



## NATIONAL IMMIGRATION LAW CENTER

3435 Wilshire Blvd., Suite 2850  
Los Angeles, California 90010  
213 639-3900 • fax 213 639-3911

August 11, 2003

Ms Regina Budd  
Deputy Associate Administrator  
Office of Civil Rights  
General Services Administration  
1800 F. Street, N.W.  
Suite 5127  
Washington, DC 20405

*Re: Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*

Dear Ms. Budd:

The National Immigration Law Center (NILC) submits these comments in response to the General Services Administration's (GSA) request for public comment on its policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons, published in the Federal Register on July 23, 2003. NILC is a nonprofit legal services organization that works nationally on behalf of low-income immigrants and their families.

We applaud GSA for maintaining a strong commitment to language access in its republished guidance. In particular, we commend GSA for the guidance's inclusive approach to identifying LEP populations eligible for services, and for reminding recipients that the flexibility they have in providing services to LEP populations "does not diminish, and should not be used to minimize, the obligation that those needs be addressed."

We encourage GSA to take a more active role in promoting and enforcing recipients' compliance with their Title VI obligations. Reasonable access for LEP persons is a civil rights issue. The failure to provide needed interpreter and translation services imposes real costs on LEP individuals and the general public. Language assistance is necessary to protect individual civil rights and to ensure that federal resources are not used in a discriminatory manner. GSA should not limit its investigative and enforcement efforts to situations where a complaint has been made, but should also use proactive enforcement methods, such as randomly selecting recipients for compliance audits.

In addition, GSA should limit the circumstances within which it will "look favorably on intermediate steps" recipients take to implement the guidance. The current wording of this discussion may tempt some recipients to use the claim that they are in the implementation

process as a defense against compliance. While the specific time period required to implement the guidance will vary according to the recipient and its resources, recipients have been required to comply with Title VI since 1964, and have been placed on notice of their specific obligations as GSA recipients since publication of the original GSA guidance on January 17, 2001. GSA should accept a recipient's claim that it is in the process of implementing its language access program only where a recipient has a written language access plan and is able to demonstrate that it is making timely progress on the plan's implementation.

Recipients of GSA assistance provide many important public services from which LEP persons should not be excluded. We appreciate the opportunity to submit these comments, and look forward to a continued and cooperative relationship with the GSA. Please contact us if we can provide any additional information.

Respectfully submitted,

Gabrielle Lessard  
Staff Attorney  
NATIONAL IMMIGRATION LAW CENTER