The National Virtual Translation Center (NVTC), created by statute and housed by the Federal Bureau of Investigation, makes translation services available to 15 federal intelligence agencies on an as needed basis.<sup>20</sup> Intelligence agencies requiring linguists in critical foreign language skills, such as Arabic or Somali, may use NVTC's services through reimbursable agreements or military payment arrangements. NVTC uses independent contractor linguists with security clearances to provide these translation services. To reduce costs, these contractors work from locations across the country, either from their homes or nearby government offices. Documents needing translation are distributed to the contractors via secure channels. Rather than each agency expanding its own workforce to include additional translators with critical foreign language capabilities, this collaborative effort enables the intelligence community to share these capabilities more efficiently while meeting the demands of their missions. Although the NVTC illustrates a possible shared services approach for providing translation services among domestic agencies, this approach may be limited due to the technical nature of some of the documents needing translation, such as IRS's tax forms and instructions. Despite this potential limitation, the shared services approach still provides domestic agencies an example for translating basic information on agency programs and services more efficiently.

---

<sup>20</sup>Section 313 of the Intelligence Authorization Act for Fiscal Year 2003.



---

## Conclusions

Governmentwide, 22 federal departments and agencies have completed their recipient guidance for their funding recipients, which are used to clarify the funding recipients' obligations under Title VI. Regarding the Executive Order's requirement that agencies prepare LEP plans, DOJ officials reported receiving LEP plans from 58 federal agencies, with 17 of these plans listed on LEP.gov, as of December 2009. Because the Executive Order makes agencies responsible for determining their need to complete recipient guidance and an LEP plan, we could not determine which agencies still needed to complete either the recipient guidance or the LEP plan; if an agency decides it is not required to complete a recipient guidance or LEP plan, they do not need to report this decision to DOJ.

Moving forward, it will be important for DOJ to continue to encourage federal agencies to complete and submit their recipient guidance to DOJ for review and approval as mandated by the Executive Order. Furthermore, although not required by the Executive Order, publicly available LEP plans could provide LEP communities and other stakeholders the opportunity to review agencies' strategies for improving access to federal programs and activities by LEP persons. By increasing the transparency of these LEP plans, agencies could obtain additional feedback from stakeholders on potential improvements to their efforts for serving LEP persons.

Aside from the preparation of their LEP plans and recipient guidance, we identified other opportunities to improve how the three selected agencies implement the Executive Order. For example, assessing the needs of LEP persons is integral to understanding the demand for services, and can be effective when needs assessment incorporates diverse strategies. Both IRS and FEMA conduct needs assessments that profile LEP persons at a national and local level. In regard to SBA, because it does not conduct a systematic needs assessment, the agency cannot determine if offices and funding recipients are fully meeting the needs of LEP persons.

Unlike IRS, FEMA has not developed criteria for determining which of its documents are vital. Translating vital documents would ensure that LEP persons can have meaningful access to federal programs and services. Implementing a policy for classifying documents considered vital might include criteria for translating documents, including regularly assessing the language needs of the populations frequently encountered or potentially affected by the program or activity. Additionally, the policy could include a process for ensuring that the FEMA office responsible for managing language access services has complete and accurate information about the agency's efforts to translate documents classified as vital.

---

With respect to monitoring their efforts, while TAS collects limited information on its service provisions, it could take additional steps to collect more comprehensive and verifiable data to identify opportunities to improve service delivery. By collecting and using more comprehensive data as part of the existing data collection efforts, TAS will be better positioned to ensure that the local taxpayer advocate offices are not missing LEP populations in their jurisdictions or inadequately addressing the needs of existing LEP populations. TAS may want to assess whether it would be beneficial to collect this data from its funding recipients to identify potential improvements to the services provided to LEP persons. The limited information that FEMA collects from internal and external stakeholders after completing disaster response and recovery activities is not systematic enough to substantively improve current activities. SBA does not monitor or evaluate its services to LEP populations. With more systematic monitoring, FEMA and SBA would be able to determine whether LEP persons were able to access programs and services and whether those services met their needs or identify any potential improvements to those services.

Collaboration among federal agencies participating in the Federal Interagency Working Group on LEP provides an opportunity to enhance collaborative efforts across the selected agencies and governmentwide. Building on its past and current efforts, DOJ could encourage the Federal Interagency Working Group on LEP to share additional practices and resources for use across federal agencies, such as exploring a shared services approach for leveraging translation and interpretation services.

---

## Recommendations for Executive Action

We are making nine recommendations to the Attorney General, Secretary of Homeland Security, and the Administrators of the Federal Emergency Management Agency and the Small Business Administration.

---

### Department of Justice

To help ensure access to federal programs and services for LEP populations, as well as to promote greater transparency for LEP stakeholders, we recommend that the Attorney General direct the appropriate DOJ officials to issue a letter to the heads of all federal agencies reminding them of their obligations under the Executive Order. Specifically, the letter's content should encourage federal agencies to:

- Complete and submit their LEP plans and recipient guidance to DOJ for review and approval, and
- Make their completed LEP plans available to the public.

---

Additionally, in cases when an agency has determined that it is not required to draft recipient guidance or an LEP plan, the Assistant Attorney General should request agencies to report the results of this determination to DOJ.

To promote more efficient improvements to LEP persons' access across the government, we also recommend that the Attorney General direct the Assistant Attorney General for Civil Rights to work with members of the Federal Interagency Working Group on LEP to explore possible sharing of resources and foreign language capabilities. For example, members of the working group may consider leveraging their shared resources to produce routine and frequently used documents needing to be translated in less common foreign languages.

---

**Internal Revenue Service,  
Taxpayer Advocate Service**

To improve service to LEP populations, we recommend that the National Taxpayer Advocate determine whether any potential service improvements could be derived from requiring Low Income Tax Clinics to collect more detailed data on LEP populations they serve.

---

**Department of Homeland  
Security**

To comply with the Executive Order and provide recipient guidance for DHS's components such as FEMA to follow when assessing the need to provide language access services for their programs, services, and activities, we recommend that the Secretary of Homeland Security finalize and issue the department's LEP plan and recipient guidance.

---

**Federal Emergency  
Management Agency**

To provide more meaningful access for LEP communities, we recommend that the Administrator of FEMA take the following actions:

- Develop criteria for determining vital documents needed for translation, and make available general disaster information in the regularly encountered languages.
- Develop mechanisms to monitor and evaluate services provided to LEP persons.

---

**Small Business  
Administration**

To provide more meaningful access to LEP populations, we recommend that the Administrator take the following actions:

- Finalize and issue its LEP plan and recipient guidance.

- 
- Complete a comprehensive national needs assessment which should include data from its existing funding recipients on the number of LEP persons served and how they are served.

---

## Agency Comments and Our Evaluation

We provided a copy of the draft report to the Secretaries of the Department of Department of Homeland Security and the Department of Justice; the Commissioner of the Internal Revenue Service; and the Administrator of the Small Business Administration for their review and comment. We received written comments on the draft report from DHS, IRS, and SBA, which are summarized below and reprinted in Appendices II, III, and IV. DOJ provided written technical comments, which we incorporated as appropriate. DOJ, DHS, IRS, and SBA concurred with all our recommendations.

Specifically, the DOJ Civil Rights Division concurred with our recommendations that DOJ issue a letter to all heads of all federal agencies reminding them of their obligation under the Executive Order and work with members of the Federal Interagency Working Group on LEP to explore the possibility of sharing resources. DOJ Civil Rights Division stated that this report would help to further federal initiatives to ensure meaningful access to federally conducted and assisted activities for persons with limited English proficiency and would take steps to address the recommendation.

DHS agreed with our recommendation that DHS finalize and issue its recipient guidance and LEP plan and stated that it is taking steps to finalize and publish its recipient guidance in the Federal Register for comment. Furthermore, the DHS stated that its Office of Civil Rights and Civil Liberties has assumed responsibility for completing the agency's LEP plan and will collaborate with FEMA to develop criteria for determining what documents should be translated and the mechanism to be used for monitoring and evaluating services to LEP populations.

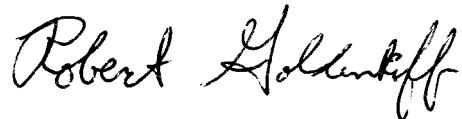
Although the IRS/Taxpayer Advocate Service agreed with our recommendation that the Taxpayer Advocate Service determine whether any potential service improvements could be derived from requiring Low Income Taxpayer Clinics collect more detail data on LEP populations they serve, the IRS/Taxpayer Advocate Service stated that the Low Income Taxpayer Clinics lack resources to collect detailed data on the LEP populations that they serve.

---

SBA agrees with our recommendations to finalize and issue its recipient guidance and LEP plan and conduct a national needs assessment. SBA stated that it is initiating actions to implement the recommendations and provide more meaningful access to SBA's LEP populations.

---

We are sending copies of this report to the Secretaries of the Departments of Homeland Security and Justice, the Commissioner of the Internal Revenue Service, Administrators of the Federal Emergency Management Agency and the Small Business Administration and other interested parties. This report will also be available at no charge on GAO's Web site at <http://www.gao.gov>. If you or your staffs have any questions about this report, please contact me at (202) 512-9110 or [goldenkoffr@gao.gov](mailto:goldenkoffr@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report.



Robert Goldenkoff, Director  
Strategic Issues Team

---

# Appendix I: Objectives, Scope, and Methodology

---

To review agencies' progress in improving access to federal programs and services and how specific federal agencies were meeting the Executive Order's requirements, we (1) determined which executive branch agencies have completed their recipient guidance and Limited English Proficiency (LEP) plans; (2) assessed the extent to which Internal Revenue Service (IRS), Federal Emergency Management Agency (FEMA), and Small Business Administration (SBA) have implemented the Executive Order consistent with Department of Justice's (DOJ) guidance, and (3) reviewed DOJ's and the selected agencies' efforts to enhance collaboration to improve access to federal programs and services for LEP populations, as well as other potential collaboration opportunities.

To determine which executive branch agencies have completed recipient guidance and LEP plans, we identified which agencies and departments had posted completed recipient guidance on LEP.gov as of December 1, 2009. We also reviewed the requirements of the Executive Order and DOJ's guidance and interviewed DOJ officials regarding the technical advice they provided to federal agencies on preparing recipient guidance and LEP plans. We assessed whether the selected agencies implemented four elements discussed in the DOJ guidance, specifically (1) agency commitment, (2) needs assessment, (3) service delivery, and (4) monitoring. These elements were assessed as to whether they were implemented, partially implemented, or not implemented. For example, an agency would be assessed as having implemented the "agency commitment" element if it had completed its recipient guidance and/or LEP plan and had incorporated services to LEP populations into its agency mission, strategic plans, processes, and resource allocation. Additionally, if its recipient guidance and/or LEP plan had not been formalized and/or it had not integrated its language access efforts into all aspects of its plans, processes, or resources, the agency would be assessed as having partially implemented the agency commitment element. An agency would be assessed as not implementing this element if it had taken no actions or minimal actions to address the element.

To assess how specific federal agencies have implemented the Executive Order, this review, we considered federal agencies based on the amount and significance of agency interaction with LEP populations, the types of services provided, agency size, agency mission, the status of each agency's LEP plan and/or recipient guidance, and the diversity of LEP populations served. To avoid duplication, we also coordinated our selection of agencies with work being conducted by other GAO teams in this area. Based on these criteria, we selected the IRS, FEMA, and SBA, as agencies

that would provide a broad perspective on how a diverse group of agencies are addressing the Executive Order.

To review the extent to which these three agencies implemented Executive Order 13166 consistent with DOJ's guidance, we reviewed and analyzed the Executive Order, DOJ's guidance, the agencies' LEP plans and recipient guidance, and agencies' language access plans. The information contained in these documents explained the agencies' strategies for providing access to their programs and services. To better understand the agencywide language access policies and standard operating procedures for providing language assistance services to LEP populations, we also interviewed headquarters officials to obtain an understanding of the process used to develop recipient guidance and LEP plans for agencies and their components.

To determine how the selected agencies provide services to LEP populations, we interviewed senior officials at the three agencies' headquarters who were responsible for implementation of LEP plans and recipient guidance, such as civil rights officers, disaster assistance staff, and individuals responsible for providing language access services. We also conducted field visits at agency locations described below to observe the agencies' language assistance services and to obtain views of agency officials who interact directly with LEP persons. In consultation with senior agency officials responsible for language assistance services, we chose our field site visits based on opportunity to see direct service being provided to LEP persons.

To examine how IRS provides direct service to LEP populations, we visited IRS Call Centers, Taxpayer Assistance Centers, Low Income Tax Clinics and Volunteer Income Tax Assistance Centers in Atlanta, Georgia; Austin, Texas; New Orleans, Louisiana; and Los Angeles, California. We also visited Taxpayer Advocate Service locations in Atlanta and New Orleans. We interviewed staff in the Los Angeles local taxpayer advocate service office on the phone.

To examine how FEMA serves LEP populations in disasters, how that process has changed, and what lessons could be applied to future disasters, we included past and current disasters in different phases of recovery. We visited the Louisiana Transitional Recovery Office in New Orleans, Louisiana (for information regarding Hurricane Katrina in 2005); and Joint Field Offices in Austin, Texas (for information regarding Hurricanes Gustav and Ike in 2008); and Bismarck, North Dakota (for information regarding the North Dakota floods of 2009).

To examine how SBA provides access to its programs and services for LEP populations, we visited Women’s Business Centers and Small Business Development Centers in Atlanta, Georgia, and New Orleans. We spoke to Pacific Asian Consortium Employment (PACE) in Los Angeles, California on the phone. In addition, we visited SBA’s Office of Disaster Assistance, which is co-located with FEMA’s joint field offices in Austin and Bismarck.

To assess ongoing collaborative efforts to support and improve agencies’ language access services, we reviewed selected agency documentation of these efforts and compared the efforts with GAO-identified practices that help sustain and enhance collaboration.<sup>1</sup> In short, GAO’s practices that enhance and sustain collaboration are:

- define and articulate common outcomes;
- establish mutually reinforcing or joint strategies;
- identify and address needs by leveraging resources; agree on roles and responsibilities;
- establish compatible policies, procedures, and other means to operate across agency boundaries;
- develop mechanisms to monitor, evaluate, and report on results;
- reinforce agency accountability for collaborative efforts; and
- reinforce individual accountability for collaborative efforts.

For the purpose of this review, we focused on the practices that were most applicable to federal agencies seeking to collaborate on providing language access services to LEP persons and communities. As such, we selected the following four of the eight collaboration practices as criteria for this review:

- Define and articulate a common outcome through identifying a compelling rationale for agencies to collaborate;
- Establish mutually reinforcing or joint strategies by aligning agencies’ activities, core processes, and resources to accomplish the common outcome;
- Agree on roles and responsibilities, including how the collaborative effort will be led, clarifying who will do what, organizing their joint and individual efforts, and facilitating decision making; and

---

<sup>1</sup>GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: October 21, 2005).



- Identify and address needs by leveraging each others' resources, thus obtaining additional benefits that would not be available if agencies were working separately.

Additionally, we interviewed officials who convene interagency language groups and officials from the selected agencies that participate in those efforts, specifically senior officials of the Federal Interagency Working Group. During interviews with officials from DOJ's Coordination and Review Section, we sought suggestions for other federal entities involved with acquiring and maintaining foreign language capabilities. DOJ officials suggested that we interview the Director of the National Virtual Translation Center to gain an understanding of how the intelligence agencies collaborate and leverage foreign language capabilities for a common goal.

---

# Appendix II: Comments from the U.S. Department of Homeland Security

---

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

April 8, 2010

Mr. Robert Goldenkoff  
Director  
Strategic Issues Team  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

**Subject:** GAO 10-91, *Language Access: Selected Agencies Can Improve Services to Limited English Proficient Persons*

Dear Mr. Goldenkoff:

The Department of Homeland Security (DHS) appreciates the opportunity to review and comment on the U.S. Government Accountability Office's (GAO) draft report referenced above. GAO provided several conclusions and made two recommendations for Executive Action relevant to the Department of Homeland Security. The Department concurs with the recommendations as referenced below.

**Recommendation:** To comply with the Executive Order and provide recipient guidance for DHS's components such as FEMA to follow when assessing the need to provide language access services for their programs, services, and activities, we recommend that the Secretary of Homeland Security finalize and issue the department's LEP plan and recipient guidance.

**Response:** Concur. The report states: "As of December 1, 2009, DHS had not completed its recipient guidance or LEP plan, although FEMA officials stated that DHS has a preliminary draft of their LEP plan. Despite multiple requests, DHS officials did not provide us with a copy of either their draft LEP plan or recipient guidance."

DHS submitted its draft recipient guidance to the U.S. Department of Justice (DOJ) in April, 2009 and was awaiting approval of the recipient guidance from DOJ as of December 1, 2009. DHS recently received DOJ's approval of the guidance provided incorporation of several comments in the final draft. The revised guidance is attached and will be sent to OMB for publication in the Federal Register this month.

Furthermore, the Office for Civil Rights and Civil Liberties will lead the Department in finalizing the Department's LEP plan for improving access to its federally conducted programs and activities by eligible LEP person.

- 2 -

Also, in this context, it is important to point out that in 2009, FEMA initiated a pilot program to develop communication mechanisms that expanded the ability to reach several LEP communities impacted by the Midwest floods; this program has been expanded and currently includes availability of communication strategies targeted to Arabic, Bosnian, Chinese Simplified, Dinka, Farsi, Kirundi, Kurdish, Nepali, Somali, Spanish, Swahili and Vietnamese LEP communities. In addition, following the Post Katrina Emergency Management Reform Act (PKEMRA), guidelines were developed and implemented pursuant to section 689 of PKEMRA and which include LEP communities (Section 689 (e)).

**Recommendation:** To provide more meaningful access for LEP communities, we recommend that the Administrator of FEMA take the following actions:

- Develop criteria for determining vital documents needed for translation, and make available general disaster information in the regularly encountered languages.
- Develop mechanisms to monitor and evaluate services provided to LEP persons.

**Response:** Concur. The report states: "FEMA has demonstrated agency commitment, identified LEP populations, and delivered services during disasters, but it lacks a structured approach to monitor these services." The Department's Office for Civil Rights and Civil Liberties, which has delegated authority from the Secretary of Homeland Security to enforce Title VI of the Civil Rights Act of 1964, as amended and to assure compliance with Executive Order 13166, will collaborate with FEMA on the development of criteria for determining which vital documents should be translated and mechanisms for monitoring and evaluating services for LEP persons.

In addition to the above responses I request that you correct a particular reference to communities FEMA assisted in 2009. The language currently contained on page 21 currently reads:

*"FEMA initiated this pilot program while responding to a flood affecting North Dakota and Minnesota in the spring of 2009; the program enabled FEMA officials to develop communication strategies targeted to Farsi, Nepali, Bosnian, and Vietnamese LEP communities. FEMA officials stated that they have formalized these procedures for use in responding to future presidentially declared disasters."*

Given that FEMA currently has processes in place to reach multiple LEP communities, we request that the above language be revised to reflect this as follows:

*"FEMA initiated this pilot program while responding to a flood affecting North Dakota and Minnesota in the spring of 2009; the program enabled FEMA officials to develop communication strategies targeted to Arabic, Bosnian, Chinese Simplified, Dinka, Farsi, Kirundi, Kurdish, Nepali, Somali, Spanish, Swahili and Vietnamese LEP communities. FEMA officials stated that they have formalized these procedures for use in responding to future presidentially declared disasters."*

---

**Appendix II: Comments from the U.S.  
Department of Homeland Security**

---

- 3 -

We appreciate the opportunity to comment on this Draft Report and we look forward to working with you on future homeland security issues.

Sincerely,



Jerald E. Levine

Director

Departmental GAO/OIG Liaison Office

# Appendix III: Comments from the U.S. Small Business Administration



U. S. SMALL BUSINESS ADMINISTRATION  
Washington, DC 20416

April 2, 2010

Mr. Robert Goldenkoff  
Director  
Strategic Issues Team  
U. S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Mr. Goldenkoff:

Thank you for the opportunity to review and comment on the Government Accountability Office's (GAO) draft report, "Language Access: Selected Agencies Can Improve Services to Limited English Proficient Persons." In the report, you present the GAO's recommendations for agencies, including the Small Business Administration, to provide more meaningful access to Limited English Proficient (LEP) populations.

During the audit, the GAO found that SBA had fully implemented the "service delivery" element of LEP access by systematically and strategically providing services and outreach to LEP populations through internal resources, technology, and partner organizations. The GAO also identified areas where SBA could improve LEP access, particularly with respect to collecting data on the size of SBA's customer base, the frequency of SBA's contact with the LEP populations, and the level of service needed to provide access to SBA's LEP populations. The GAO recommends that SBA finalize and issue its LEP plan and recipient guidance and complete a comprehensive needs assessment. SBA agrees with the GAO's recommendations and is initiating actions to implement the recommendations and provide more meaningful access to SBA's LEP populations.

After reviewing the draft report, SBA has identified several areas that require clarification as set forth in detail below:

**1. GAO Comment: Page 15, Second Paragraph – "Disaster Recovery Plan does not mention services in non-English languages..."**

*SBA Response:* The SBA Disaster Recovery Plan (DRP), dated November 15, 2009, states that SBA's national call center, the "Customer Service Center" (CSC), utilizes Interpretalk, a technology-based translation service. Interpretalk is the single point of contact for disaster victims, and it is responsible for, among other things, coordinating the provision of Spanish applications to the CSC. (See Attachment 1).

**2. GAO Comment: Page 22, First Paragraph – "During a disaster recovery operation, SBA mainly relies on FEMA's resources to identify language needs for interpretation and translation services, and the effectiveness of SBA's efforts is dependent on the accuracy of FEMA's assessment."**

- 2 -


*SBA Response:* In addition to working with FEMA to identify language needs, the SBA conducts its own rigorous outreach efforts during a disaster recovery operation to ensure the needs of LEP populations are fully met. Specifically, Customer Service Representatives in the SBA's Office of Disaster Assistance's (ODA) perform outreach in each community where a disaster occurs and alert management when they determine there is a language need. ODA regularly attends community meetings and continually collaborates with FEMA regarding particular language needs for interpreters in specific areas. In addition, SBA provides interpretation services to anyone that visits a Disaster Recovery Center (DRC) by utilizing 1) the SBA staff on site, 2) FEMA personnel (where applicable), 3) SBA staff from other centers who provide language interpretation via phone, and 4) the Translation Services line. In the past, ODA has hired translators to work at DRCs and has had informational materials translated into different languages. Finally, SBA also tracks data regarding language needs to determine how long a specific language skill may be required at a temporary disaster location or if there is a specialized outreach need. The SBA communicates this information to the Public Information Officer who then coordinates with field operations and/or FEMA regarding the specific interpreter needs and duration.

**3. GAO Comment: Page 30, First Paragraph – “In contrast to IRS and FEMA, SBA does not use technology to service LEP persons, apart from its over-the-phone interpretation service.”**

*SBA Response:* SBA uses technology in a variety of ways to service LEP persons. In addition to providing interpretation services by phone, SBA operates a national call center (CSC) through its Office of Disaster Assistance (1-800-U-ASK-SBA), which provides information in both English and Spanish (*see* Attachment 2). The CSC is a single point of contact for disaster victims who have questions about SBA disaster loans. Moreover, SBA maintains a Spanish website (*see* Attachment 3) that provides information on all of SBA's programs, on disaster preparedness, and on what assistance is available for home and business owners who have been affected by a disaster ([http://www.sba.gov/espanol/Asistencia\\_en\\_Casos\\_de\\_Desastre/](http://www.sba.gov/espanol/Asistencia_en_Casos_de_Desastre/)). The SBA website also provides information in Other Languages (*see* Attachment 4). SBA utilizes a variety of technologies to provide services and resources to LEP persons and will continue to develop such services going forward.

SBA is committed to improving services to LEP persons. Thank you again for the opportunity to comment on the draft report, and we look forward to reporting back to GAO on our continued progress.

Respectfully,

  
Margaret J. Bennett  
Assistant Administrator  
Equal Employment Opportunity and  
Civil Rights Compliance

Attachments - 4

MAR-25-2010 10:24A FROM:

TO: 912024810545

P. 2

Attachment 1

Small Business Administration

Disaster Recovery Plan

- Review and set policy, procedures and guidelines for all ODA operations.

#### CUSTOMER SERVICE CENTER

Frequently, disaster victims have questions about how to file or fill out a disaster loan application. Many disaster victims have little experience in completing loan applications. Operationally, ODA supports this need through its CSC, located in Buffalo, New York. It is a single point of contact for disaster victims who have questions about SBA disaster loans. It provides them with the following services: a call center, e-mail response, disaster application mailing capabilities, and pre-application entry.

The CSC baseline state of readiness allows it to adequately respond to Level I and II disasters, representing a workload of approximately 2,000 calls per day or less.

CSC is responsible for the following tasks:

- Determining staffing requirements based on workload projections.
- Based on the forecasted call volume for the new disaster, projecting hourly call patterns using the CSC's Daily Call Forecasting tool.
- Requesting activation of specified number of Disaster Reserve Techs/Specs in the local commuting area in a disaster, when necessary.
- Ensuring Mailbox team and Problem Resolution teams are in place. A specialized team of customer service agents is dedicated to respond to email inquiries received through ODA's Customer Service mailbox ([disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov)). The mailbox team typically has a dual responsibility of manning the Disaster Recovery Center line, a dedicated 800-line for exclusive use by field personnel.
- Coordinating with Administration regarding the supply of English and Spanish applications on hand.

#### FIELD OPERATIONS CENTERS

FOCs coordinate disaster field operations and reach out to ODA's external partners to publicize ODA's Disaster Loan Program in advance of and following disasters. Outreach targets include FEMA Regional Offices, State Offices of Emergency Services, SBA's Regional Administrators and District Directors, Congressional offices, and SBA's resource partners (SBDCs, SCORE, WBCs, Private Sector Professional Organizations, etc.).

FOCs are responsible for:

- Establishing, staffing, and maintaining field operations onsite in declared disaster areas, including DRCs and SBA Disaster Loan Outreach Centers (DLOCs). DRCs are partnerships between FEMA and SBA.
- Conducting disaster surveys with FEMA, state, and local officials.
- Performing original loss verifications for OCONUS disasters.
- Performing onsite loss re-verifications for CONUS and OCONUS disasters.

Appendix III: Comments from the U.S. Small Business Administration

MAR-25-2010 10:24A FROM: Small Business Administration - Contact Us

TO: 912024610545 P.3 Page 1 of 2

Attachment 2



Programs and services to help you start, grow and succeed

> En Español

Search SBA

Home SMALL BUSINESS SERVICES TOOLS LOCAL PLANNER RESOURCES

About SBA Home > Contact Us Contact Us SBA Program Office

Newsroom SBA is ready to respond to your questions about our programs and services, and to your small business problems and concerns.

Contact Find your local SBA District Office, Regional Office, or Disaster Field Office.

FAQ To reach SBA by Mail: US Small Business Administration 408 3rd Street, SW Washington, DC 20416

NEWSLETTERS To reach SBA by phone or e-mail: SBA Answer Desk 1-800-U-ASK-SBA (1-800-827-6722) Send e-mails to: [answerdesk@sba.gov](mailto:answerdesk@sba.gov) Answer Desk TTY: (704) 344-8840 (Spanish)

SBA DIRECT Your questions and comments are important to us! The Answer Desk is the only national toll-free telephone service providing information to the public on small business problems and concerns; moreover, this service provides general information about SBA programs and other programs available to assist the small business community. Because of the volume of comments and questions we receive each day, we may be unable to immediately respond to all of your calls or messages. A reply to your e-mail message ([answerdesk@sba.gov](mailto:answerdesk@sba.gov)) may take up to five working days (typically Mon - Fri except holidays).

MOST REQUESTED ITEMS Business Information Assistants are available to speak directly with you between the hours of 8:00 AM and 7:00 PM (eastern time) by calling the Answer Desk at 1-800-U-ASK-SBA (1-800-827-6722). Outside of those hours, you may hear a recording of the information 24 hours, seven days a week.

BUDGET AND PERFORMANCE In most cases, your calls and e-mails will go to one of our many Business Information Assistants who are educated in all aspects of SBA's Programs and Services and you should receive a rapid response. See our [privacy statement regarding e-mails](#).

REPORT FRAUD WASTE AND ABUSE Whether you are starting a business or operating an established business, the US Small Business Administration has a variety of programs to assist you. Free one-on-one counseling is also available locally to help entrepreneurs and potential entrepreneurs in the areas of financing, management technology, government procurement, and other business related areas.

Before you write or call, you might save time by reviewing the following:

Disaster Loans: Please Note: To obtain Disaster Loan Program information or to receive a status update on your disaster loan request, please call our customer service line at 1-800-659-2966 from 8:00 AM to 6:00 PM (EDT), Mon - Fri or email us at [disastercustomer@service.sba.gov](mailto:disastercustomer@service.sba.gov).

Dynamic Small Business Search system/CCR issues: e-mail [pronsi@sba.gov](mailto:pronsi@sba.gov), call (202) 205-9884, or Fax (202) 481-5881

HUBZone issues: To obtain assistance about the HUBZone certification eligibility criteria or to resolve technical issues, please e-mail [hubzone@sba.gov](mailto:hubzone@sba.gov) or call (202) 205-9886. For HUBZone contracting questions see <http://www.sba.gov/aboutsba/sbaprograms/hubzones/index.html>

Technical questions about the Website will be forwarded directly to the webmaster.

If you are requesting a link or wanting to link to our site, see our [Linking Criteria](#) prior to making your request.

<http://www.sba.gov/content/index.html>

3/22/2010



MAR-25-2010 10:25A FROM:

TO: 912024810645

P. 4

Cómo el Ombudsman Nacional Puede Ayudar a su Pequeño Negocio

Page 1 of 4

Attachment 3



## Agencia Federal para el Desarrollo de la Pequeña Empresa

Página Principal | Centro de Información | Oficinas Locales de la SBA | Comunicados de Prensa | Prensa Solamente | English Home

Búsquedas:

Búsqueda

Home » Español » Cómo el Ombudsman Nacional Puede Ayudar a su Pequeño Negocio

### COMO EL OMBUDSMAN NACIONAL PUEDE AYUDAR A SU PEQUEÑO NEGOCIO

#### CONTENIDO

- Programas y Servicios
- Primeros Pasos Para Comenzar un Negocio
- Asesoría y Capacitación
- Financiamiento
- Mujeres Empresarias
- Comercio Internacional
- Asistencia en Casos de Desastre
- Programa de Desarrollo Empresarial (a)
- Información Sobre Anuncios Comerciales
- Ombudsman Nacional
- Fuentes de Información
- Biblioteca en Línea
- Recursos Externos

- Un Ombudsman
- El Papel que Desempeña el Ombudsman Nacional de la SBA
- El Ombudsman Nacional Puede Ayudar el.
- El Ombudsman Nacional no Puede Proporcionar Ayuda en Casos de:
- ¿Cómo Hago para Presentar una Queja o Comentario?
- ¿Qué Tipo de Información Debo Incluir para Documentar mi Queja o Comentario?
- Planilla de Quejas o Comentarios sobre Agencias Federales
- Para más Información
- Socios de la SBA

#### Un Ombudsman

Un Ombudsman es un individuo que investiga quejas que se han presentado formalmente y hace un informe sobre el resultado de dicha investigación.

#### El Papel que Desempeña el Ombudsman Nacional de la SBA

El Congreso de los Estados Unidos estableció la Oficina del Ombudsman Nacional y 10 juntas de equidad en la aplicación de las regulaciones en 1966, como parte de la Ley de Equidad en la Aplicación de Regulaciones a la Pequeña Empresa y la Agricultura. El objetivo de la ley era asegurar que los negocios pequeños, pequeñas entidades gubernamentales y pequeñas organizaciones no lucrativas que padecen acciones federales reguladoras injustas, tengan un medio de radicar sus comentarios acerca de dichas acciones. El Ombudsman Nacional de la SBA trata de confirmar esas alegaciones, y cada año somete un Informe al Congreso sobre cómo las agencias federales han tratado a las pequeñas entidades en el proceso de aplicar las regulaciones. Los comentarios públicos son un componente crucial de dichos informes.

#### El Ombudsman Nacional Puede Ayudar si:

- usted es propietario o representante de un pequeño negocio, una pequeña entidad gubernamental o pequeña organización no lucrativa;
- sus comentarios o quejas están directamente relacionados con una agencia federal que tiene autoridad reguladora sobre los pequeños negocios; y
- se ha tomado una acción reguladora por parte de una agencia federal o tal acción es inminente.

#### El Ombudsman Nacional no Puede Proporcionar Ayuda en Casos de:

- quejas o reclamaciones personales o individuales;
- reclamaciones cuyo objetivo es obtener contratos gubernamentales o asistencia en el procesamiento y/o aprobación de préstamos; o
- reclamaciones que no estén relacionadas directamente con acciones reguladoras federales.

#### ¿Cómo Hago para Presentar una Queja o Comentario?

1. Complete el Formulario para Quejas o Comentarios acerca de Agencias Federales que aparece al final del texto.

MAR-25-2010 10:25A FROM:

TO: 912024610645

P. 5

Cómo el Ombudsman Nacional Puede Ayudar a su Pequeño Negocio

Page 2 of 4

2. Proporcione documentación para fundamentar su queja o comentario.
3. Envíe el formulario y la información que apoya el comentario por:

Correo:

Oficina del Ombudsman Nacional  
Agencia Federal para el Desarrollo de la Pequeña Empresa  
400 Third St., S.W. MC2120  
Washington, D.C. 20415-0005  
Fax: 202-481-5719

**¿Qué Tipo de Información Debo Incluir para Documentar mi Queja o Comentario?**

- Explique los aspectos positivos y negativos de los contactos de la agencia federal con su pequeño negocio.
- Explique brevemente cómo la agencia federal habría podido servir mejor a su pequeño negocio.
- Describa la acción reguladora, inspección o revisión a la que fue sometido su negocio, así como sus resultados.
- Si una agencia tomó medidas para poner en vigor una regulación en relación con su negocio, proporcione hechos específicos y copias de cualquier documentación que apoye su queja o comentario (por ejemplo, citación, correspondencia, etc.).

Se aceptan comentarios confidenciales, su confidencialidad se protege si usted lo solicita. Es importante que entienda que este proceso no sustituye a ninguna otra acción que usted pueda tomar en relación a actividades reguladoras específicas por parte de una agencia federal. Usted debe continuar explorando todas las opciones legales a su alcance que considere que puedan ser beneficiosas para su negocio.

**Planilla (Formato) de Quejas o Comentarios sobre Agencias Federales**

**Ley de Igualdad en la Aplicación de Regulaciones a Pequeños Negocios y la Agricultura (SBREFA)**

Nombre del Negocio: \_\_\_\_\_

Dirección: \_\_\_\_\_

Contacto: \_\_\_\_\_

Teléfono: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Tipo de Organización**

\_\_\_\_ Pequeña Empresa Tipo: \_\_\_\_\_

\_\_\_\_ Pequeña No-lucrativa

\_\_\_\_ Pequeña Gubernamental (población de menos de 50.000)

Agencia Federal: \_\_\_\_\_

Dirección: \_\_\_\_\_

Contacto: \_\_\_\_\_

MAR-25-2010 10:26A FROM:

Cómo el Ombudsman Nacional Puede Ayudar a su Pequeño Negocio

TO: 912024810645

P.6

Page 3 of 4

Oficina/División: \_\_\_\_\_

Teléfono: \_\_\_\_\_

Fax: \_\_\_\_\_

#### Confidencialidad y Divulgación

Mi identidad, así como la de mi pequeño negocio:

\_\_\_\_\_ Pueden divulgarse sólo a la Oficina del Ombudsman Nacional y las Juntas de Equidad en las Regulaciones regionales.

\_\_\_\_\_ Pueden divulgarse sólo a la agencia federal involucrada, la OCN y la Junta de Equidad en las Regulaciones regional.

\_\_\_\_\_ Pueden divulgarse por completo y hacerse públicas.

\_\_\_\_\_  
Firma del interesado

\_\_\_\_\_  
Fecha

Si necesita información adicional, puede llamar gratis al 1-888-REG-FAIR (1-888-734-3247), visitar nuestra página electrónica en <http://www.sba.gov/ombudsman>, o enviarnos un correo electrónico a [ombudsman@sba.gov](mailto:ombudsman@sba.gov).

#### Para más información

La SBA tiene oficinas locales en los 50 estados, el Distrito de Columbia, Puerto Rico, las Islas Virgenes de los EE.UU. y Guam. Para localizar la oficina más cercana a usted, busque en su guía telefónica bajo "U.S. Government", o comuníquese por:

Teléfono: 1-800-ASK SBA (1-800-827-5722)

Fax: 202-481-8190

E-mail: [answerdesk@sba.gov](mailto:answerdesk@sba.gov)

TDD: 704-344-6340

Sus derechos a equidad en la aplicación de regulaciones:  
1-888-REG-FAIR (1-888-734-3247)

Internet:

Portada de la SBA: <http://www.sba.gov>

Gopher: <http://www.sba.gov/gopher>

Asesor Empresarial de EE.UU.: <http://www.business.gov>

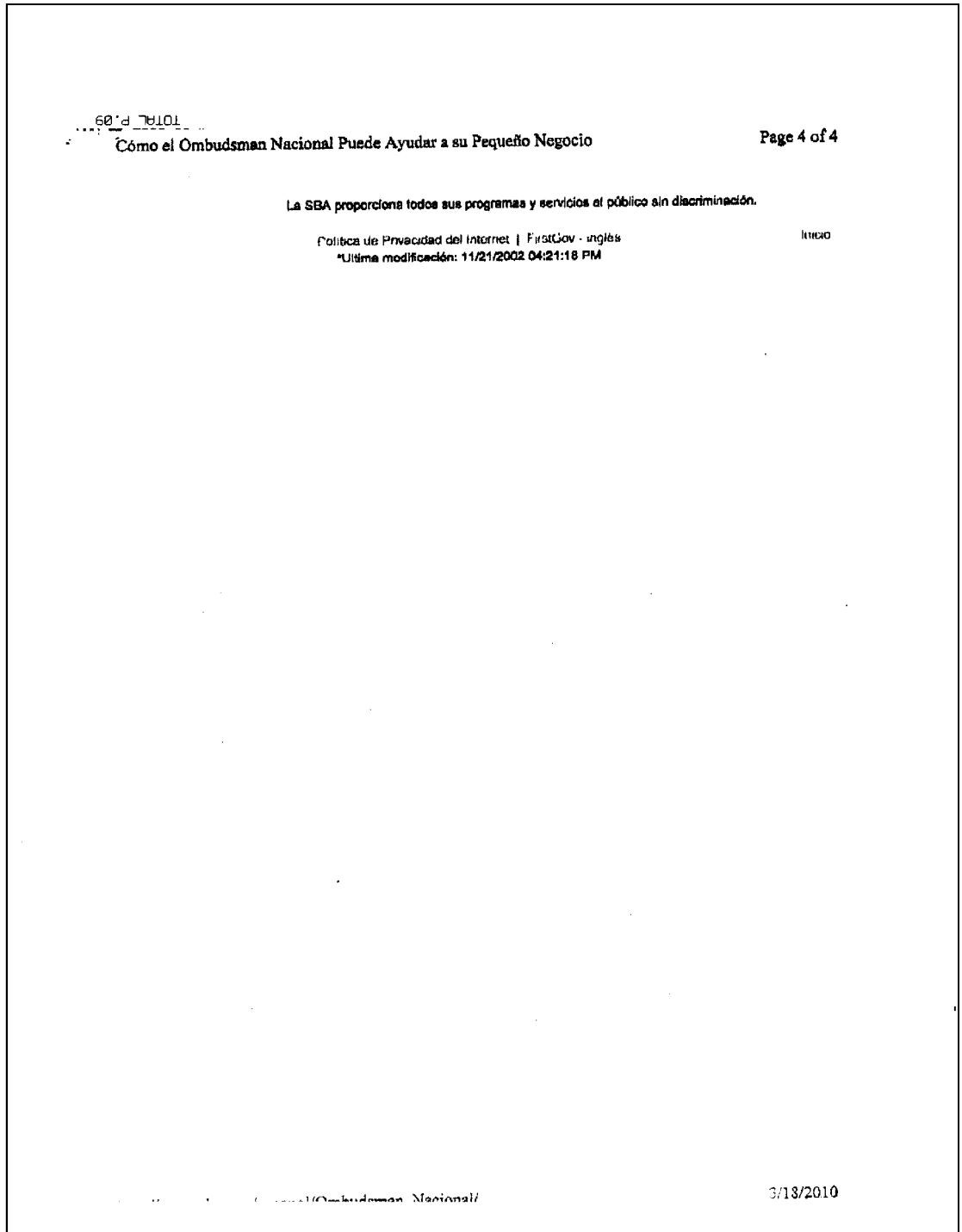
#### Socios de la SBA

Pregunte en la oficina local de la SBA para la dirección más cercana.

- Centros de Información Empresarial (BICs)
- Centros Tribales de Información Empresarial (TBICs)
- Asociación de Ejecutivos Jubilados (SCORE)
- Centros de Desarrollo Empresarial (SBDCs)
- Centros de Asistencia a los Exportadores Norteamericanos (USEACs)
- Centros de Mujeres Empresarias (WBCs)

<http://www.sba.gov/ombudsman>/Ombudsman Nacional/

3/13/2010



---

# Appendix IV: GAO Contact and Staff Acknowledgments

---

## GAO Contact and Staff Acknowledgments

Steven Lozano and Kisha Clark managed this engagement. Scott Doubleday, Robin Ghertner, and Pamela Harris made key contributions to all aspects of the report. In addition, Virginia Chanley provided design methodology support, Andrea Levine provided legal support, and Melanie Papasian and Robert Gebhart provided communications support.

---

# Related GAO Products

---

*Department of State: Comprehensive Plan Needed to Address Persistent Foreign Language Shortfalls.* [GAO-09-955](#). Washington, D.C.: September 17, 2009.

*Centers for Medicare and Medicaid Services: CMS Should Develop an Agencywide Policy for Translating Medicare Documents into Languages Other Than English.* [GAO-09-752R](#). Washington, D.C.: July 30, 2009.

*English Language Learning: Diverse Federal and State Efforts to Support Adult English Language Learning Could Benefit from More Coordination.* [GAO-09-575](#). Washington, D.C.: July 29, 2009.

*Military Training: DOD Needs a Strategic Plan and Better Inventory and Requirements Data to Guide Development of Language Skills and Regional Proficiency.* [GAO-09-568](#). Washington, D.C.: June 19, 2009.

*Medicare: Callers Can Access 1-800-MEDICARE Services, but Responsibility within CMS for Limited English Proficiency Plan Unclear.* [GAO-09-104](#). Washington, D.C.: December 29, 2008.

*Child Care and Early Childhood Education: More Information Sharing and Program Review by HHS Could Enhance Access for Families with Limited English Proficiency.* [GAO-06-807](#). Washington, D.C.: August 17, 2006.

*Transportation Services: Better Dissemination and Oversight of DOT's Guidance Could Lead to Improved Access for Limited English Proficient Population.* [GAO-06-52](#). Washington, D.C.: November 6, 2005.

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site ([www.gao.gov](http://www.gao.gov)). Each weekday afternoon, GAO posts on its Web site newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to [www.gao.gov](http://www.gao.gov) and select "E-mail Updates."

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's Web site, <http://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Web site: [www.gao.gov/fraudnet/fraudnet.htm](http://www.gao.gov/fraudnet/fraudnet.htm)

E-mail: [fraudnet@gao.gov](mailto:fraudnet@gao.gov)

Automated answering system: (800) 424-5454 or (202) 512-7470

---

## Congressional Relations

Ralph Dawn, Managing Director, [dawnr@gao.gov](mailto:dawnr@gao.gov), (202) 512-4400  
U.S. Government Accountability Office, 441 G Street NW, Room 7125  
Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

