

111TH CONGRESS
1ST SESSION

S. 1329

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

JUNE 23, 2009

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

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) 40 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) a demonstration of need for the devel-
21 opment, implementation, or expansion of a
22 State court interpreter program;

23 (B) an identification of each State court in
24 that State which would receive funds from the
25 grant;

1 (C) the amount of funds each State court
 2 identified under subparagraph (B) would re-
 3 ceive from the grant; and

4 (D) the procedures the highest State court
 5 would use to directly distribute grant funds to
 6 State courts identified under subparagraph (B).

7 (d) STATE COURT ALLOTMENTS.—

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

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

22 (3) ADDITIONAL ALLOTMENT.—In addition to
 23 the allocations made under paragraphs (1) and (2),
 24 the Administrator shall allocate to each of the high-
 25 est State court of each State, which has an applica-

1 tion approved under subsection (c), an amount equal
 2 to the product reached by multiplying—

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

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

14 (4) TREATMENT OF DISTRICT OF COLUMBIA.—

15 For purposes of this section—

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

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

21 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated \$15,000,000
 23 for each of the fiscal years 2010 through 2014 to carry
 24 out this Act.

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