

**Calendar No. 932**110TH CONGRESS  
2D SESSION**S. 702****[Report No. 110-436]**

To authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2007

Mr. KOHL (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. BIDEN, Mr. CARDIN, Mr. LEAHY, Mr. SPECTER, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 1, 2008

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “State Court Inter-  
3 preter Grant Program Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the fair administration of justice depends on  
7 the ability of all participants in a courtroom pro-  
8 ceeding to understand that proceeding, regardless of  
9 their English proficiency;

10 (2) 19 percent of the population of the United  
11 States over 5 years of age speaks a language other  
12 than English at home;

13 (3) only qualified court interpreters can ensure  
14 that persons with limited English proficiency com-  
15 prehend judicial proceedings in which they are a  
16 party;

17 (4) the knowledge and skills required of a quali-  
18 fied court interpreter differ substantially from those  
19 required in other interpretation settings, such as so-  
20 cial service, medical, diplomatic, and conference in-  
21 terpreting;

22 (5) the Federal Government has demonstrated  
23 its commitment to equal administration of justice re-  
24 gardless of English proficiency;

25 (6) regulations implementing title VI of the  
26 Civil Rights Act of 1964, as well as the guidance

1 issued by the Department of Justice pursuant to Ex-  
2 ecutive Order 13166, issued August 11, 2000, clar-  
3 ify that all recipients of Federal financial assistance,  
4 including State courts, are required to take reason-  
5 able steps to provide meaningful access to their pro-  
6 ceedings for persons with limited English pro-  
7 ficiency;

8 (7) 36 States have developed, or are developing,  
9 qualified court interpreting programs;

10 (8) robust, effective court interpreter pro-  
11 grams—

12 (A) actively recruit skilled individuals to be  
13 court interpreters;

14 (B) train those individuals in the interpre-  
15 tation of court proceedings;

16 (C) develop and use a thorough, systematic  
17 certification process for court interpreters; and

18 (D) have sufficient funding to ensure that  
19 a qualified interpreter will be available to the  
20 court whenever necessary; and

21 (9) Federal funding is necessary to—

22 (A) encourage State courts that do not  
23 have court interpreter programs to develop  
24 them;

1           (B) assist State courts with nascent court  
2 interpreter programs to implement them;

3           (C) assist State courts with limited court  
4 interpreter programs to enhance them; and

5           (D) assist State courts with robust court  
6 interpreter programs to make further improve-  
7 ments and share successful programs with other  
8 States.

9 **SEC. 3. STATE COURT INTERPRETER PROGRAM.**

10 (a) GRANTS AUTHORIZED.—

11           (1) IN GENERAL.—The Administrator of the  
12 Office of Justice Programs of the Department of  
13 Justice (referred to in this section as the “Adminis-  
14 trator”) shall make grants, in accordance with such  
15 regulations as the Attorney General may prescribe,  
16 to State courts to develop and implement programs  
17 to assist individuals with limited English proficiency  
18 to access and understand State court proceedings in  
19 which they are a party.

20           (2) TECHNICAL ASSISTANCE.—The Adminis-  
21 trator shall allocate, for each fiscal year, \$500,000  
22 of the amount appropriated pursuant to section 4 to  
23 be used to establish a court interpreter technical as-  
24 sistance program to assist State courts receiving  
25 grants under this Act.

1 (b) USE OF GRANTS.—Grants awarded under sub-  
2 section (a) may be used by State courts to—

3 (1) assess regional language demands;

4 (2) develop a court interpreter program for the  
5 State courts;

6 (3) develop, institute, and administer language  
7 certification examinations;

8 (4) recruit, train, and certify qualified court in-  
9 terpreters;

10 (5) pay for salaries, transportation, and tech-  
11 nology necessary to implement the court interpreter  
12 program developed under paragraph (2); and

13 (6) engage in other related activities, as pre-  
14 scribed by the Attorney General.

15 (c) APPLICATION.—

16 (1) IN GENERAL.—The highest State court of  
17 each State desiring a grant under this section shall  
18 submit an application to the Administrator at such  
19 time, in such manner, and accompanied by such in-  
20 formation as the Administrator may reasonably re-  
21 quire.

22 (2) STATE COURTS.—The highest State court  
23 of each State submitting an application under para-  
24 graph (1) shall include in the application—

1           (A) an identification of each State court in  
2           that State which would receive funds from the  
3           grant;

4           (B) the amount of funds each State court  
5           identified under subparagraph (A) would re-  
6           ceive from the grant; and

7           (C) the procedures the highest State court  
8           would use to directly distribute grant funds to  
9           State courts identified under subparagraph (A).

10       (d) STATE COURT ALLOTMENTS.—

11           (1) BASE ALLOTMENT.—From amounts appro-  
12           priated for each fiscal year pursuant to section 4,  
13           the Administrator shall allocate \$100,000 to each of  
14           the highest State court of each State, which has an  
15           application approved under subsection (c).

16           (2) DISCRETIONARY ALLOTMENT.—From  
17           amounts appropriated for each fiscal year pursuant  
18           to section 4, the Administrator shall allocate a total  
19           of \$5,000,000 to the highest State court of States  
20           that have extraordinary needs that are required to  
21           be addressed in order to develop, implement, or ex-  
22           pand a State court interpreter program.

23           (3) ADDITIONAL ALLOTMENT.—In addition to  
24           the allocations made under paragraphs (1) and (2),  
25           the Administrator shall allocate to each of the high-

1 est State court of each State, which has an applica-  
 2 tion approved under subsection (c), an amount equal  
 3 to the product reached by multiplying—

4 (A) the unallocated balance of the amount  
 5 appropriated for each fiscal year pursuant to  
 6 section 4; and

7 (B) the ratio between the number of people  
 8 over 5 years of age who speak a language other  
 9 than English at home in the State and the  
 10 number of people over 5 years of age who speak  
 11 a language other than English at home in all  
 12 the States that receive an allocation under  
 13 paragraph (1), as those numbers are deter-  
 14 mined by the Bureau of the Census.

15 (4) TREATMENT OF DISTRICT OF COLUMBIA.—

16 For purposes of this section—

17 (A) the District of Columbia shall be treat-  
 18 ed as a State; and

19 (B) the District of Columbia Court of Ap-  
 20 peals shall act as the highest State court for  
 21 the District of Columbia.

22 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated \$15,000,000  
 24 for each of the fiscal years 2008 through 2012 to carry  
 25 out this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “State Court Interpreter*  
3 *Grant Program Act”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 *(1) the fair administration of justice depends on*  
7 *the ability of all participants in a courtroom pro-*  
8 *ceeding to understand that proceeding, regardless of*  
9 *their English proficiency;*

10 *(2) 19 percent of the population of the United*  
11 *States over 5 years of age speaks a language other*  
12 *than English at home;*

13 *(3) only qualified court interpreters can ensure*  
14 *that persons with limited English proficiency com-*  
15 *prehend judicial proceedings in which they are a*  
16 *party;*

17 *(4) the knowledge and skills required of a quali-*  
18 *fied court interpreter differ substantially from those*  
19 *required in other interpretation settings, such as so-*  
20 *cial service, medical, diplomatic, and conference in-*  
21 *terpreting;*

22 *(5) the Federal Government has demonstrated its*  
23 *commitment to equal administration of justice re-*  
24 *gardless of English proficiency;*

25 *(6) regulations implementing title VI of the Civil*  
26 *Rights Act of 1964, as well as the guidance issued by*



1 *the Department of Justice pursuant to Executive*  
2 *Order 13166, issued August 11, 2000, clarify that all*  
3 *recipients of Federal financial assistance, including*  
4 *State courts, are required to take reasonable steps to*  
5 *provide meaningful access to their proceedings for*  
6 *persons with limited English proficiency;*

7 (7) *40 States have developed, or are developing,*  
8 *qualified court interpreting programs;*

9 (8) *robust, effective court interpreter programs—*

10 (A) *actively recruit skilled individuals to be*  
11 *court interpreters;*

12 (B) *train those individuals in the interpre-*  
13 *tation of court proceedings;*

14 (C) *develop and use a thorough, systematic*  
15 *certification process for court interpreters; and*

16 (D) *have sufficient funding to ensure that a*  
17 *qualified interpreter will be available to the*  
18 *court whenever necessary; and*

19 (9) *Federal funding is necessary to—*

20 (A) *encourage State courts that do not have*  
21 *court interpreter programs to develop them;*

22 (B) *assist State courts with nascent court*  
23 *interpreter programs to implement them;*

24 (C) *assist State courts with limited court*  
25 *interpreter programs to enhance them; and*

1           (D) assist State courts with robust court in-  
2           terpreter programs to make further improve-  
3           ments and share successful programs with other  
4           States.

5 **SEC. 3. STATE COURT INTERPRETER PROGRAM.**

6           (a) GRANTS AUTHORIZED.—

7           (1) IN GENERAL.—The Administrator of the Of-  
8           fice of Justice Programs of the Department of Justice  
9           (referred to in this section as the “Administrator”)  
10          shall make grants, in accordance with such regula-  
11          tions as the Attorney General may prescribe, to State  
12          courts to develop and implement programs to assist  
13          individuals with limited English proficiency to access  
14          and understand State court proceedings in which they  
15          are a party.

16          (2) TECHNICAL ASSISTANCE.—The Adminis-  
17          trator shall allocate, for each fiscal year, \$500,000 of  
18          the amount appropriated pursuant to section 4 to be  
19          used to establish a court interpreter technical assist-  
20          ance program to assist State courts receiving grants  
21          under this Act.

22          (b) USE OF GRANTS.—Grants awarded under sub-  
23          section (a) may be used by State courts to—

24               (1) assess regional language demands;

1           (2) *develop a court interpreter program for the*  
2     *State courts;*

3           (3) *develop, institute, and administer language*  
4     *certification examinations;*

5           (4) *recruit, train, and certify qualified court in-*  
6     *terpreters;*

7           (5) *pay for salaries, transportation, and tech-*  
8     *nology necessary to implement the court interpreter*  
9     *program developed under paragraph (2); and*

10          (6) *engage in other related activities, as pre-*  
11     *scribed by the Attorney General.*

12     (c) *APPLICATION.—*

13           (1) *IN GENERAL.—The highest State court of*  
14     *each State desiring a grant under this section shall*  
15     *submit an application to the Administrator at such*  
16     *time, in such manner, and accompanied by such in-*  
17     *formation as the Administrator may reasonably re-*  
18     *quire.*

19           (2) *STATE COURTS.—The highest State court of*  
20     *each State submitting an application under para-*  
21     *graph (1) shall include in the application—*

22           (A) *a demonstration of need for the develop-*  
23     *ment, implementation, or expansion of a State*  
24     *court interpreter program;*

1           (B) an identification of each State court in  
2           that State which would receive funds from the  
3           grant;

4           (C) the amount of funds each State court  
5           identified under subparagraph (B) would receive  
6           from the grant; and

7           (D) the procedures the highest State court  
8           would use to directly distribute grant funds to  
9           State courts identified under subparagraph (B).

10       (d) STATE COURT ALLOTMENTS.—

11           (1) BASE ALLOTMENT.—From amounts appro-  
12           priated for each fiscal year pursuant to section 4, the  
13           Administrator shall allocate \$100,000 to each of the  
14           highest State court of each State, which has an appli-  
15           cation approved under subsection (c).

16           (2) DISCRETIONARY ALLOTMENT.—From  
17           amounts appropriated for each fiscal year pursuant  
18           to section 4, the Administrator shall allocate  
19           \$5,000,000 to be distributed among the highest State  
20           courts of States which have an application approved  
21           under subsection (c), and that have extraordinary  
22           needs that are required to be addressed in order to de-  
23           velop, implement, or expand a State court interpreter  
24           program.

1           (3) *ADDITIONAL ALLOTMENT.*—*In addition to*  
2 *the allocations made under paragraphs (1) and (2),*  
3 *the Administrator shall allocate to each of the highest*  
4 *State court of each State, which has an application*  
5 *approved under subsection (c), an amount equal to*  
6 *the product reached by multiplying—*

7           (A) *the unallocated balance of the amount*  
8 *appropriated for each fiscal year pursuant to*  
9 *section 4; and*

10           (B) *the ratio between the number of people*  
11 *over 5 years of age who speak a language other*  
12 *than English at home in the State and the num-*  
13 *ber of people over 5 years of age who speak a*  
14 *language other than English at home in all the*  
15 *States that receive an allocation under para-*  
16 *graph (1), as those numbers are determined by*  
17 *the Bureau of the Census.*

18           (4) *TREATMENT OF DISTRICT OF COLUMBIA.*—  
19 *For purposes of this section—*

20           (A) *the District of Columbia shall be treated*  
21 *as a State; and*

22           (B) *the District of Columbia Court of Ap-*  
23 *peals shall act as the highest State court for the*  
24 *District of Columbia.*

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2       *There are authorized to be appropriated \$15,000,000*  
3 *for each of the fiscal years 2008 through 2012 to carry out*  
4 *this Act.*



Calendar No. 932

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 702**

[Report No. 110-436]

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## **A BILL**

To authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

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August 1, 2008

Reported with an amendment