

## FACT SHEET ABOUT

# Basic Requirements of Executive Order (EO) 13166, Providing Meaningful Access to Individuals Who are Limited English Proficient (LEP) to Federally Assisted and Federally Conducted Programs and Activities

- Clarifies existing obligation under the Civil Rights Act, Title VI for recipients of federal financial assistance and adds federally conducted coverage
- EO 13166 is guidance not a regulation (Agencies are to develop an implementation guidance plan for effective language assistance)
- Where a significant number or proportion of the population is non-English speaking, the recipient must take reasonable steps, considering the scope of the program and the size and concentration to provide information in appropriate languages
- Factors an agency must consider in determining what constitutes reasonable steps: 1) the number or proportion of LEP persons in the eligible service population; 2) the frequency with which LEP individuals come into contact with the program; 3) the importance of the service provided by the program; and 4) the resources available to the recipient
- Only vital, as determined by agency or recipient, documents must be translated
- Verbal interpretation may be required
- Bids do not have to be provided in non-English
- LEP applies to contractors
- Entire system is covered not just the part directly receiving funds
- Federal financial assistance is more than money-land, supplies, etc.
- Primary recipients must impose same requirements on sub-recipients as is imposed by the CRA, Title VI on them, (i.e. pre and post award compliance reviews)
- Notification must be provided continuously to beneficiaries and participants that recipient programs are open to all on a non-discriminatory basis regardless of one's color, race, or national origin. The notification must, also, describe how and to which Federal agency one may complain.



- Contractual or other agreements must not discriminate
- Services, financial aid, or other benefits provided by the recipient cannot be denied, provided differently or in a segregated manner
- Advisory boards and commissions cannot discriminate against potential or actual members on the basis of race, color, or national origin
- In determining locations of facilities, recipients may not discriminate
- There is no discrimination, where by Federal law the program is limited to Native Americans, natives of certain territories or Alaska natives
- Recipients must keep such records as the Secretary deems necessary to determine compliance
- Complaints must be filed within 180 days of alleged discrimination
- Written assurances not to discriminate based on race, color, or national origin must be provided with every application for assistance
- Pre-award compliance review is required-historically has been a confirmation that written assurances have been provided
- Post-award compliance reviews are required
- Unclear if agencies have authority to withhold grants if pre and post-award noncompliance found-usually funds are not withheld and voluntary resolution efforts continue
- Monetary awards are available for intentional discrimination not disparate impact of neutral policies
- Private right of action (right to sue at any time without completion of the grievance process)
- Voluntary resolution must be attempted by agency
- If voluntary resolution cannot be achieved then fund termination after hearing process (“pin-point provision” required) and/or submit to the Department of Justice for litigation

