

# Instruction FI-256-24-001: 2024 FEMA Language Access Plan

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Date



**FEMA**

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## Overview

The Federal Emergency Management Agency (FEMA) is committed to taking reasonable steps to ensure meaningful access to our programs and activities by individuals and communities with limited English proficiency (LEP). This commitment not only applies to programs and activities conducted by FEMA Directorates and Program Offices, but also those provided by FEMA grant recipients and contractors.<sup>1</sup> To strengthen this commitment, the FEMA Office of Civil Rights (OCR) has developed this 2024 FEMA Language Access Plan Instruction (hereinafter Instruction), which expands on the 2023 FEMA Language Access Policy,<sup>2</sup> and aligns with the 2023 DHS Language Access Plan,<sup>3</sup> the 2024 DHS Indigenous Languages Plan,<sup>4</sup> Title VI of Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq), and Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency” (EO 13166).<sup>5</sup>

## Purpose

This Instruction provides guidance on the standards, principles, and compliance requirements that FEMA will use to ensure meaningful access for individuals with LEP throughout agency programs, activities, and services.

## Background

This Instruction reflects FEMA’s commitment to federal civil rights laws, and disaster relief statutes, which advance nondiscrimination and equal access for all. In accordance with this commitment, FEMA Directorates and Program Offices (POs) must ensure meaningful access for individuals with LEP to FEMA programs and activities, by providing necessary public information through in-person, video, and telephonic interpreters and translation services.

This Instruction stands on the foundation of Title VI of the Civil Rights Act of 1964, which states that: “No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”<sup>6</sup> Of equal foundational importance to the agency’s Instruction, Sections 308, 309, and 616 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) prohibit discrimination based on race, color, religion, nationality, sex, age, disability, English proficiency, or economic status in disaster

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<sup>1</sup> U.S. Department of Homeland Security, FEMA, [FEMA Policy FP-256-23-001](#) “Language Access” (Mar. 8, 2023).

<sup>2</sup> See [FEMA Policy FP-256-23-001](#) at 2 – 3.

<sup>3</sup> U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, [Language Access Plan](#) (Nov. 2023) (hereinafter 2023 DHS Language Access Plan).

<sup>4</sup> U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, [Indigenous Languages Plan](#) (Feb. 2024) (hereinafter 2024 DHS Indigenous Languages Plan).

<sup>5</sup> [65 Fed. Reg. 50121](#) (Aug. 16, 2000).

<sup>6</sup> [42 U.S.C. § 2000d](#).

response or recovery efforts; and prescribe steps to ensure FEMA collaboration with state and local governments so that disaster-related information is available to individuals with LEP.<sup>7</sup>

In addition, this Instruction implements Executive Order (EO) 13166, which was issued to “improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency.” EO 13166 requires each Federal agency to “examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.” EO 13166 also mandates that agencies “work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.”<sup>8</sup>

This Instruction implements the 2023 FEMA Language Access Policy,<sup>9</sup> which affirms the agency’s commitment to take reasonable steps to provide individuals with LEP meaningful access to FEMA programs and services, including those provided by FEMA grant recipients and contractors. This Instruction also advances compliance with the 2022 – 2026 FEMA National Tribal Strategy,<sup>10</sup> and the 2022 - 2026 FEMA Strategic Plan.<sup>11</sup>

FEMA issues this Instruction to guide its efforts in improving access for individuals with LEP throughout its many state, local, Tribal, and territorial (SLTT) partners, recipients, contractors, and the public. In the execution of its mission, the agency serves the entire United States, whose residents comprise a diverse population of all ages, national backgrounds, life experiences, and linguistic origins. To serve this diverse population effectively and inclusively, this Instruction is designed to guide FEMA Directorates and POs in the provision of meaningful language access across programs, activities, and services. The implementation of this Instruction ensures that proper guidance is given on translation, interpretation, and outreach services for individuals with LEP seeking critical services.

## Policy

FEMA OCR is responsible for training, technical assistance, compliance, and enforcement of civil rights obligations in connection with public-facing FEMA programs and services, including those conducted by FEMA Directorates and POs, and those provided by recipients of FEMA financial assistance. FEMA OCR also processes and adjudicates external civil rights complaints; and ensures the availability of auxiliary aids and services and reasonable modifications to FEMA

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<sup>7</sup> [42 U.S.C. §§ 5151, 5152, and 5196f.](#)

<sup>8</sup> [65 Fed. Reg. 50121](#), 50122.

<sup>9</sup> See [FEMA Policy FP-256-23-001](#) at 1 – 3.

<sup>10</sup> U.S. Department of Homeland Security, FEMA, [2022 – 2026 FEMA National Tribal Strategy](#) (Aug. 2022).

<sup>11</sup> U.S. Department of Homeland Security, FEMA, [“2022–2026 FEMA Strategic Plan”](#) at 9 (Dec. 9, 2021) (hereinafter 2022-2026 FEMA Strategic Plan).

programs for individuals with disabilities,<sup>12</sup> as well as the availability of language access services for individuals with LEP.

This Instruction updates and supersedes the 2020 FEMA Language Access Plan<sup>13</sup> and is aligned to the 2023 DHS Language Access Plan. This Instruction applies to all FEMA-conducted and assisted programs and services to individuals with LEP. Individuals served by FEMA-assisted programs and activities are protected from national origin discrimination under Title VI of the Civil Rights Act of 1964 and its implementing regulation.<sup>14</sup>

In accordance with the 2023 DHS Language Access Plan, FEMA shall ensure “meaningful access for individuals with [LEP] to operations, services, activities, and programs ... by providing quality language access services in a timely manner.”<sup>15</sup> This commitment requires FEMA to “incorporate language access considerations into routine and strategic business planning, identify and translate vital documents into the most frequently encountered languages, provide interpretive services where appropriate, and educate personnel about language access responsibilities and how to utilize available language access resources.” The 2023 DHS LAP also mandates that “minors may not be used for providing language services in DHS Component programs and activities except in rare circumstances (e.g., exigent circumstances involving life and safety and only until such time as a qualified interpreter or translator can be secured).”<sup>16</sup> FEMA’s adherence to these requirements and the advancement of language access services across the agency represents a core portion of its mission to implement the Stafford Act’s requirement of the “equitable and impartial” provision of services to people before, during, and after disasters.

This Instruction is designed to address instances in which FEMA directly interacts with or serves individuals with LEP and is intended to strengthen meaningful access to programs, activities, and services. The agency has frequent and sustained contact with individuals, communities, and populations with LEP, including, but not limited to face-to-face/in-person, over the phone, electronically (through websites, texts, emails), and through written correspondence. In determining and implementing the most appropriate language access services necessary to ensure an individual with LEP has meaningful access, FEMA considers the following “four factor analysis”:

1. Number or proportion of individuals with LEP encountered or likely to be encountered;

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<sup>12</sup> [FEMA’s Section 504 Implementation Plan](#) outlines steps to strengthen the agency’s approach to providing equal access to individuals with disabilities under Section 504 of the Rehabilitation Act of 1973.

<sup>13</sup> U.S. Department of Homeland Security, FEMA, [Language Access Plan – Update 2020](#) (Dec. 2020).

<sup>14</sup> [42 U.S.C. §2000d et seq.](#); [44 C.F.R. Part 7](#) (FEMA Title VI implementing regulations). The English proficiency non-discrimination provisions of [Section 308](#) of the Stafford Act apply depending on the type of assistance a recipient receives from FEMA.

<sup>15</sup> [2023 DHS Language Access Plan](#) at 5, note 5 (“Quality language services are language services that provide accurate, timely, and effective communication to the persons [with LEP].”).

<sup>16</sup> [2023 DHS Language Access Plan](#) at 5.

2. Frequency of contact with individuals with LEP;
3. Nature and importance of the Program, activity, or service provided; and
4. Resources available and costs to provide meaningful access.<sup>17</sup>

Additionally, FEMA follows the guidelines of Section 508 of the Rehabilitation Act of 1973<sup>18</sup> and the Plain Writing Act of 2010<sup>19</sup> when developing materials for the public.

## Principles

To ensure meaningful access by individuals with LEP, FEMA programs shall adhere to the following principles when implementing language access:<sup>20</sup>

1. *Assessment of Need and Capacity*: Regularly identify and assess the language access needs of the public in the jurisdictions receiving disaster declarations, as well as assessment of the agency's capacity to meet those needs.
2. *Oral Language Access*: Provide oral language access by qualified interpreters or staff members proficient in non-English languages, through in-person, video, or telephonic encounters; and address the needs identified in Principle 1. In addition, FEMA will have a centralized point of contact for individuals seeking language access services in its programs and activities. FEMA OCR Civil Rights Cadre staff members are available to direct individuals to interpreters and translators at each declared disaster.
3. *Written Translation*: Identify, translate, and make accessible in various formats, including print and electronic media, vital documents in languages other than English in accordance with assessments of need and capacity conducted under these principles.
4. *Assessment of Access and Quality*: Regularly assess the accessibility and quality of language access activities for individuals with LEP to maintain an accurate record of language access services and implement or improve language access outreach programs and activities in accordance with public need and agency capacity.
5. *Partner Consultation and Language Access Working Group*: Consult with partners in accordance with this and other federal policies, to identify language access needs of individuals with LEP; implement appropriate language access strategies

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<sup>17</sup> [2023 DHS Language Access Plan](#) at 5.

<sup>18</sup> [29 U.S.C. § 794d](#). Section 508 ensures that individuals with disabilities have equal access to federal government information on information and communications technology (ICT).

<sup>19</sup> [H.R. 946: Pub. L. 111-274, 124 Stat. 2861](#) (Oct. 13, 2010). The purpose of the Plain Writing Act is to improve the effectiveness and accountability of federal agencies to the public by promoting clear communication that the public can understand.

<sup>20</sup> See [FEMA Policy FP-256-23-001](#) at 2-3.

to ensure individuals with LEP have meaningful access in accordance with assessments of community needs and agency capacity and evaluate progress on an ongoing basis.

6. *New Technologies and Digital Information:* Provide information on and develop initiatives to use updated technologies to provide greater language access, consistent with applicable law and policies. Ensure the quality of language services when using such technologies. FEMA will develop and implement specific written policies and procedures to ensure that, in accordance with assessments of LEP needs and agency capacity, digital information (including but not limited to pre-recorded material and translated documents) is accessible by communities in need of language services.
7. *Indigenous and Rare Languages:* Ensure policies and practices consider the language needs of Indigenous and rare language speakers, including members of [Native American Tribes](#), [Alaska Native Corporations](#), [Native Hawaiian Organizations](#), and Indigenous migrant populations from Latin America residing in the United States.

FEMA OCR is available to provide training and technical assistance on the implementation of the principles outlined in this document.

## **Overarching Approach**

FEMA acknowledges that meaningful access must be accomplished by providing: (1) the necessary language access services; (2) training to staff on policies and procedures; and (3) notice to external partners, translated into multiple languages at no-cost.

## Section 1: Responsible Offices Oversight and Monitoring

*Outcome: Ensure accountability and compliance throughout programs, services, activities, and benefits conducted and assisted by FEMA, as outlined in this Instruction and in accordance with FEMA obligations under applicable federal civil rights laws, regulations, and executive orders.*

1. FEMA OCR is responsible for ensuring compliance with FEMA’s obligations under applicable federal civil rights laws, regulations, and executive orders, including EO 13166, Title VI of the Civil Rights Act of 1964, and Section 308 of the Stafford Act, as applicable.
2. In alignment with FEMA Directive 256-22-001: Civil Rights: Enforcement, Compliance, Integration, and Coordination,<sup>21</sup> several FEMA POs have language access roles and responsibilities. The FEMA Office of External Affairs (OEA) provides interpretation and translation services that ensure meaningful access to FEMA programs and activities. FEMA OCR publishes this Instruction – the FEMA Language Access Plan – and provides guidance and technical assistance across the agency. Finally, each FEMA Directorate or PO is responsible for developing a language access strategy that aligns with the primary requirements detailed in this Instruction.
3. FEMA’s [Language Access Policy](#) establishes FEMA OCR as the primary office responsible for monitoring the implementation of this Instruction. For the policies and procedures set forth in this Instruction to be effective, FEMA OCR will:
  - a. Identify language access needs in collaboration with OEA and Civil Rights field operations.
  - b. Provide training on the contents of this Instruction to new and existing personnel across the agency.
  - c. Ensure that language access services are provided to individuals with LEP participating in FEMA-conducted programs.
4. The Community Accessibility Branch Chief, External Civil Rights Division, FEMA OCR, serves as the Language Access Coordinator and is assigned to monitor and provide oversight of the implementation of the FEMA Language Access Policy and this Instruction. The Language Access Coordinator is also tasked with directing the FEMA Language Access Working Group – a body established to support the implementation and advancement of this Instruction.

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<sup>21</sup> FEMA Directive 256-22-001: Civil Rights: Enforcement, Compliance, Integration, and Coordination (Nov. 16, 2021).



5. As part of the compliance strategy, FEMA Directorates and POs must inform the public about their right to file a complaint if they feel that they were discriminated against regarding language access services.
6. In addition, FEMA OCR receives and adjudicates discrimination complaints alleging a delay or denial of language access services. FEMA OCR is responsible for administering civil rights compliance and enforcement activities, including adjudicating allegations of discrimination within the jurisdiction of FEMA. The public is advised of the following resources on the FEMA OCR website:

Civil rights flyers are available in multiple languages.

For more information about this Instruction or to file a discrimination complaint regarding language access services, members of the public may contact FEMA OCR:

Call the Civil Rights Resource Line at (833) 285-7448  
Press 1 for English  
Press 2 for Spanish  
Email: [FEMA-OCR-ECRD@fema.dhs.gov](mailto:FEMA-OCR-ECRD@fema.dhs.gov)

**Mailing Address:**

FEMA Office of Civil Rights  
500 C Street, S.W., 4<sup>th</sup> Floor Room 4SW-0915  
Washington, DC 20472-3535

Members of the public may also file a complaint with the DHS Office for Civil Rights and Civil Liberties (CRCL). For more information about filing complaints with CRCL, see [www.dhs.gov/compliance-branch](http://www.dhs.gov/compliance-branch); email [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov); or call CRCL at (202) 401-1474 or (866) 644-8360. Complaints may be filed with CRCL in any language.

## Section 2: Access for Individuals with LEP to Agency Programs and Activities Through Translation of Documents and Oral Language Access Services

*Outcome: Ensure meaningful access to FEMA programs, activities, services, and benefits for individuals with LEP through the provision of language access services (written translations and oral interpretation).*

1. As part of FEMA's mission, the agency is committed to ensuring that its programs, activities, and services provide meaningful access to individuals with LEP. Fulfilling this commitment requires the provision of both written translation and oral interpretation services. This includes the translation of vital documents into languages other than English and the provision of oral interpreters to individuals with LEP by FEMA Directorates and POs.
2. FEMA routinely provides translation and interpretation services for several language-minority populations whose primary language is not English. For example, in response to the current needs of the Spanish-speaking population, the largest language-minority population served by FEMA, numerous vital documents, and other publications are translated into Spanish. Additionally, FEMA regularly provides Spanish interpretation services during the application process at its National Processing Service Centers (NPSCs), which are call centers where individuals can register for assistance after declared disasters.
  - a. In addition to Spanish, the NPSCs that operate the FEMA Helpline (1-800-621-3362) have the capacity to support multiple languages.
  - b. Audio instructions to access operators are available in Spanish, Russian, Haitian Creole, Mandarin, Vietnamese, Arabic, Korean, German, Portuguese, and Tagalog.
3. Public or external-facing programs and activities are defined as any work carried out by FEMA (or on behalf of FEMA by a contractor) where members of the public, including individuals with LEP, are encountered, or served. Potential examples of FEMA programs and activities that involve public contact include, but are not limited to:
  - a. Providing disaster assistance, conducting home damage assessments, and providing shelter or temporary housing units;
  - b. Distribution of safety and life-sustaining emergency supplies;
  - c. Administering the National Flood Insurance Program (NFIP);
  - d. Granting radio or television interviews; and

- e. Responding to inquiries from, and/or sharing information with, members of the public through regular mail, by telephone, or by internet (i.e., email and/or social media).
4. Prominent examples of current language access services that align with the requirements of this Instruction can be found throughout FEMA Directorates and POs.
  5. FEMA OCR's current language access services for individuals with LEP include:
    - a. Collaborating with OEA to translate documents for internal and external partners, including complaint forms and complaint resolutions.
    - b. Ensuring that publications are available in a variety of languages, including, to date, Arabic, Carolinian, Chamorro (Guam), Chamorro (Saipan), Chinese, Chuukese, English, French, German, Haitian Creole, Hawaiian, Hebrew, Hindi, Ilocano, Italian, Japanese, Kannada, Khmer, K'iche', Korean, Malayalam, Pau, Portuguese, Spanish, Tagalog, and Vietnamese.
    - c. Actively assisting Spanish-speaking individuals via its toll-free number and written correspondence. FEMA's Helpline 1 (800) 621-3362 provides interpretation and is able to communicate in multiple languages.
    - d. Strengthening understanding among FEMA Directorate and POs staff by providing training and technical assistance regarding language access responsibilities. This ensures that FEMA Directorates and POs staff can meaningfully communicate with individuals with LEP.
      - i. In 2023, FEMA OCR hosted four Language Access Technical Assistance webinars. Two of these webinars provided internal training for FEMA Directorates and POs staff and the other two were focused on FEMA grant recipients.
      - ii. FEMA OCR Civil Rights Lead Advisors (CRLAs) and Civil Rights Advisors (CRADs) deployed to disaster sites provide technical assistance to disaster leadership, and by extension state, local, Tribal, and territorial partners regarding language access requirements. CRLAs and CRADs provide written reports and oral feedback to FEMA OCR regarding civil rights concerns (including language access) on a regular basis. This information assists FEMA in improving the provision of language access services.
      - iii. OEA, in addition to providing language interpretation and translation services to disaster survivors, provides information to media outlets in multiple languages about disaster preparedness and response. OEA ensures diverse audiences receive critical, understandable, and timely information. OEA also deploys members of the External Affairs Cadre to the field and coordinates with CRLAs and CRADs to assess

language needs in the jurisdictions where a disaster has been declared. These language assessments are provided to SLTT governments during both steady state and throughout disaster recovery and response.

- iv. The Federal Insurance and Mitigation Administration's (FIMA) Risk Insurance Division produces and distributes publications in Spanish that provide information about flood awareness, flood preparedness, and flood claims processing. Currently, risk insurance publications are translated in multiple languages based upon request. Critically, FIMA translates FEMA information for multilingual phone operators in the top ten languages of the impacted populations, including a translated "tagline" in a conspicuous place when issuing flood program notices.
  - v. Disaster Survivor Assistance (DSA) personnel follow protocols for identifying and communicating with individuals with LEP, in the field. They employ the [DHS I SPEAK language identification cards](#) to assist and have ready access to language access resources to assist in communications with individuals with LEP. If DSA personnel identify LEP populations not currently receiving services, they will coordinate with OEA Language Service Specialists to tailor messaging in other languages via radio and print media. DSA teams function in a 100% mobile environment to provide services directly to survivors on-site. The team uses a web-based geographic information system application to register disaster survivors, including their preferred spoken language. This information is available in real-time to disaster responders.
  - vi. The Grants Programs Directorate (GPD) interacts with the public through the issuance of grants and cooperative agreements to eligible SLTT governments and certain eligible non-governmental organizations. The terms and conditions of each grant require recipients to ensure that meaningful language access is provided to individuals with LEP throughout their respective programs and activities. FEMA ensures language access is a critical element of its communication strategy related to grant and cooperative agreement requirements.
6. FEMA shall provide individuals with LEP notice of their right to language interpretation services free of charge. This information shall be posted at active disaster sites, joint field offices (JFO), disaster recovery centers (DRC), and other field facilities. Notices shall be posted in high traffic/visibility areas in multiple languages to provide specific details on the availability of language interpreters and translation services. During disasters, FEMA staff should employ the following strategies and actions to ensure individuals with LEP can access required language services:

- a. Use the [DHS I SPEAK language identification cards](#) to assist in the identification of an individual with LEP's primary language.
- b. Post Civil Rights Public Notices in commonly encountered languages in waiting rooms, reception areas, and other initial points of entry, and/or on social media to inform applicants and program participants of their right to free language access services and invite them to identify themselves as individuals needing such services.
- c. Translate the Civil Rights Public Notice and other information in languages other than English according to a demographic assessment of the impacted communities.
- d. Publicize that the FEMA Helpline is available in multiple languages reflecting the needs of the impacted communities.
- e. Provide preparedness announcements on television and radio in multiple languages.
- f. Provide a statement about the availability of language services and the right to free language services in letters to applicants containing vital information.

## Section 3: Internal and External Partner Input

*Outcome: Ensure compliance with EO 13166, which requires agencies to provide internal and external partners with adequate opportunity to offer input and feedback.*<sup>22</sup>

### FEMA Language Access Working Group

1. As part of this Instruction and pursuant to EO 13166, FEMA established a Language Access Working Group composed of representatives appointed from each FEMA Directorate and POs to assist individuals and communities with LEP populations. Through this group, FEMA receives critical input on needed translation and interpretation services and on how to ensure that individuals with LEP are made aware of available agency services and materials. FEMA's Language Access Plan Instruction will be published on the DHS website. In addition, FEMA has regularly received input on language access issues at our annual Civil Rights Summit and our community engagement events in the field.
2. FEMA's Language Access Working Group is chaired by the FEMA OCR Language Access Coordinator, with representatives from across FEMA that carry out public-facing programs and activities. The group meets quarterly or on an ad hoc basis and will assist in the development and implementation of this Instruction by providing recommendations, offering guidance, and generating feedback on the consistency of FEMA's approach to ensuring effective language access.

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<sup>22</sup> EO 13166 § 4; [65 Fed. Reg. 50121, 50122.](#)

## Section 4: Demographic Assessments

*Outcome: Use demographic assessments to determine the linguistic characteristics of a population to ensure that language access needs for individuals with LEP are met.*

1. In accordance with Section 616 of the Stafford Act, FEMA actively identifies Limited English Proficiency/Accessible Communication Needs (LEP/ACN) populations in disasters and coordinates with SLTT governments to ensure that language needs are met.<sup>23</sup> To accomplish this goal FEMA assesses the number or proportion of individuals with LEP from each language group in its service area and determines the most appropriate language access services.<sup>24</sup> To date, the most frequently encountered languages are Spanish, Arabic, Cambodian, Chinese, Haitian-Creole, French, Hindi, Italian, Japanese, Korean, Laotian, Russian, Tagalog, Urdu, Vietnamese, Greek, Polish, Thai, and Portuguese.
2. Identification of LEP communities is determined through an initial demographic assessment of the affected areas following a disaster or emergency. To determine the linguistic characteristics of the population in a jurisdiction with a disaster declaration, FEMA OEA and OCR conduct initial language assessments using various sources, including data from the U.S. Census Bureau, the American Community Survey (ACS), the Climate and Economic Justice Screening Tool (CEJST), [www.LEP.gov](http://www.LEP.gov), the U.S. Department of Education, the relevant state government (including the state education agency), the relevant local government (including the local education agency or school district), and nongovernmental and community resources (including Voluntary Organizations Active in Disasters (VOADS)). The goal is to locate individuals and communities with LEP and identify the primary language in which they need services.
3. FEMA OCR provides written guidance on the vital documents and other materials which should be translated into the primary language of the LEP populations, as well as the primary languages where in-person, video, or telephone interpreters are required, as well as the release of translated materials to ensure the appropriate provision of language access services.

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<sup>23</sup> Section 616 of the Stafford Act, [42 U.S.C. § 5196f states that:](#)

- (a) In General - Consistent with section 308(a), the Director of the Federal Emergency Management Agency shall -
- (1) identify, in coordination with State and local governments, population groups with limited English proficiency and take into account such groups in planning for an emergency or major disaster;
  - (2) ensure that information made available to individuals affected by a major disaster or emergency is made available in formats that can be understood by -
    - (A) population groups under paragraph (1); and
    - (B) individuals with disabilities or other special needs[.]

<sup>24</sup> [FEMA Policy FP-256-23-001](#) at Section B.

## Section 5: FEMA National Tribal Strategy: Nation-to-Nation

*Outcome: Emphasize and acknowledge FEMA responsibilities to provide services to Tribal Nations and communities with LEP.*

1. FEMA maintains Nation-to-Nation relationships and engagements with Tribal Nations in recognition of the Tribal right to self-governance. Tribal Nations are not political subdivisions of states but are recognized by the United States as distinct sovereign entities. In respect of this sovereignty, FEMA enlists the support of other federal departments and agencies to further the goals of this policy.
2. FEMA maintains a distinct policy, FEMA Policy 01-002-02, FEMA Tribal Consultation Policy, which guides the agency process to consult and collaborate with Tribal Nations on the development and implementation of actions that have Tribal implications.<sup>25</sup>
3. In December 2020, FEMA updated FEMA Policy 305-111-1, FEMA Tribal Policy (Rev. 2), reaffirming its commitment to enhance its Nation-to-Nation relationship with Tribal Nations, and in full recognition of Tribal sovereignty, self-governance, and its trust responsibility. This specific Tribal policy ensures that FEMA works with Tribal Nations to protect against, mitigate, respond to, and recover from all-hazards.<sup>26</sup>
4. FEMA's relationship with Tribal Nations has evolved significantly following the enactment of the Sandy Recovery Improvement Act (SRIA) of 2013,<sup>27</sup> while commensurately building on existing relationships and coordination. As a result of this Act, Tribal Nations can now make direct requests for presidential emergency and disaster declarations. Prior to this Act, federal statute required Tribal Nations to apply through states as subrecipients for disaster assistance.
5. In 2022, FEMA developed its comprehensive 2022-2026 FEMA National Tribal Strategy to address its responsibilities to federally recognized Tribal Nations and to identify unified agency actions that could build, enhance, and sustain its relationships with Tribal Nations. As part of this new strategy and to meet the Stafford Act's requirement of the "equitable and impartial" provision of relief and assistance to disaster survivors, including members of Tribal Nations, the agency intends to hire more Tribal FEMA Integration Team staff members to better

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<sup>25</sup> U.S. Department of Homeland Security, FEMA, [FEMA Policy 101-002-02, FEMA Tribal Consultation Policy](#) (July 3, 2019).

<sup>26</sup> U.S. Department of Homeland Security, FEMA, [FEMA Policy 305-111-1, FEMA Tribal Policy \(rev. 2\)](#) (Dec. 18, 2020).

<sup>27</sup> [Pub. L. 113-2, 127 Stat. 4](#) (Jan. 29, 2013).



support Tribal Nations and to translate more FEMA products into Native American languages.<sup>28</sup>

6. For additional information and guidance regarding Indigenous Languages, please see “Section 9: Indigenous Languages”.

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<sup>28</sup> U.S. Department of Homeland Security, FEMA, [2022 – 2026 FEMA National Tribal Strategy](#) at 9 (Aug. 2022).

## Section 6: Evaluation Tools and Mechanisms

*Outcome: Outline tools and mechanisms FEMA will use to collect data and evaluate language access activities throughout the agency.*

FEMA will evaluate language access activities by collecting data about language interactions through:

1. *Initial Language Assessments:* To determine the linguistic characteristics of the population in a jurisdiction with a disaster declaration, FEMA OEA and OCR conduct initial language assessments. See Section 4 (above).
2. *Community Listening Sessions:* During a disaster, FEMA OCR may coordinate community engagement listening sessions, as appropriate, to collect feedback from LEP populations, indicate how effectively FEMA has reached individuals with LEP, and highlight areas for possible improvement.
3. *Quality Assurance of Translated Documents:* Translation services should be executed by full-time bilingual/multilingual OEA personnel and qualified contractors who proofread and assist in vital document translation. OCR in collaboration with OEA will develop a quality assurance metric to be used during a declared disaster to ensure the accuracy and effectiveness of translations.
4. *Assessment of Contract Language Services:* Evaluations are based on feedback collected from populations with LEP and other partners on the quality or effectiveness of translation/interpretation services and overall support provided by the contractor. If the standards or requirements established by FEMA are unmet, contractors are obligated to develop and implement corrective actions to address any deficiencies.
5. *After-Action Reports:* The after-action report documents the agency's preparations for, immediate response to, and initial recovery from disasters. These documents will identify both strengths and areas for improvement and provide recommendations for future response and recovery efforts. After-Action Reports are completed at the conclusion of every disaster. After-Action Reports will be shared with FEMA HQ and the Continuous Improvement Teams to ensure that language access services best practices are recorded. These reports also provide valuable information on the delivery of FEMA programs, activities, and services.

## Section 7: New Technologies

*Outcome: FEMA will continue to develop and use technology, associated processes, and protocols to provide meaningful language access for individuals with LEP, consistent with applicable laws and policies.*

### **Current and Future Initiatives, Include, but are not Limited to:**

1. Providing web pages and applications in different languages that contain disaster-specific communications, information on FEMA programs (including but not limited to National Flood Insurance Program (NFIP) FAQs, Individual Assistance (IA) Initial Damage Assessment, and Public Assistance (PA) Initial Damage Assessment), linked resources, Public Service Announcements (PSAs), and other pertinent information designed with specific LEP communities in mind. See [FEMA in Your Language | FEMA.gov](#), which provides translations in 27 languages.
2. Developing a database containing previously translated materials including flyers, press releases, and guides for re-use.
3. Investigating the use of pictographs to help overcome literacy barriers by communicating messages with pictures and symbols. These are effective tools to communicate potential dangers, advise caution, or provide safety information (i.e., 911 and first aid, fire exits, evacuation routes, etc.). Alternative and diverse means of communication should be employed to ensure language access needs are met.

## Section 8: Guidance for Program Offices and Directorates: Language Access Services

*Outcome: Provide guidance to FEMA Directorates and POs on the development of strategies to ensure meaningful access for individuals with LEP through the provision of language access services.*

When considering the nature, purpose, and frequency of the agency's interaction with individuals with LEP, this Instruction provides guidance to FEMA Directorates and POs on the accurate translation of written materials and the provision of interpretation services needed to ensure communication with individuals with LEP.

To determine the language access services needed to ensure meaningful access to the agency's programs and activities before, during, and after disasters, FEMA Directorates and POs shall conduct a "four-factor" analysis.<sup>29</sup> The goal of this analysis is to provide a strategy to support communication with individuals with LEP. The analysis considers:

1. ***The number or proportion of individuals with LEP eligible to be served or likely to be encountered by the program.*** To determine the reasonableness of efforts, the number or proportion of individuals with LEP from a particular language group served or encountered in the eligible service population should be considered. Moreover, even if the service is for very few individuals with LEP on an infrequent basis the requirement to take reasonable steps to provide meaningful access will be evaluated on a case-by-case basis.<sup>30</sup>
2. ***The frequency with which individuals with LEP come into contact with the program.*** FEMA acknowledges that contacts with individuals with LEP are common occurrences on the day-to-day job; therefore, the agency has a greater duty to ensure meaningful access to its programs and services. To determine the frequency of contact with individuals with LEP, local and regional conditions, such as the frequency of different languages encountered, should be considered.<sup>31</sup>

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<sup>29</sup> Executive Order 13166.

<sup>30</sup> See U.S. Department of Justice, [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#), 67 Fed. Reg. 41455, 41459 (June 18, 2002).

<sup>31</sup> The [2023 DHS Language Access Plan](#), at 5, also states that:

"Regardless of the frequency or number of contacts with populations speaking a certain language, in matters related to rights, safety, and health, DHS Components must translate corresponding vital documents, or vital information found in the document, into the primary language of a person who is LEP or obtain a qualified interpreter to communicate all of the vital information in the document. [Components are encouraged to make available audio files of information in languages other than English to supplement these practices.] Further, minors may not be used for providing language services in DHS Component programs and activities except in rare circumstances (e.g., exigent circumstances involving life and safety and only until such time as a qualified interpreter or translator can be secured)."

3. ***The nature and importance of the program, activity, or service provided to people's lives.*** The nature and importance of the program, activity, or service, short- and long-term, affects the determination of what reasonable steps are required to ensure meaningful access. Furthermore, in matters of emergency services (rights, safety, and health) the agency “*must translate corresponding vital documents, or vital information found in the document, into the primary language of a person who is LEP or obtain a qualified interpreter to communicate all of the vital information in the document.*”<sup>32</sup>
4. ***The resources available to the program and costs.*** In considering the resources available, Executive Order 13166 also notes that the system developed to provide individuals with LEP meaningful access to the agency’s services should be consistent with the agency’s fundamental mission without unduly burdening that mission.<sup>33</sup>

## Translation and Interpretation Services

Each FEMA Directorate and PO should take reasonable steps to ensure that it provides translation and interpretation services through qualified personnel who can provide services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.

1. Translation of Documents
  - a. ***Ensuring Legal Accuracy and Translation:*** Some translated documents will explain the legal rights and obligations of individuals or otherwise convey important information upon which an individual with LEP may rely to their benefit or detriment. FEMA Directorates and POs are required to consult with the Office of Chief Counsel on whether a disclaimer is appropriate for a translated document indicating that the agency has ensured the accuracy of the translation. In the case of an inconsistency in the translation of a document, the original English language version of the document shall take precedence.
  - b. ***Monitor and Evaluate:*** Each FEMA Directorate and PO should endeavor to expand the range or nature of translation and interpretation assistance. This is especially important when service area demographics or new program-specific data indicate that failure to do so may result in a denial of access to a FEMA program, activity, or benefit.<sup>34</sup>

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<sup>32</sup> [2023 DHS Language Access Plan](#) at 5.

<sup>33</sup> [2023 DHS Language Access Plan](#) at 2.

<sup>34</sup> FEMA Directorates and POs should monitor their grant of recipients’ provision of language access services. See, e.g., U.S. Department of Homeland Security, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” [76 Fed. Reg. 21755](#), 21765 (Apr. 18, 2011) (hereinafter 2011 DHS LEP

- c. *Effective Services*: Services provided to LEP populations by FEMA Directorates and POs shall be delivered effectively, particularly with those populations with whom FEMA has substantial and consistent contact.
2. Resources for Translating Documents and Providing Oral Interpretation Services
    - a. Office of External Affairs (OEA): FEMA translates documents through OEA's Language Services Branch. OEA provides translation services to POs, in accordance with established guidance.
    - b. During the provision of services, including the application and award process, other eligibility determinations, or hearings on appeal, the following circumstances and guidance, must be considered:
      - i. *Exigent Circumstances*: are circumstances requiring prompt action before regular language access services can reasonably be obtained to protect life, prevent serious injury, or protect significant property interests. During presidentially declared emergency or major disaster declaration, prompt action is required to address the critical needs of disaster survivors.
      - ii. *Emergency*: "any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States." [Section 102 \(1\) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act \(Stafford Act\)](#)
      - iii. *Major disaster*: "any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President

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Guidance to Recipients). This 2011 DHS LEP Guidance to Recipients provides safe harbor provisions, which "will be considered strong evidence of compliance with the recipient's written translation obligations:

- a. The DHS recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or,
- b. If there are fewer than 50 persons in a language group that reaches the five percent trigger in the above, the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable."

causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.” [Section 102 \(2\) of the Stafford Act](#), 42 U.S.C. § 5121.

### 3. Language Access Services

- a. After an emergency or disaster has been declared, FEMA will work expeditiously to ensure that language access services (e.g., qualified interpreters providing in-person, over-the-phone, or video remote interpretation and translation services) are in place as soon as practicable.
- b. During the provision of services, including home damage assessments, the application and award process, other eligibility determinations, or hearings on appeal, the following practices are prohibited:
  - i. Reliance on bystanders, minors, family members, or friends as interpreters is prohibited, unless there are exigent circumstances, and a more reliable interpreter is not available.<sup>35</sup>
  - ii. Automated software translation services are prohibited, unless there are exigent circumstances, and a more reliable interpreter or translator is not available. Artificial intelligence shall not be used without a qualified interpreter or translator present under any circumstance, unless such use is in compliance with applicable policies, such as Office of Management and Budget (OMB) Memorandum 24-10 and other DHS policies.<sup>36</sup>
  - iii. Automated translation services: Limited usage of automated translation services (e.g., Google Translate; Generative AI) must be subject to quality control, including review of an automated translation by a qualified human interpreter or translator.<sup>37</sup>

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<sup>35</sup> In the December 19, 2022 Memorandum of Agreement between the United States and the City and County of Denver and the Denver Police Department (DPD), [DOJ No. 171-16-5](#) (Dec. 19, 2022) (citing to the [DPD LAP](#) at 8 - 9), the parties agreed to prohibit the use of bystanders, minors, or family members to assist DPD officers in communicating with individuals with LEP, unless there are exigent circumstances and a more reliable interpreter or translator is not available. See Memorandum of Agreement at 2; Denver DPD LAP at 8 – 9.

<sup>36</sup> Federal agencies are not allowed to use Artificial Intelligence by itself to translate information that impacts rights, including information that informs agency decision or action, unless it is reported and complies with minimum practice requirements set forth by OMB Memorandum 24-10. See OMB Memorandum 24-10, [Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence](#) at 33 (Mar. 28, 2024).

<sup>37</sup> See [2023 DHS Language Access Plan](#) at 7.

- c. Competency to interpret does not necessarily mean formal certification, but it is helpful.<sup>38</sup>
- d. Other Resources:
  - i. [Language Access | Homeland Security \(dhs.gov\)](#): The Department of Homeland Security (DHS) recognizes the importance of being able to communicate effectively with individuals, including those with LEP, across missions and functions. The DHS Office for Civil Rights and Civil Liberties (CRCL) leads the Department's efforts, through policy, to provide meaningful access for individuals with LEP in its programs, activities, services, and operations.
  - ii. FEMA staff may consult [www.LEP.gov](#): The website includes links to Executive Order 13166 and the Department of Justice (DOJ), and DHS guidance documents cited above. It also acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding individuals with LEP and language services for federal agencies, recipients of federal funds, users of federal programs and federally assisted programs, and other partners.
  - iii. Contracts for Language Services: In 2022, DHS established its second Blanket Purchase Agreement (BPA) to meet the language requirements of all DHS Components. The BPA provides a wide range of language services (e.g., interpretation and translation) and is available for use by all DHS Components. Vendors on the BPA are expected to be able to provide language services in more than a dozen Indigenous languages.

With respect to Indigenous languages, FEMA Directorates and POs should be aware that use of the current BPA is not mandatory. In certain circumstances it may be more effective to engage the local community to identify and provide language access services at the local level rather than using the BPA.

## Strategies for Providing Meaningful Access to Individuals with LEP

Each FEMA Directorate and PO must develop a language access strategy to improve access to programs, activities, or services. In developing a strategy, each FEMA Directorate and PO must assess what language access services (translation and interpretation) LEP populations need. Additionally, each FEMA Directorate and PO

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<sup>38</sup> U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, [Working With Interpreters: Job Aid for DHS Employees](#) (Sept. 3, 2014). If bilingual personnel are to be relied on as interpreters, they should be qualified to do so. Consider whether personnel have:

- Tested for proficiency in accurately communicating in English and other languages;
- Ongoing training and assessment of the skills and ethics associated with interpretation;
- Knowledge of the ethical issues of interpretation to ensure that interpretation is done accurately, impartially, confidentially, and without embellishment;
- No conflicts of interest between their role as an interpreter and as an employee.



must consider how it will notify individuals with LEP of available language access services. FEMA Directorates and POs also must consider the requirements of EO 13166 to improve access for individuals with LEP to federally conducted activities. Therefore, FEMA Directorates and POs must consider how they will expand the access that is currently provided to individuals with LEP.

FEMA Directorates and POs must evaluate existing language access measures to ensure that they are consistent with this Instruction, including the requirement that any translation done by contractors on the BPA be reviewed according to agency policy.

Each FEMA Directorate or PO must submit its initial language access strategies to FEMA OCR no later than 180 days after publication of this Instruction. Each FEMA Directorate or PO must also designate an individual to serve as the point of contact with FEMA OCR and serve as a representative on the FEMA Language Access Working Group.

The FEMA Language Access Working Group is available to assist FEMA Directorates and POs in the development of their language access strategies. FEMA OCR will convene the working group periodically to ensure effective implementation of this Instruction. FEMA OCR will serve as the agency's repository for each FEMA Directorate's and PO's LEP strategies and will be responsible for agency oversight of this Instruction.

1. *Language Access Measures:* Each FEMA Directorate or PO should consider the appropriate balance of written translations and oral language services/interpretation it can reasonably provide. When determining what language access services/resources are needed to ensure that individuals with LEP have meaningful access to programs, activities, or services, each FEMA Directorate or PO should consider:
  - a. *How important is the service, benefit, or activity that the office provides?* For example, if a LEP person cannot access the service, benefit, or activity, will the individual be deprived of vital services, such as the ability to exercise his or her legal rights or receive a financial benefit for which the individual is eligible? If so, your office should focus on improving access for individuals with LEP to this service, benefit, or activity.
  - b. *Even if your office does not provide a vital service, benefit, or activity, what impact will the denial or delay of the service, benefit, or activity have on actual and intended beneficiaries?* Your office should consider the long- and short-term impact on beneficiaries when determining what language access is appropriate.
  - c. *What are the points of contact your Program Office has with individuals with LEP? What language access will you provide individuals with LEP for each point of contact?*

- d. *How can staff access the language services your office provides? For example, will one staff member coordinate language services for the entire office or will it be the responsibility of each project/sub-office within the office to handle language access?*
    - e. *If your office uses language access services that are not provided by the agency, how will your office ensure the competency of interpreters and translation services?*
  2. *Translation of Materials or Documents:* FEMA Directorates and POs should make decisions about what documents or publications to translate and in what languages in accordance with DHS guidance on identification and translation of vital documents. Examples of written materials that might need to be translated include:
    - a. Complaint forms
    - b. Applications for certain types of grants
    - c. Public notices
    - d. Letters, applications, or publications
    - e. Denial letters and notices of the right to an appeal
    - f. Notices advising persons of the availability of language access services.
3. Generally, FEMA Directorates and POs may find that there is little need to translate technical or regulatory documents because the individuals reading those documents are typically proficient in English. If a document is subject to the Paperwork Reduction Act (PRA), which requires that certain documents be subject to publication for public comment and review by the Office of Management and Budget (OMB), no additional publication and review is required for the translation of the same document.<sup>39</sup>
4. Ideally, the translated version of a document should be released when the English language version is released. If this is not possible or would substantially delay release of the English version, the translated version should be distributed as soon as possible after the distribution of the English language version.
5. In addressing the translation needs of the office, the following questions should be considered:

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<sup>39</sup> 44 U.S.C. §§ 3501 et seq. If you have further questions regarding the PRA and its application to this guidance, please contact the FEMA Office of the Chief Information Officer, Regulatory Information Management Group at (202) 708-8900.

- a. Are translations performed consistent with this Instruction? For example, have publications and documents for individuals with LEP been sent to OEA for translation review if a contract translator or FEMA employee provided the translation? If any documents that are presently being distributed to individuals with LEP have not been translated consistent with this Instruction, please contact OEA to determine if review of the document is appropriate.
  - b. What procedures will the FEMA Directorate or PO use to translate incoming documents or correspondence and the response to the documents or correspondence? FEMA Directorates and POs should develop an effective method for translating incoming documents and correspondence, and for translating the response to incoming documents or correspondence.
  - c. What procedures will the FEMA Directorate or Program Office implement for document translations? FEMA Directorates and POs may translate publications by using a bilingual/multilingual employee who is qualified to translate these publications for FEMA. FEMA Directorates and POs should confer with OEA for translation needs. The document must follow the review procedures coordinated by OEA to ensure that the translation is accurate.
6. *Use of Bilingual/Multilingual Employees for Translation and Interpretation:* When the terms “bilingual,” “multilingual,” or “native speaker” are used, it is often unclear if their skills refer to interpretation, oral communication, translation, written communication, or other language skills. Interpretation and translation are distinct language skills that need to be assessed separately:
- a. Do not assume that being a native speaker qualifies someone to interpret conversations or translate written documents. Interpretation, translation, and other in-language tasks often require the use of FEMA-specific terminology, specialized skills, and experience. Testing is critical to ensure that FEMA Directorates and POs are providing accurate language services to the public.
  - b. Competency to provide interpretation and/or translation requires more than self-identification as bilingual or multilingual. The most accurate way to validate language proficiency is through an independently administered language assessment and periodic reassessment. When providing translation or interpretation services, FEMA Directorates and POs are required to use qualified translators or interpreters.
  - c. Each FEMA Directorate’s or Program Office’s language access strategy should consider when and how to provide interpretation services in a timely and effective manner, appropriate to the circumstances. Consider the following questions when developing your Directorates or PO’s language access strategy:
    - i. Does your office receive phone calls from individuals with LEP? Each FEMA Directorate or PO should take steps to respond in a timely and effective manner to individuals with LEP who call seeking services or

information. Each FEMA Directorate or PO strategy should include information regarding the process your office will use for handling those calls. For example, one way to determine the language of the callers is to provide prompts for the callers in several languages that direct the caller to an operator that speaks his or her language. Another possibility is qualified bilingual or multilingual staff (review qualification guidelines in Section 9.1.2., Resources for Translating Documents and Interpretation Services).

- ii. Does your office staff meet with or otherwise interact with individuals with LEP? If so, your office should consider a process for handling those meetings. Each FEMA Directorate or PO should take reasonable steps to provide language access as needed for in-person, video, or telephone contact with individuals with LEP. One way to determine the native language of unexpected visitors is to use language identification cards (or [DHS I SPEAK language identification cards](#)), which invite individuals with LEP to identify their language needs to staff.

7. *Training or Hiring Staff:* Staff should be aware of their obligation to provide meaningful access for individuals with LEP to agency programs, activities, or services. Therefore, when developing a language access strategy, each FEMA Directorate or PO should consider:

- a. Are staff aware of their language access strategy and this Instruction?
- b. Has necessary training been provided to staff who will interact with individuals with LEP?
- c. Do staff know who to contact when they need language access services?
  - i. The more frequent the contact with individuals with LEP, the greater the need for in-depth training and understanding of both this Instruction and the FEMA Directorate's or PO's language access strategy. Supervisors and managers should be fully aware of and understand the FEMA Directorate's or PO's strategy so that they can reinforce its importance and ensure its implementation.

8. Identify Resources

- a. Once each FEMA Directorate or PO develops its strategy, the office will need to identify the resources and services required to implement the strategy. Resources include staff, such as qualified bilingual personnel, and resources for translations and interpretation. In some instances, Offices that have regular contact with individuals with LEP may find it more effective to hire qualified bilingual staff who can assist individuals with LEP.

- b. If more than one FEMA Directorate or PO has a similar need for equipment or other services to fulfill their language access strategy, FEMA OCR's Language Access Working Group will review both plans for possible shared resource opportunities, such as telephone interpretation, video conferencing services, or electronic translation tools.

9. Provide Notice to Individuals with LEP

- a. Actual and potential beneficiaries should be notified of language access services, which can be found on [FEMA's Language Access Services](#) webpage. The Civil Rights Public Notice is translated into multiple languages and is available upon request by contacting FEMA OCR.
- b. In deciding how notice will be provided to individuals with LEP, each FEMA Directorate or PO should consider:
  - i. How will your Directorate or PO notify intended individuals with LEP of the availability of programs, activities, or services in their preferred language?
  - ii. What is the appropriate mix of written and oral notices? Please consider that although most languages have a written form, some languages, such as Hmong, are primarily spoken and, therefore, the most effective means of communication may be oral.
  - iii. Are there local organizations that assist individuals with LEP who may want to work with your Directorate or PO to assist in communicating the availability of services to individuals with LEP? Working with organizations representing the interests of individuals with LEP, including community-based organizations, may be one of the measures that Directorates or POs use to make the availability of language services known to individuals with LEP.

10. Monitoring, Continuous Assessment, and Updating Strategies

- a. Each FEMA Directorate or PO must have a process for periodic reviews of the effectiveness of its LEP strategies and whether new documents, programs, activities, or services provide meaningful access to individuals with LEP. Each FEMA Directorate or PO should consider:
  - i. Who is responsible for reviewing the language access strategy for your Directorate or PO?
  - ii. Are existing language access services providing meaningful access for individuals with LEP?
  - iii. Are staff aware of the Directorate's or PO's language access strategy and how to implement it?

- iv. How will changes in the LEP populations served, frequency of encounters, and other potential changes be determined? A vital resource in this evaluation process will be the procedures developed to identify individuals with LEP who need language access services. In addition, Directorates and POs may want to obtain feedback from individuals with LEP on the access they were provided.
- v. Are additional resources needed to improve access to individuals with LEP? If so, how will those resources be obtained?
- vi. When new programs, activities, or services are instituted, what plan will staff follow to ensure that individuals with LEP are provided meaningful access to those programs, activities, or services? How will staff notify the intended beneficiaries that new programs, activities, or services are available?

## Section 9: Indigenous Languages

*Outcome: Ensure that FEMA policies and practices consider Indigenous and rare language needs.*

FEMA recognizes the importance of providing language access to Indigenous communities in its programs, services, and operations consistent with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000). This Section addresses the identification of available resources for Indigenous language speakers from Native American, Alaska Native, Native Hawaiian, and Indigenous migrant populations from Latin America who are residing in the United States, and other Indigenous languages spoken by communities in the United States. To ensure identification of Indigenous languages, FEMA participates in Tribal consultation meetings with FEMA's Office of External Affairs, Intergovernmental Affairs Division, Tribal Affairs Branch and the DHS Indigenous Languages Advisory Committee, a subgroup of the DHS Language Access Working Group.

Based on concerns Indigenous migrant communities expressed to DHS during development of the [DHS Indigenous Languages Plan](#), only about one percent of the Indigenous peoples of Latin America have access to higher education in their home countries and those who do read and write these languages tend to be academics. Thus, in most instances, FEMA should be prepared to provide interpretation (oral language services), rather than translation (written language services) in these languages. Recorded audio versions of vital documents in the primary languages of Indigenous migrants can also be helpful.

1. *Identifying Primary Language:* Collaborating across FEMA, OEA and OCR are developing a protocol to identify languages when an Indigenous language speaker is encountered. It is important to note that, for example, in Guatemala alone, there are 24 different Indigenous communities; 22 of them are Mayan languages. Some Indigenous languages like Mixtec and Zapotec have many variants and some language variants are not mutually understood. Finding out where the individual is from within their country, such as which *aldea* (or village), may help FEMA pinpoint the language services that are needed.
2. Based on input from Indigenous community members, FEMA plans to take the following steps to strengthen language access for those who speak Indigenous languages:
  - a. Strengthen Engagement with Indigenous Community Leaders:
    - i. Seek to strengthen engagement with Indigenous community leaders on efforts to improve language services for Indigenous individuals served by FEMA;

- ii. Participate in the Indigenous Languages Advisory Committee, a subgroup of the DHS Language Access Working Group;
    - iii. Continue to provide information to Indigenous communities and other members of the public to receive and address feedback.
  - b. Develop and/or Distribute Protocols and Methods for Identifying Primary Languages.
  - c. Among other actions to ensure Indigenous persons' languages are identified, FEMA will develop protocols for identifying the language of Indigenous individuals as soon as practicable during the first encounter (applicant intake) and throughout the FEMA assistance process. In addition, FEMA will explore mechanisms and protocols to identify and document indigeneity.
- 3. Develop and/or Offer Training to FEMA Personnel, and Grant Recipients.
  - a. FEMA OCR, in coordination with OEA, will develop and/or offer training, as appropriate, on Indigenous languages and language identification that FEMA Directorates and POs can adapt to their operations.
  - b. State, local, and nonprofit agencies that receive grants and other forms of financial assistance from FEMA have obligations for language access in their federally supported programs and activities under Title VI of the Civil Rights Act of 1964 and Section 308 of the Stafford Act, as applicable. Accordingly, OCR will also provide recipients of FEMA financial assistance similar training and resources.
- 4. Increase Access to Vital Documents through Recorded Messages in the Most Frequently Encountered Indigenous Languages
  - a. Because many speakers of Indigenous languages are not able to read or write in their native language, FEMA will explore how it can increase access to information in vital documents by making it available in recorded formats in the most frequently encountered Indigenous languages.
- 5. Examine and Address Challenges to Access to Qualified Indigenous Language Interpreters:
  - a. FEMA OCR will continue to examine challenges in obtaining qualified Indigenous language interpreters in FEMA programs and consider appropriate solutions. FEMA will also consider examining Indigenous language skills within its own workforce and opportunities to leverage the language skills of those who are proficient and qualified in Indigenous languages.



## Section 10: Plain Language

*Outcome: Ensure compliance across FEMA Directorates and POs with the Plain Writing Act of 2010 and promote clear communication with the public.*

FEMA will use the following process to ensure ongoing compliance with the Plain Writing Act and promote clearer communication with the public. This will also be used to measure the progress and impact of plain writing.

1. Provide plain language training to employees.
2. Create new forms, policies and procedures in plain language and will review existing documents to ensure that they are necessary and plainly written.
3. Conduct plain language assessments.
4. Clarify employees' performance standards to address plain writing expectations.
5. Develop an agency-wide metric based on the clarity and usefulness of our frequently asked questions and website.
6. Reach out to the public via community outreach efforts to determine how are we doing in providing plain language.

## **Section 11: Conclusion**

FEMA's core values of compassion, fairness, integrity, and respect not only represent the foundation of the agency but guide its interactions with survivors, colleagues, and external partners every day. Providing meaningful access to individuals with LEP across agency programs, services, and activities is essential to fulfilling FEMA's mission to help people before, during, and after disasters.

By publishing this Instruction, FEMA is responding to the needs of individuals and communities with LEP to ensure that the benefits of FEMA services are available in accordance with Sections 308, 309, and 616 of the Stafford Act, Title VI of the Civil Rights Act of 1964 and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

## Additional Information

### Review Cycle

Instruction FI-256-24-001: 2024 FEMA Language Access Plan, will be reviewed, reissued, revised, or rescinded within four years of the issue date.

### Authorities

This Instruction aligns with existing legal statutes, caselaw, regulations, executive orders, guidance documents, strategies, and other directives regarding language access and provides general guidance for FEMA components to improve the availability of services for beneficiaries. The authority for this Instruction is derived from the following:

1. Statutes:
  - a. Sections 308, 309, and 616 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), [42 U.S.C. §§ 5151, 5152, and 5196f](#).
  - b. Title VI of the Civil Rights Act of 1964, [42 U.S.C. § 2000d et seq.](#)
  - c. Plain Writing Act of 2010, [H.R. 946; Pub. L. 111-274](#).
2. Regulations:
  - a. [44 C.F.R. Part 7](#): Title VI implementing regulation for FEMA.
  - b. [44 C.F.R. Section 206.11](#): Stafford Act implementing regulation or FEMA (nondiscrimination provisions).
3. Executive Order:
  - a. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, [65 Fed. Reg. 50125](#) (Aug. 11, 2000).
4. Policies and Additional References:
  - a. U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, Civil Rights Division, [www.LEP.gov](http://www.LEP.gov) (June 10, 2024).
  - b. U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, [Indigenous Languages Plan](#) (Feb. 2024).
  - c. U.S. Department of Homeland Security, [Language Access Plan](#) (Nov. 2023).

- d. U.S. Department of Homeland Security, Federal Emergency Management Agency, [FEMA Policy FP-256-23-001](#), Language Access (Mar. 8, 2023).
- e. 2022-2026 [FEMA National Tribal Strategy](#) (Aug. 2022).
- f. FEMA Directive 256-22-0001: Civil Rights: Enforcement, Compliance, Integration, and Coordination (Nov. 30, 2021).
- g. U.S. Department of Homeland Security, Federal Emergency Management Agency, [2022–2026 FEMA Strategic Plan](#) (Dec. 9, 2021).
- h. Public Law No: 115-336, [21st Century Integrated Digital Experience Act](#) (Dec. 20, 2018)
- i. OMB memo M-23-22, [Delivering a Digital-First Public Experience](#) (Sep. 22, 2023)

## Definitions

**Bilingual Persons:** Persons who are bilingual are fluent in two languages and can conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language. An individual who is proficient in a language may, for example, be able to greet an individual with LEP in their language, but not conduct agency business in that language. Interpretation and translation require the interpreter to be fluently bilingual and require additional specific skills as described below.

**Effective Communication:** Communication sufficient to provide the individual with LEP substantially the same level of access to services received by individuals without LEP. For example, staff must take reasonable steps to ensure communication with an individual with LEP is as effective as communications with other individuals without LEP.

**Exigent Circumstances:** Circumstances requiring prompt action before regular language access services can reasonably be obtained to protect life, prevent serious injury, or protect significant property interests. During the outset of a declared disaster or emergency, prompt action is required to address the critical needs of disaster survivors. For each incident, the duration of the exigent circumstances period will be assessed based on the size and scope of the emergency or disaster.

**Persons who are Limited English Proficient (LEP):** Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other settings.

**Interpretation:** Interpretation refers to oral communication and is the immediate communication of meaning from one language to another. An interpreter conveys meaning orally; as a result, interpretation requires skills different from those of translation. Interpreting is a complex task that combines several abilities beyond language competence to enable delivery of an effective professional interpretation in each setting. Successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register and cultural context of the source message, without omissions, additions, or embellishments on the part of the interpreter.

**Language Access Services:** Oral and written language services needed to assist individuals with LEP to communicate effectively with staff, and to provide individuals with LEP with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by FEMA.

**Meaningful Access:** The provision of language assistance services that results in accurate, timely, and effective communication at no cost to the person who is LEP. For individuals who are LEP, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

**Primary Language:** An individual's primary language is the language in which an individual most effectively communicates.

**Program or Activity:** A federally conducted program or activity is, in simple terms, anything a federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by regulation: those involving public contact as part of ongoing agency operations and those directly administered by the department for program beneficiaries and participants. Activities in the first part include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the Department's facilities (cafeteria, library). Activities in the second category include programs.

**Translation:** Involves written communication, taking words from one language and translating them into another. Like interpretation, translation also involves specific skills, experience, and training and may require official certification depending on the context and need of the component.

**Vital Document:** A vital document is a document that contains information that is critical for obtaining any aid, benefit, or services or is required by law. Vital documents can include applications; consent and other forms that require signatures; complaint forms; notices of rights; notices on the availability of free language assistance; and letters or notices that require a response from the beneficiary, customer, or noncitizen.

## **Monitoring and Evaluation**

The Office of Civil Rights will monitor and evaluate implementation of this Instruction to inform future revisions.

## **Questions**

Direct questions to [fema-ocr-languageaccess@fema.dhs.gov](mailto:fema-ocr-languageaccess@fema.dhs.gov).