

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.

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*]

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-

est State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

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

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

(4) TREATMENT OF DISTRICT OF COLUMBIA.—

For purposes of this section—

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

(B) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$15,000,000 for each of the fiscal years 2008 through 2012 to carry 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.

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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.*

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