

**TESTIMONY OF  
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DEPARTMENT OF HOMELAND SECURITY  
BEFORE  
THE SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL  
AFFAIRS  
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE  
FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA**

**JUNE 17, 2010**

I am pleased to appear before you today to discuss the Department of Homeland Security's foreign language capabilities. DHS has a variety of foreign language needs: from providing emergency response services to persons with limited English proficiency, to leading investigations overseas, to interviewing foreign nationals on interdicted vessels. The Department's mission touches many individuals in the United States who may lack English language skills, and in addition, has some 2,200 employees stationed abroad; as such, the ability to communicate effectively is a topic of vital importance to DHS. Our operating and support components determine their foreign language needs, requirements, and capabilities and have taken actions to address gaps in order to meet the many mission needs of DHS; however, even more coordination and oversight at the department level as well as a comprehensive assessment would be beneficial.

In general, DHS manages its human resource capabilities through its Office of the Chief Human Capital Officer (OCHCO). OCHCO is responsible for Department-wide human capital policy development, and human resource program planning and implementation. Specifically, OCHCO establishes DHS-wide policies and processes and works with the components to ensure the best approach for the Department's human capital initiatives. Additionally, OCHCO provides strategic human capital direction to and certification of Departmental programs and initiatives. While each component is best situated to identify its individual needs, OCHCO can help by identifying best practices, providing oversight and coordinating an overall strategy.

Components and offices are expected to continually analyze their foreign language capabilities and needs and to assess their workforce, as well as to identify available contract services such as interpreters, translation, and training services. At this time we do not have an overall, departmental foreign language program. Certain components, such as U.S. Customs and Border Protection (CBP), do require proficiency in foreign language, most frequently Spanish, and these components screen candidates for employment for their proficiency in, or ability to learn, languages. For example, applicants for the position of CBP Officer must take either an Artificial Language Test or a Spanish Language Proficiency Test. These tests measure current proficiency in Spanish or ability to learn Spanish. For Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA), foreign language ability is considered a collateral duty and employees self-certify their proficiency in languages other than English. As to personnel assigned abroad, when the position or the U.S. Ambassador has required foreign language skills, DHS Components and offices select officers who already possess the foreign

language capability and/or have provided officers with foreign language training. Generally, the components are fulfilling their language needs internally, through their own hiring or training programs, or through contract arrangements. A more consistent Department-wide approach, however, could prove beneficial.

In the past, OCHCO has conducted limited surveys of the components with respect to practices and programs involving foreign language capabilities, but is presently considering the implementation of a broader, more consolidated approach to the Department's diverse foreign language needs, beginning with a language needs assessment. An effective program must be dynamic and responsive to changing situations. In this regard, such a program would be reliant both on a continuous assessment by components of their particular language requirements, and on their cooperative work with us.

Beyond workforce planning, there have been other Department-wide efforts pertaining to foreign language capabilities. The DHS Office for Civil Rights and Civil Liberties (CRCL) has delegated authority to enforce Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000), which requires federal agencies to examine the services they provide and develop and implement a system by which limited English proficiency (LEP) persons can meaningfully access those services, without unduly burdening the fundamental mission of the agency. Far from burdening DHS' mission, language access for those with limited proficiency advances homeland security, enabling, for example, more effective and efficient screening and immigration processing at our nation's ports of entry and fair administration of customs rules and citizenship benefits. It is also essential in areas such as detention and asylum adjudication.

Language access can be created any number of ways – by multi-lingual personnel, by contracts for written translation and oral interpretation services (live or by a telephone language line), and sometimes simply by use of universal signage that does not require English proficiency. Which method is chosen depends on the circumstances. Under established federal practice, the decision about what language access services to offer depends on a four-part test, which examines:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP individuals come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient and costs.

Executive Order 13166 also requires that federal agencies prepare a plan to improve access to their own programs and activities by eligible LEP persons. CRCL currently leads the Department in finalizing the Department's LEP plan. In addition, CRCL surveyed departmental offices and components in 2008 concerning their programs, LEP populations, and types of language assistance provided and formed a Department-wide Language Assistance Working Group to share information, resources and best practices among offices. CRCL also provides technical assistance to DHS offices and components on fulfilling the language access requirements. For example, CRCL has worked on language access issues with U.S. Immigration

and Customs Enforcement (ICE) in immigration detention, and with the Office of Public Affairs on the Department's response to the H1N1 epidemic. It is currently working with the U.S. Coast Guard and the Federal Emergency Management Agency (FEMA) on language access issues related to the BP Deepwater Horizon oil spill, ensuring that communities like Vietnamese shrimpers receive the meaningful access to Department programs to which they are entitled by providing training, policy advice and technical assistance.

CRCL ensures that its own programs (such as complaint investigation) are accessible by using a combination of multi-lingual personnel (in Spanish, Vietnamese, and Arabic) and a contract for written translation and oral interpretation services. The office also is working to improve the availability of on-demand telephonic interpretation.

In addition, Title VI of the Civil Rights Act of 1964 and its implementing regulations imposes similar obligations on recipients of federal financial assistance; entities that receive support from DHS are forbidden to conduct their programs in a way that has the effect of subjecting persons to discrimination because of their race, color, or national origin. CRCL is the office within DHS that administers Title VI. Long-standing interpretations of the law and regulations mandate offering reasonable steps to offer foreign language assistance if necessary to provide meaningful access to LEP persons. DHS guidance on these requirements, for entities that receive grant or other support, was sent to the Federal Register earlier this week, for publication today, for a 30-day public comment period. Once the guidance is finalized following public comment, CRCL will be moving promptly to improve the technical assistance.

To further increase language proficiency within the Department and our partner agencies, CRCL and the Office of Intelligence and Analysis, in partnership with the Federal Bureau of Investigation, sponsor a National Security Internship (NSI) program—an intensive nine-week, full immersion summer program that combines Arabic language, homeland security, intelligence and area studies, and on-the-job-training experience at DHS or FBI Headquarters. The goal of the NSI program is to create a direct career path for DHS and FBI to some of America's best and brightest undergraduate and graduate college students who speak or study Arabic. The NSI is open to qualified applicants who are able to meet the requirements to be granted a Top-Secret clearance. In FY 2009, the NSI program received over 300 applicants for ten positions. The objective of this program is not to develop a cadre of translators, but rather to build a national security workforce of individuals who possess a higher degree of cultural competency.

I understand the importance of identifying language requirements and tracking capabilities. Going forward, the Department will take the following actions:

- I will ensure that DHS-wide language policies and processes are incorporated into our Human Capital Strategic Plan;
- My staff will work with the DHS Office of Intelligence and Analysis to identify best practices and to ensure the coordination of our intelligence community responsibilities for the management of DHS language requirements; and
- I will work with CRCL to establish a DHS Joint Language Task Force consisting of those components and offices which have language needs in order to identify requirements and assess the necessary skills; recommend a system so that the Department can track,

monitor, record, and report language capabilities; and identify the functional office responsible for managing DHS-wide language capabilities. This work will include the Office of International Affairs with respect to the foreign language skills required by DHS personnel stationed abroad.

This is an overview of the status of our foreign language capability. I would be happy to answer any questions that you may have.