

announced that the Mississippi Department of Agriculture and Commerce is voluntarily ceasing their official inspection operations effective June 30, 2003, and asked persons interested in providing official services in the Mississippi area to submit an application for designation by February 28, 2003. There was one applicant. Memphis Grain Inspection Service (Memphis), a designated official agency, main office located in Memphis, Tennessee, applied for the entire area specified in the January 29, 2003, **Federal Register**.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicant. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of the applicant. All comments must be submitted to the Compliance Division at the above addresses. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicant written notification of the decision.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: March 19, 2003.

Donna Reifschneider,

Administrator, Grain Inspection, Packers and Stockyards Administration.

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DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No.: 020125021-2021-01]

Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: Office for Civil Rights, Office of the Secretary, Department of Commerce.

ACTION: Notice of policy guidance with request for comment.

SUMMARY: The purpose of this policy guidance is to clarify the responsibilities of recipients of federal financial assistance ("recipients") from the U.S. Department of Commerce (DOC) and assist them in fulfilling their responsibilities to Limited English Proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations.

DATES: This guidance is effective March 24, 2003. Comments must be submitted within 60 days from the date of this publication in the **Federal Register**. DOC will review all comments and will determine what modifications to the policy guidance, if any, are necessary.

ADDRESSES: Interested persons should submit written comments to Mr. Jorge Ponce, Office of Civil Rights, Room 6003, U.S. Department of Commerce, 14th and Constitution Ave, NW., Washington, D.C. 20230. Comments may also be submitted by e-mail at JPonce@DOC.gov.

FOR FURTHER INFORMATION CONTACT: Jorge Ponce, Office of Civil Rights, telephone 202-482-8185, TDD: 202-482-2030. Arrangements to receive the policy in an alternative format may be made by contacting the named individual.

SUPPLEMENTARY INFORMATION: Under DOC regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* (Title VI), recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with LEP. *See* 15 CFR 8.4(b)(2). The purpose of the LEP Guidance is to assist recipients in complying with their Title VI responsibilities to ensure that access to their programs or activities, normally provided in English, are accessible to LEP persons. It clarifies existing statutory and regulatory requirements for LEP persons by providing a description of the factors recipients should consider in fulfilling their responsibilities to LEP persons. It also reiterates DOC's longstanding position that in order to avoid discrimination against LEP persons on grounds of national origin, recipients must take adequate steps to ensure that such persons receive the language assistance necessary to afford them meaningful access to the programs, services, and information those recipients provide, free of charge.

Executive Order 13166 (E.O.), reprinted at 65 FR 50121 (August 16, 2000), directs each federal agency that extends assistance subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. The E.O. further directs that all such guidance documents be consistent with the compliance standards and framework detailed in DOJ Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency." *See* 65 FR 50123 (August 16, 2000). On

March 14, 2002, the Office of Management and Budget (OMB) issued a Report to Congress titled "Assessment of the Total Benefits and Costs of Implementing Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency." Among other things, the Report recommended the adoption of uniform guidance across all Federal agencies, with flexibility to permit tailoring to each agency's specific recipients. Consistent with this OMB recommendation, DOJ published LEP Guidance for DOJ recipients which was drafted and organized to also function as a model for similar guidance documents by other Federal grant agencies. *See* 67 FR 41455 (June 18, 2002). The LEP Guidance is consistent with the goals set forth in E.O. 13166, and with the DOJ policy guidance documents dated August 16, 2002, and June 18, 2002.

Because this guidance must adhere to the federal-wide compliance standards and framework detailed in the model DOJ LEP Guidance, DOC specifically solicits comments on the nature, scope and appropriateness of the DOC-specific examples set out in this guidance explaining and/or highlighting how those consistent federal-wide compliance standards are applicable to recipients of federal financial assistance through the DOC.

Under the Administrative Procedure Act, 5 U.S.C. 553(b)(A), interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice are exempt from notice and comment. Because this policy guidance is a general statement of policy without the force and effect of law, it falls within this exception and prior notice and opportunity for public comment is not required. This policy guidance is not subject to the requirements of Executive Order 12866.

Dated: February 28, 2003.

Suzan J. Aramaki,

Director, Office of Civil Rights.

I. Introduction

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or "LEP." While detailed data from the 2000 census has not yet