

110TH CONGRESS  
1ST SESSION

# S. 702

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, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the fair administration of justice depends on  
9 the ability of all participants in a courtroom pro-

1 ceeding to understand that proceeding, regardless of  
2 their English proficiency;

3 (2) 19 percent of the population of the United  
4 States over 5 years of age speaks a language other  
5 than English at home;

6 (3) only qualified court interpreters can ensure  
7 that persons with limited English proficiency com-  
8 prehend judicial proceedings in which they are a  
9 party;

10 (4) the knowledge and skills required of a quali-  
11 fied court interpreter differ substantially from those  
12 required in other interpretation settings, such as so-  
13 cial service, medical, diplomatic, and conference in-  
14 terpreting;

15 (5) the Federal Government has demonstrated  
16 its commitment to equal administration of justice re-  
17 gardless of English proficiency;

18 (6) regulations implementing title VI of the  
19 Civil Rights Act of 1964, as well as the guidance  
20 issued by the Department of Justice pursuant to Ex-  
21 ecutive Order 13166, issued August 11, 2000, clar-  
22 ify that all recipients of Federal financial assistance,  
23 including State courts, are required to take reason-  
24 able steps to provide meaningful access to their pro-

1 proceedings for persons with limited English pro-  
2 ficiency;

3 (7) 36 States have developed, or are developing,  
4 qualified court interpreting programs;

5 (8) robust, effective court interpreter pro-  
6 grams—

7 (A) actively recruit skilled individuals to be  
8 court interpreters;

9 (B) train those individuals in the interpre-  
10 tation of court proceedings;

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

13 (D) have sufficient funding to ensure that  
14 a qualified interpreter will be available to the  
15 court whenever necessary; and

16 (9) Federal funding is necessary to—

17 (A) encourage State courts that do not  
18 have court interpreter programs to develop  
19 them;

20 (B) assist State courts with nascent court  
21 interpreter programs to implement them;

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

24 (D) assist State courts with robust court  
25 interpreter programs to make further improve-

1           ments and share successful programs with other  
2           States.

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

4           (a) GRANTS AUTHORIZED.—

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

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

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

22                  (1) assess regional language demands;

23                  (2) develop a court interpreter program for the  
24          State courts;

1           (3) develop, institute, and administer language  
2 certification examinations;

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

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

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

10 (c) APPLICATION.—

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

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

20                   (A) an identification of each State court in  
21 that State which would receive funds from the  
22 grant;

23                   (B) the amount of funds each State court  
24 identified under subparagraph (A) would re-  
25 ceive from the grant; and

1 (C) the procedures the highest State court  
2 would use to directly distribute grant funds to  
3 State courts identified under subparagraph (A).

4 (d) STATE COURT ALLOTMENTS.—

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

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

17 (3) ADDITIONAL ALLOTMENT.—In addition to  
18 the allocations made under paragraphs (1) and (2),  
19 the Administrator shall allocate to each of the high-  
20 est State court of each State, which has an applica-  
21 tion approved under subsection (c), an amount equal  
22 to the product reached by multiplying—

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

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

9 (4) TREATMENT OF DISTRICT OF COLUMBIA.—

10 For purposes of this section—

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

13 (B) the District of Columbia Court of Ap-  
14 peals shall act as the highest State court for  
15 the District of Columbia.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

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