

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy/ Accession Policy), 4000 Defense Pentagon, Washington, DC 20301-4000 or call at (703) 697-9271.

**Title and OMB Control Number:** Utility of Test Preparation Guides and Education Programs in Enhancing Recruit Candidate Performance on the Armed Services Vocational Aptitude Battery (ASVAB), OMB Number 0704-0450.

**Needs and Uses:** The 2007 National Defense Authorization Act (NDAA), section 546, directs the Secretary of Defense to conduct a test of the utility of test preparation guides in enhancing recruit candidate performance on the Armed Services Vocational Aptitude Battery (ASVAB). The ASVAB is a cognitive ability test used to select and classify applicants for enlistment into the U.S. military. This information data collection is needed to meet the following objectives, as stated in the NDAA, to examine: The degree to which test preparation assistance degrades test reliability and accuracy, the degree to which test preparation assistance allows more accurate testing of skill aptitudes and mental capability, and to recommend a role for test preparation assistance in military recruiting.

**Affected Public:** Individuals or households.

**Annual Burden Hours:** 33,350.

**Number of Respondents:** 145,000.

**Responses per Respondent:** 1 or 2.

**Average Burden per Response:** 12 minutes.

**Frequency:** On occasion.

#### **SUPPLEMENTARY INFORMATION:**

##### **Summary of Information Collection**

The 2007 National Defense Authorization Act (NDAA), section 546, directs the Secretary of Defense to conduct a test of the utility of test preparation guides in enhancing recruit candidate performance on the Armed Services Vocational Aptitude Battery (ASVAB). The instrument used to collect the information is the ASVAB Preparation Questionnaire, which covers: (a) ASVAB test taking history, (b) ASVAB preparation behaviors, (c) academic history, and (d) language spoken and education level of parents. The potential respondent universe consists of all military applicants who complete the ASVAB when taken at Military Entrance Processing Stations (MEPS) and Military Entrance Testing

Sites (METS). The questionnaire will be administered immediately after the applicant completes the ASVAB. Computer administration will be used in the MEPS and paper and pencil in the METS. The information collected will be used for program planning, and to compile the congressionally-mandated report.

Dated: January 12, 2012.

**Patricia L. Toppings,**  
OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 2012-3514 Filed 2-14-12; 8:45 am]

**BILLING CODE 5001-06-P**

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

**[Docket ID: DoD-2010-OS-0128]**

#### **Proposed Collection; Comment Request**

**AGENCY:** Department of Defense, Office of the Deputy Under Secretary of Defense (Installations and Environment).

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Deputy Under Secretary of Defense (Installations and Environment) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by March 26, 2012.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

**Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Mail:** Federal Docket Management System Office, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

**Instructions:** All submissions received must include the agency name, docket

number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Under Secretary of Defense (Installations & Environment), 3400 Defense Pentagon, Washington, DC 20301-3400, or call (703) 695-6107.

**Title; Associated Form; and OMB Number:** Technical Assistance for Public Participation (TAPP) Application, DD Form 2749, OMB Control Number 0704-0392.

**Needs and Uses:** The collection of information is necessary to identify products or services requested by community members of restoration advisory boards or technical review committees to aid in their participation in the Department of Defense's environmental restoration program, and to meet Congressional reporting requirements.

**Affected Public:** Not-for-profit institutions.

**Annual Burden Hours:** 200.

**Number of Respondents:** 50.

**Responses per Respondent:** 1.

**Average Burden per Response:** 4 hours.

**Frequency:** On occasion.

#### **SUPPLEMENTARY INFORMATION:**

##### **Summary of Information Collection**

Respondents are community members of restoration advisory boards or technical review committees requesting technical assistance to interpret scientific and engineering issues regarding the nature of environmental hazards at an installation. This assistance will assist communities in participating in the cleanup process. The information, directed by 10 U.S.C. 2705, will be used to determine the eligibility of the proposed project, begin the procurement process to obtain the requested products or services, and determine the satisfaction of community members of restoration advisory boards and technical review communities receiving the products and services.

Dated: January 31, 2012.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 2012-3509 Filed 2-14-12; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

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

**AGENCY:** Department of Defense, DoD.

**ACTION:** Interim final guidance.

**SUMMARY:** The Department of Defense (DoD) publishes for public comment Interim Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (DoD Recipient LEP Guidance). The DoD Recipient LEP Guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as affects limited English proficient persons.

**DATES:** Comments must be received on or before March 16, 2012.

**ADDRESSES:** Please submit only one set of comments via one of the methods described.

- *Fax:* (703) 571-9338.

- *Mail:* DoD/ODMEO LEP Public Comments, 4000 Defense Pentagon, Room 5D641, Washington, DC 20301-4000.

- *Email:* james.love@osd.mil.

**FOR FURTHER INFORMATION CONTACT:**

James E. Love, (703) 571-9331.

Arrangements to receive the policy in an alternative format may be made by contacting the named individual.

**SUPPLEMENTARY INFORMATION:** Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* (Title VI), and DoD regulations implementing Title VI, recipients of Federal financial assistance from the DoD ("recipients") have a responsibility to ensure meaningful access by persons with limited English proficiency (LEP) to their programs and activities. See 32 CFR 195.4. Executive Order 13166, reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that extends assistance subject to the requirements of Title VI to publish, after review and approval by the Department of Justice (DOJ), guidance for its recipients clarifying that obligation. The Executive Order also

directs that all such guidance be consistent with the compliance standards and framework set forth by DOJ.

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, the DOJ published LEP Guidance for DOJ recipients which was drafted and organized to also function as a model for similar guidance by other Federal grant agencies. See 67 FR 41455 (June 18, 2002). This interim final DoD Guidance is based upon the model of June 18, 2002, DOJ LEP Guidance for Recipients.

The primary focus of this Guidance is on entities that receive Federal financial assistance from DoD, either directly or indirectly, through a grant, cooperative agreement, contract or subcontract, and operate programs or activities or portions of programs or activities in the United States and its territories.

In connection with the issuance of this Guidance, each DoD component is encouraged to review their current programs and activities to determine whether they provide the type of external assistance to a recipient which is subject to Title VI. If Title VI is determined to be applicable to one or more program or activity, the administering component should consider developing a program-specific Appendix to this Guidance. The Appendix should explain how the component's recipients may ensure meaningful linguistic access consistent with the principles and compliance standards set out in DoD's LEP Guidance for Recipients below. The Appendix will be submitted to DOJ for review and approval prior to publication in the **Federal Register**.

It has been determined that the Guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedures Act, 5 U.S.C. 533. It has also been determined that this Guidance is not subject to the requirements of Executive Order 12866.

The text of the complete proposed Guidance document appears below.

Dated: January 18, 2012.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

## 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." The 2000 census indicates that 28.1% of all Spanish-speakers, 28.2% of all speakers of Chinese languages, and 32.3% of all Vietnamese-speakers reported that they spoke English "not well" or "not at all."

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The Federal Government funds an array of services that can be made accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. Recipients should not overlook the long-term positive impacts of incorporating or offering English as a Second Language (ESL) programs in parallel with language assistance services. ESL courses can serve as an important adjunct to a proper LEP plan. However, the fact that ESL classes are made available does not obviate the statutory and regulatory requirement to provide meaningful access for those who are not yet English proficient. Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.<sup>1</sup>

This policy Guidance clarifies existing legal requirements for LEP

<sup>1</sup> DoD recognizes that many recipients had language assistance programs in place prior to the issuance of Executive Order 13166. This Guidance provides a uniform framework for a recipient to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its program or activity, the current needs of the LEP population it encounters, and its prior experience in providing language services in the community it serves.