

112TH CONGRESS
2D SESSION

S. 3365

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

IN THE SENATE OF THE UNITED STATES

JULY 10, 2012

Mr. KOHL 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 court 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 of 2012”.

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-

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

(2) 21 percent of the population of the United
States over 5 years of age speaks a language other
than English at home;

(3) only qualified and certified court inter-
preters can ensure that persons with limited English
proficiency comprehend judicial proceedings in which
they are a party;

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

(5) the Federal Government has demonstrated
its commitment to equal administration of justice,
regardless of English proficiency;

(6) regulations implementing title VI of the
Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),
as well as the guidance issued by the Department of
Justice pursuant to Executive Order 13166, issued
August 11, 2000, clarify that all recipients of Fed-
eral financial assistance, including State courts, are
required to take reasonable steps to provide mean-

1 ingful access to their proceedings for persons with
2 limited English proficiency;

3 (7) 43 States have developed, or are developing,
4 qualified court interpreter programs;

5 (8) a robust and effective court interpreter pro-
6 gram—

7 (A) actively recruits skilled individuals to
8 serve as court interpreters;

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

11 (C) develops and uses a thorough, system-
12 atic certification process for court interpreters;

13 (D) has sufficient funding to ensure that a
14 qualified and certified interpreter will be avail-
15 able to the court whenever necessary; and

16 (E) efficiently uses funding to create sub-
17 stantial cost savings; and

18 (9) Federal funding is necessary to—

19 (A) encourage State courts that do not
20 have court interpreter programs to develop
21 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
 2 interpreter programs to make further improve-
 3 ments and share successful cost saving pro-
 4 grams with other States.

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

6 (a) GRANTS AUTHORIZED.—

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

16 (2) USE OF GRANTS.—A State court may use
 17 a grant awarded under this subsection to—

18 (A) develop or enhance a court interpreter
 19 program for the State court;

20 (B) develop, institute, and administer lan-
 21 guage certification examinations;

22 (C) recruit, train, and certify qualified
 23 court interpreters;

24 (D) pay for salaries, transportation, and
 25 technology necessary to implement the court in-

1 interpreter program developed or enhanced under
 2 subparagraph (A);

3 (E) provide for remote interpretation serv-
 4 ices to facilitate certified court interpretations
 5 when costs prohibit in-person interpretation; or

6 (F) engage in other related activities, as
 7 prescribed by the Attorney General.

8 (b) APPLICATION.—

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

15 (2) CONTENTS.—The highest State court of
 16 each State submitting an application under para-
 17 graph (1) shall include in the application—

18 (A) a demonstration of need for the devel-
 19 opment, implementation, or expansion of a
 20 State court interpreter program;

21 (B) an identification of each State court in
 22 that State that would receive funds from the
 23 grant;

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

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

(c) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 5, the Administrator shall allocate \$100,000 to the highest court of each State that has an application approved under subsection (b).

(2) ADDITIONAL ALLOTMENT.—

(A) IN GENERAL.—From amounts appropriated for each fiscal year pursuant to section 5, the Administrator shall allocate \$5,000,000 to be distributed among the highest State courts that—

(i) have an application approved under subsection (b); and

(ii) are located in a State with extraordinary needs that prevent the development, implementation, or expansion of a State court interpreter program.

1 (B) DETERMINING NEED.—In determining
2 whether a State has extraordinary needs re-
3 quired under subparagraph (A), the Adminis-
4 trator shall consider—

5 (i) based on data from the Bureau of
6 the Census, the ratio between the number
7 of people over 5 years of age who speak a
8 language other than English at home and
9 identify as speaking English less than very
10 well—

11 (I) in that State; and

12 (II) in all of the States that re-
13 ceive an allocation under paragraph
14 (1); and

15 (ii) any efficiency or substantial cost
16 savings expected from a State court inter-
17 preter program.

18 (C) PRIORITY CONSIDERATION.—In allo-
19 cating amounts under subparagraph (A), the
20 Administrator shall give priority to any State
21 that does not have and has not begun to de-
22 velop a qualified court interpreter program.

23 (d) TREATMENT OF DISTRICT OF COLUMBIA.—For
24 purposes of this section—

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

3 (2) the District of Columbia Court of Appeals
4 shall act as the highest State court for the District
5 of Columbia.

6 **SEC. 4. REPORT.**

7 Not later than 1 year after the date on which the
8 first grant is made under section 3, the Administrator
9 shall submit a report to Congress that describes how each
10 highest State court has used the funds from each grant
11 made under section 3 in a manner consistent with section
12 3(a)(2).

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated \$10,000,000
15 for each of fiscal years 2013 through 2017 to carry out
16 this Act.

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