

# 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 qual-  
18 ified 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 Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

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

10 (8) robust, effective court interpreter programs—

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

14 (B) train those individuals in the interpretation 15 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;

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

10 (a) GRANTS AUTHORIZED.—

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—

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.—

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*

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

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

**6 (a) GRANTS AUTHORIZED.—**

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;

12 (c) *APPLICATION.—*

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

10 (d) STATE COURT ALLOTMENTS.—

(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.

18 (4) TREATMENT OF DISTRICT OF COLUMBIA.—

19            *For purposes of this section—*

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

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