Congressional Research Service
Informing the legislative debate since 1914

IN FOCUS

August 1, 2025

Overview of Language-Access Requirements for Federally Funded Programs and Federal Agencies

Federal funding recipients and federal agencies may have certain legal obligations to provide their services to non-English speakers, though recent executive orders and regulatory activity have changed (and may continue to change) existing requirements. Language-access obligations for federally funded programs generally arise from Title VI of the Civil Rights Act of 1964 and its regulations and agency guidance. Executive orders, rather than statutes, dictate most federal agencies' language-access responsibilities. This In Focus outlines the relevant authorities and their applications.

Language-Access Requirements for Federally Funded Programs

Title VI bars discrimination based on race or national origin in federally funded programs. It reaches various public services—education, transportation, and health care are examples, where those activities receive federal funding. Title VI's prohibition on national origin discrimination has, in some contexts, been interpreted to include a failure to provide language access. Offering services in English only may end up excluding someone based on national origin. Accordingly, under a disparate-impact theory of discrimination—a theory that looks at an action's results rather than the actor's motives—a policy of English-only access may be treated as national origin discrimination, though recent executive orders will likely affect language-access and disparate-impact enforcement.

The Supreme Court first recognized this application of Title VI in a 1974 challenge to a federally funded school district's English-only instruction for Chinese-speaking children with limited English proficiency. Relying on Title VI regulations, the Court held that English-only instruction amounted to disparate-impact discrimination based on the students' national origin, as it effectively denied the students an opportunity to effectively participate in the state's educational programs. In a 2001 case, the Supreme Court limited disparate-impact claims under Title VI, concluding that private plaintiffs could not use Title VI to bring disparate-impact suits (including suits for language access). The Court ruled that private plaintiffs could only bring disparate-treatment claims, which require proof of intentional discrimination. Yet the Court did not rule on agency regulations covering disparate-impact discrimination, leaving their validity in question.

In 2000, Executive Order 13166 called for uniform agency action to facilitate language access pursuant to Title VI. The order also directed agencies to follow Department of Justice (DOJ) guidelines released the same day. Those guidelines, in general, required agencies to ensure that their grantees take "reasonable steps to ensure meaningful access to their program and activities" by speakers with limited English language proficiency. The precise requirements depended on the context. DOJ guidance set out four factors for grantees to consider when setting aside resources for translation of documents or other assistance: (1) the size of a given language population among those served; (2) how often the grantee served that population; (3) the nature and importance of a service; and (4) cost.

How might this guidance play out? It may mean that if a school system had daily contact with Spanish-speaking parents, for example, Spanish language resources would likely need to surpass resources for a language group the school system only rarely saw. Also, an emergency medical services provider such as a paramedic crew would likely have a greater obligation to provide language access than would a recreational facility such as a golf course. A grantee's resources would also be relevant—a smaller entity would likely not be expected to offer the same language services as a larger, better resourced one.

In addition to general disparate-impact regulations, many agencies have promulgated specific language-access requirements in their Title VI regulations or their regulatory guidance. These agencies investigate and resolve language-access issues with recipients of federal funding (such as schools, courts, or law enforcement agencies). As with disparate-impact regulations in general, however, private plaintiffs cannot use these requirements to sue for disparate-impact discrimination in language access.

DOJ coordinates agency regulations and enforcement efforts and oversees DOJ grantees. For example, in 2024, DOJ negotiated with a Wisconsin sheriff's office for, among other things, translations of Miranda warnings. That year, DOJ also signed a memorandum with the New Jersey judiciary covering interpreters and translated forms for court users.

Because language-access requirements are largely regulatory, they may be changed by the executive branch. In March 2025, Executive Order 14224, "Designating English as the Official Language of the United States," did just that. The order rescinds Executive Order 13166, a foundation for previous agency policy. Following Executive Order 14224, it seems unlikely that agencies must continue to follow the factors in DOJ's 2000 guidance, as the new order has directed DOJ to issue new guidance. The 2025 executive order, however, states that it does not require "any change in the services provided by any agency." It thus appears to allow agencies to continue to provide documents or services in non-English languages.

The order follows another executive order condemning disparate-impact enforcement more generally. That order states an intent "to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible," calling on agencies to "deprioritize" disparate-impact enforcement. This instruction could prompt agencies to change their disparate-impact guidance and regulations and dismiss or narrow pending enforcement actions that rely on the theory. So far, the Department of Energy has invoked a streamlined administrative process, direct final rulemaking, to eliminate some of its Title VI and language-access rules, as well as other civil-rights-related regulations. In addressing the changes to language-access rules, the Department of Energy stated that Title VI "does not authorize an agency to dictate that a recipient provide services or information in languages other than English."

Agencies' Language-Access Requirements

As explained above, Title VI, through its regulations and regulatory guidance, currently requires entities that receive federal funds to provide language access (though that appears to be changing). An agency's own operations are different, as federal agencies are not themselves covered by Title VI. For the past few decades, however, the substantive requirements imposed on federally funded programs and federal agency operations were similar, even though the legal authority behind them was not the same. Executive Order 13166, issued in 2000 and mentioned above, set out similar requirements for federally funded entities (citing Title VI) and for agencies' own activities (relying on executive authority to direct agency activity). The order required each agency to provide "meaningful access" to "persons who, as a result of national origin, are limited in their English proficiency." It also stated that both entities receiving federal funding and agencies themselves should follow the limited English proficiency guidance that DOJ had developed for federal funding recipients subject to Title VI and its regulations. The order directed agencies to develop language-access plans consistent with that guidance.

Executive Order 14224, in rescinding the 2000 executive order, casts doubt on language-access obligations for federal agencies. The new order does not require agencies to stop their language-access activities, but it does order the Attorney General to update the guidance DOJ had promulgated under Executive Order 13166 in 2000. That process is under way. Accordingly, it remains to be seen how agencies' language-access activities are changed, if at all. At least one observer has concluded that the 2025 order will lead to "less coordinated and consistent efforts by federal agencies to provide language access in programs they directly deliver."

Targeted Language Laws

While Title VI and executive orders have provided the bulk of language-access obligations for federally funded and federal agency activities in general, more specialized statutes cover some activities. For example, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended) requires language access be part of disaster preparedness plans. Translated voting materials are mandated under the Voting Rights Act. Other federal laws facilitating language access include laws providing court interpreters and appropriations targeted to translation (including of agency materials).

Constitutional requirements sometimes come into play as well. The state and federal governments have Fifth and Fourteenth Amendment obligations to provide due process, and this includes making sure that defendants, arrestees, and others can understand court proceedings. Language barriers may impair a criminal defendant's Sixth Amendment rights to confront witnesses and have access to counsel.

There are also a few federal laws requiring English in particular contexts. One of these has been the subject of recent executive action. Executive Order 14286 directs the Secretary of Transportation to enforce regulatory English proficiency requirements for truck drivers, to rescind the Department of Transportation's English language testing policy in favor of new guidance, and to suspend drivers who do not meet requirements.

Apart from federal law, certain state and local laws also require some language access in public services.

Considerations for Congress

As stated earlier, the Supreme Court has held that Title VI does not provide a private right of action for disparate-impact discrimination, including language access, but the Court has not ruled on the validity of agencies' disparate-impact regulations. This state of affairs has prompted some to call for legislative action, including proposals to codify a private right of action to sue federally funded entities for disparate-impact discrimination and, in counterpoint, efforts to abolish or restrain certain disparate-impact theories. Congress could act to clarify whether disparate-impact claims qualify for private enforcement, agency enforcement, or neither.

Congress could also separately codify agency regulations requiring language access and apply these requirements to federally funded activities, federal agency activities, or both. Legislation could codify DOJ's 2000 guidance, codify different standards, or call for the DOJ or other agencies to pass specific regulations.

Taking a narrower approach, Congress could require that particular services be available in multiple languages, appropriate funds for specific language access, or, conversely, mandate that funds not be used for certain language-access activities. Congress could also codify aspects of the 2025 executive order, perhaps specifying that Title VI does not apply to language access. There may be areas where Congress can require certain government business to be conducted in English only, though in certain contexts such a rule could raise constitutional issues. Beyond legislation, Congress exercises oversight of agencies that enforce Title VI and its language-access requirements.

April J. Anderson, Legislative Attorney

IF13076

Disclaimer