

Office of the Assistant Secretary for Legislation (ASL)
U.S. Department of Health and Human Services



Language Access Plan

Fiscal Year 2024

Table of Contents

Overview: Mission and Language Access Goals.....	3
Element 1: Assessment: Needs and Capacity.....	4
Element 2. Oral Language Assistance Services.....	4
Element 3. Written Translations.....	5
Element 4. Policies and Procedures.....	5
Element 5. Notification of the Availability of Free Language Services.....	6
Element 6. Staff Training.....	6
Element 7. Assessing Accessibility and Quality.....	6
Element 8. Stakeholder Consultation.....	7
Element 9. Digital Information.....	7
Element 10. Grant Assurance and Compliance.....	7

Overview: Mission and Language Access Goals

The Office of the Assistant Secretary for Legislation serves the Secretary as the primary link between the Department of Health and Human Services (HHS) and Congress.

The Office of the Assistant Secretary for Legislation (ASL) is responsible for the development and implementation of the Department's legislative agenda. It provides advice on legislation and facilitates communication between the Department and Congress. The office also informs the Congress of the Department's views, priorities, actions, grants and contracts. ASL is the Department liaison with Members of Congress, staff, Committees, and with the Government Accountability Office (GAO).

The Office provides support to the Secretary of Health and Human Services by:

- developing, transmitting, providing information about, and working to enact the Department's legislative and administrative agenda;
- supporting implementation of legislation passed by Congress;
- working closely with the White House to advance Presidential initiatives relating to health and human services;
- responding to Congressional inquiries and notifying Congressional offices of grant awards (GrantsNet, TAGGS) made by the Department;
- providing technical assistance regarding grants and legislation to Members of Congress and their staff and facilitating informational briefings relating to Department programs and priorities;
- managing the Senate confirmation process for the Secretary and the 19 other Presidential appointees (HHS) who must be confirmed by the Senate;
- preparing witnesses and testimony for Congressional hearings;
- coordinating meetings and communications of the Secretary and other Department officials with Members of Congress;
- notifying and coordinating with Congress regarding the Secretary's travel and event schedule;
- coordinating Department response to Congressional oversight and investigations;
- acting as Departmental liaison with the Government Accountability Office (GAO) and coordinating responses to GAO inquiries; and

ASL's primary function is to be the primary link between the Secretary and Congress therefore all our communication is with Members of Congress, staff, Committees, and with the Government Accountability Office (GAO). There are no language assistance needs related to our focus and core operations with our stakeholders/clients. We regularly advise Congressional offices that we will not respond directly to their constituents. Any requests must come from the Congressional offices and we will respond only to inquiries from them. Unlike the Operating Divisions of HHS which manage or operate programs that serve a variety of people directly - some of whom may not speak English as a primary language - ASL is a Staff Division, whose primary "clients" are the Secretary of HHS and the Congress. Given this, ASL does not face many of the operational issues related to ensuring customers with limited English proficiency (LEP) gain access or eligibility to program services or benefits.

This Language Access Plan applies to all ASL employees.

Element 1: Assessment: Needs and Capacity

Each year, ASL will assess the extent that language assistance or in-language material was requested and/or accessed or otherwise needed by their **customers**, including **beneficiaries**, and/or other health care and human services partners, and develop a plan to address those needs, including a budget request if necessary, to meet anticipated language assistance needs for the coming year.

ASL's primary "customers" or clients are the Secretary of HHS, the Congress and other senior leaders in HHS. Therefore, there are typically no ongoing language assistance needs related to our primary focus and mission, or in our core operations with these clients. Where ASL is performing work on behalf of the entire Department, ASL will work in partnership with the OS to conform with the HHS LAP.

ASL Actions:

- Each year, ASL will assess the extent that language assistance or in-language material was requested and/or accessed or otherwise needed by our customers and, if needed, develop a budget request to meet anticipated language assistance needs for the coming year. This assessment shall include identification of barriers, including resources, that hinder provision of effective interpretation and written communication with individuals with LEP.
- Each year, ASL will participate in a minimum of one listening session, hosted by a particular agency or HHS as a whole, to learn about challenges and opportunities for improvement in the agency's language access efforts, and consult subject matter experts to determine whether the agency's current language access program is effective and complies with Section 1557, as well as with HHS's Language Access Plan.
- ASL will take concrete steps to develop or amend policies or practices that ensure the agency's language assistance services are adequate to meet customer needs and advise agency officials on updating the agency language access plan as needed.
- ASL will conform to relevant legal authorities, including: Title VI, EO 13166, Section 1557 of the Affordable Care Act, Sections 504 and 508 of the Rehabilitation Act of 1973
- ASL will annually assess and develop timelines for implementation.
- Within 180 Days: ASL will: identify a leadership and governance structure for planning and implementing the LAP; and provide contact information for person(s) in ASL charged with implementing the plan.

Element 2. Oral Language Assistance Services

Interpretation language assistance services are essential to ensure meaningful access to and an equal opportunity to participate fully in the services, activities, programs, or other benefits administered or funded by HHS. ASL does not administer benefits or assistance programs for individuals or families, nor does ASL manage any programs that are required to determine eligibility for such benefits.

Therefore, ASL's "customers" as understood and referenced in this element are the U.S. Congress, or often internal to HHS, which is different from many other HHS agencies.

ASL Actions:

- ASL will document the frequency of any telephone or internet communications with individuals with LEP and, to the extent possible, identify the language needs related to such encounters.
- Based on this encounter data, ASL will evaluate how best to ensure we effectively communicate, including LEP clients, and update our LAP and action steps as needed.
- Within 180 days, ASL will identify a lead for implementing these actions steps and a completion date for these tasks.

Element 3. Written Translations

ASL does not administer benefits or assistance programs for individuals or families, nor does it manage any programs that are required to determine eligibility for such benefits, and therefore does not have or produce any vital documents¹ as referenced in this element. ASL commits to improving compliance of our products posted on our public facing website going forward shall be in compliance with Section 508 of the Rehabilitation Act for items posted on ASL website.

ASL Actions:

- If needed, ASL will develop a budget request and justification for producing and distributing translated and plain English materials that are accessible and in compliance with this policy and applicable laws.

Element 4. Policies and Procedures

ASL will annually review and, as necessary, update, and implement its written policies and procedures to ensure it is taking reasonable steps to provide individuals with LEP meaningful access to agency programs and activities.

ASL Actions:

- ASL has designated a representative for coordinating the monitoring of public interactions as referred to in Element 2, as well as any other issues related to LEP policies or procedures.
- The ASL representative will participate in the Language Access Steering Committee and applicable meetings or trainings.
- Within 180 days, ASL will assess: access through its website for how to translate, including making multilingual material easily accessible; how ASL will receive and act on feedback; and how to reach individuals who are LEP and also have a communication disability.

¹ Vital documents are defined more extensively in Appendix B of the HHS Language Access Plan (accessible here: https://www.hhs.gov/sites/default/files/Language-Access-Plan-2023_0.pdf) but generally refer to all paper or electronic written material that contains information that is critical for accessing a component's programs or activities or is required by law.

Element 5. Notification of the Availability of Free Language Services

HHS is committed to ensuring meaningful access to its programs and activities by persons with LEP, including raising awareness of the availability of language assistance at no cost.

ASL does not administer benefits or assistance programs for individuals or families, nor does it manage any programs that are required to determine eligibility for such benefits, and therefore does not have or produce any vital documents that assist in accessing programs. In plain language, ASL will proactively inform individuals with LEP that language assistance is available at no cost through HHS.

ASL Actions:

- ASL will post a notice on its website that language assistance is available at no cost to the customer and provide instruction on how to access that assistance, including under Section 508 of the Rehabilitation Act.

Element 6. Staff Training

ASL does not administer benefits or assistance programs for individuals or families, nor does it manage any programs that are required to determine eligibility for such benefits, and therefore has no "front line" or "managerial staff as understood and referenced in this element.

ASL Actions:

- ASL will permit the use of training budgets to be used for staff training requested that support the capacity and capability to provide meaningful communication to individuals with LEP and encourage staff to participate in this type of training. This could include training on tracking the use of language assistance services or providing meaningful assistance to individuals with LEP, among others.
- ASL will highlight this language access plan in all staff and division meetings on a yearly basis at a minimum to maintain awareness of the plan.

Element 7. Assessing Accessibility and Quality

To increase availability and quality of language assistance services, HHS is committed to establishing an infrastructure to annually assess its language assistance program and make recommendations for improvements.

In the event ASL uses bilingual employees under this plan, those employees must meet the definition of bilingual. Any bilingual employee will identify as such. For example, public facing communications will say "bilingual", not "proficient."

As referenced under Elements 2 and 4 above, ASL will monitor encounters with Congress, within HHS and the public in order to determine the frequency of any contacts with LEP persons and develop policies to ensure effective communication with such persons. ASL will maintain an accurate record of language assistance services provided, document financial and staff resources dedicated to providing

language assistance, and annually report progress made on implementation of this plan to the Language Access Steering Committee.

Element 8. Stakeholder Consultation

As referenced under Elements 2 and 4 above, ASL will monitor encounters with Congress, within HHS and the public in order to determine the frequency of any contacts with LEP persons and develop policies to ensure effective communication with such persons.

Element 9. Digital Information

HHS is committed to helping ensure individuals with LEP have digital/online access to in-language program information and services, and to help ensure they are aware of and can obtain language assistance needed to access important program information and services.

ASL does not administer benefits or assistance programs for individuals or families, nor does it manage any programs that are required to determine eligibility for such benefits, and therefore does not have or produce any vital documents that would typically require translation services.

Additionally, HHS must also comply with Section 508 of the Rehabilitation Act of 1973 (Section 508), which requires federal agencies to ensure that their information and communication technology, including websites, electronic documents, and software applications, are accessible to individuals with disabilities. ASL does have a public facing website with many reports, issue briefs, and other applicable publication types.

In addition to the requirements of Section 508, Section 504 requires that HHS take appropriate steps to ensure effective communication with people with disabilities, including through the provision of appropriate auxiliary aids, application of plain language principles, and services such as sign language interpreters.

Action Steps:

- ASL will work with OCIO to ensure that translated digital content meets Section 508 requirements to improve access for people with disabilities.
- ASL will promote the resources on www.lep.gov by providing links to the LEP.gov website on its website.
- Develop procedures for creating, posting, and updating accessible web content, digital materials, and social media posts that are accessible to all audiences.

Element 10. Grant Assurance and Compliance

HHS will ensure that award recipients understand and comply with their obligations under civil rights statutes and regulations enforced by HHS that require them to provide language assistance services.

ASL does not manage any programs or grants that provide direct benefits or assistance to any persons, or that are required to determine eligibility and ensure access to such benefits, and therefore has no "award recipients" as understood and referenced in this element.

APPENDIX A: Definitions

Note: Any related definitions that may be issued under Section 1557 will complement or supersede the broad working definitions set forth below.

Document Terminology	Terminology Defined
Agency	Agency refers to HHS Operating Divisions (such as CDC, FDA or NIH) and Staff Divisions (such as the Office for Civil Rights or the Office of the Assistant Secretary for Public Affairs). Operating Divisions focus on specific programs and activities as authorized by Congress. Staff Divisions are part of the Office of the Secretary and serve in a coordinating role for the Department.
Applicant	Any person who inquires about or submits an application for public assistance benefits under any program or service.
Auxiliary Aids and Services	Tools or assistance provided to communicate with people who have communication disabilities.
Beneficiary	Anyone who has applied for and is receiving Medicare, Medicaid, or other health benefit.

<p>Bilingual/Multilingual Staff</p>	<p>A staff member who has advanced proficiency (e.g., proficiency at or above the Federal Interagency Language Roundtable (https://www.govtilr.org) level 3 in listening, reading, and speaking or above the American Council on the Teaching of Foreign Languages “Superior” level in listening, reading, and speaking)) in English and at least one other language and has knowledge of and experience with specialized terminology necessary for meaningful communication. A staff member who only has a rudimentary familiarity with a language other than English shall not be considered Bilingual/Multilingual Staff.</p> <p>Bilingual/Multilingual Staff should not interpret or translate unless they have separately met the requirements of being a qualified interpreter or translator. Bilingual/Multilingual Staff must be given clear roles and expectations regarding whether they are performing their job duties in-language or serving as qualified interpreters or translators.</p> <p>A distinction should be made between Bilingual/Multilingual Staff who provide services directly in a non-English language (e.g., call center staff) and those who interpret, as the assessment and skills required for each differ.</p>
<p>Certificate</p>	<p>An academic recognition demonstrating the successful completion of a program of study, usually based on amount of instructional time and a minimum grade.</p>
<p>Certification</p>	<p>Institutional recognition demonstrating successful passing of an examination that tests knowledge, skills, and abilities related to an occupation.</p>
<p>Contractor</p>	<p>Any entity that performs work or provides services on behalf of an agency or division under a contractual agreement with reimbursement.</p>

Document Terminology	Terminology Defined
Customer	Individuals, businesses, and organizations that interact with an HHS agency or program. The term customer is inclusive of beneficiaries and health care and human services partners.
Digital Information	Information, as defined in OMB Circular A-130, which the government produces and provides digitally to help individuals access HHS conducted programs and activities for which they are individually eligible to participate. OMB Circular A-130 defines digital information as any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.
Direct “in-language” communication	Monolingual communication in a language other than English between a multilingual staff and a person with LEP (e.g., Korean to Korean).
Disaggregated Data	Data that separates out subgroups to provide the most descriptive and detailed information possible; for example, rather than using data about “Asian languages” or “Native American languages,” disaggregated data would indicate which specific languages are spoken by an individual or at the community level. Disaggregated data may also include information about varied dialects, as well as more specific national origin information.
Effective Communication	For communication disabilities, it refers to aids and services to ensure that communication with people with disabilities, such as people who are deaf or hard of hearing, is as effective as communication as for people without disabilities. Auxiliary aids and services must be provided when needed to achieve effective communication.
Health Care and Human Services Partner	Beneficiaries, including recipients of federal financial assistance, contractors, vendors, advocacy groups, religious institutions, non-governmental organizations, hospital administrators, health insurers, translators, interpreters, community health clinics, and representatives from a broad cross-section of the language access community, individuals with disabilities, etc.
Interpretation	The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning. For individuals with certain disabilities that affect communication, this can include understanding, analyzing, and processing a spoken or signed communication in the source language and faithfully conveying that information into a spoken or signed target language while retaining the same meaning.
Intersectional Data	Data that combines or otherwise includes information about more than one demographic or other characteristic; for example, intersectional data would include data regarding national origin and LEP status, and/or data regarding Native American women (thus analyzing data about the intersection of race and gender). It may also include data about literacy rates, poverty rates, familial status or other

Document Terminology	Terminology Defined
	characteristics relevant to social determinants of health.
Language Access	The ability of individuals with LEP to communicate with HHS employees and contractors, and meaningfully learn about, apply for, or participate in HHS programs, activities, and services.
Language Assistance Services	All oral, written, and signed language services needed to assist individuals with LEP and people with disabilities to communicate effectively with HHS staff and contractors and gain meaningful access and an equal opportunity to participate in the services, activities, programs, or other benefits administered by HHS.
Limited English Proficiency (LEP)	An individual who does not speak English as his or her preferred language and who has a limited ability to read, write, speak or understand English in a manner that permits him or her to communicate effectively with HHS and have meaningful access to and participate in the services, activities, programs, or other benefits administered by HHS. 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 (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g., addressing court proceedings). An individual who is deaf or hard of hearing may also have limited proficiency in spoken or written English.
Machine Translation	Automated translation that is text-based and provides instant translations between various languages, sometimes with an option for audio input or output.
Meaningful Access	Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.
Participant	Any person who has applied for and is receiving public assistance benefits or services under any HHS program or service.
Plain Language	Plain language as defined in the Plain Writing Act of 2010 is writing that is “clear, concise and well organized.”
Preferred/Primary Language	The language that LEP individuals identify as the preferred language that they use to communicate effectively. The language that LEP individuals identify as the preferred language that they use to communicate effectively.

Qualified Interpreter or Translator	A bilingual/multilingual person who has the appropriate training and experience or demonstrated ability to fully understand, analyze, and process and then faithfully render a spoken, written, or signed message in one language into a second language and who abides by a code of professional practice and ethics. In the context of disabilities, a qualified interpreter is one who is able to interpret effectively, accurately and impartially, both receptively and expressively, using
-------------------------------------	--

Document Terminology	Terminology Defined
	any necessary specialized vocabulary. A child shall not be considered a qualified translator or interpreter, nor shall a family member or employee who does not meet the minimum qualifications specified above.
Sight Translation	The oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.
Sign Languages	Languages that people who are deaf or hard of hearing use in which hand movements, gestures, and facial expressions convey grammatical structure and meaning. There is no universal sign language. Different sign languages are used in different countries or regions. For example, British Sign Language (BSL) is a different language from ASL, and Americans who know ASL may not understand BSL.
Sub-recipient	An entity that, on behalf of and in the same manner as a recipient of federal financial assistance, provides services to and has contact with applicants to and participants in a program administered by a recipient of federal financial assistance, but does not include an individual applicant or participant who is a beneficiary of the program.
Tagline	Brief message that may be included in or attached to a document. Taglines in languages other than English are used on documents (including websites) written in English that describe how individuals with LEP can obtain translation of the document or an interpreter to read or explain the document. Section 1557 and Title VI will prescribe the languages that must be included in such tagline notices but covered entities may also add more languages.
Translation	The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.
Vital Document	Paper or electronic written material that contains information that is critical for accessing a component's programs or activities or is required by law. Vital documents include, but are not limited to: critical records and notices as part of emergency preparedness and risk communications; online and paper applications; consent forms; complaint forms; letters or notices pertaining to eligibility for benefits; letters or notices pertaining to the reduction, denial, or termination of services or benefits that require a response from an individual with LEP; written tests that evaluate competency for a particular license, job, or skill for which knowing English is not required; documents that must be provided by law; and notices regarding the availability of language assistance services for individuals with LEP at no cost to them.