

Calendar No. 142

109TH CONGRESS
1ST SESSION

S. 268

[Report No. 109–93]

To provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2005

Mr. HARKIN (for himself, Mrs. CLINTON, Mr. COCHRAN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LUGAR, Mr. ROCKEFELLER, Mr. WYDEN, Mr. BINGAMAN, Mr. BUNNING, Mr. DODD, Mr. DURBIN, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. SMITH, Ms. SNOWE, Ms. CANTWELL, Mr. DAYTON, Mrs. LINCOLN, Mr. LOTT, Mr. PRYOR, Ms. STABENOW, Mr. DEWINE, Mr. JOHNSON, Mr. BAYH, Mr. JEFFORDS, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JUNE 27, 2005

Reported by Mr. STEVENS, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

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 “Training for Realtime
 5 Writers Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) As directed by Congress in section ~~723~~ 713
 9 of the Communications Act of 1934 (47 U.S.C.
 10 613), as added by section 305 of the Telecommuni-
 11 cations Act of 1996 (Public Law 104–104; 110 Stat.
 12 126), the Federal Communications Commission
 13 adopted rules requiring closed captioning of most
 14 television programming, which gradually require new
 15 video programming to be fully captioned in English
 16 by 2006 and Spanish by 2010.

17 (2) More than 28,000,000 Americans, or 8 per-
 18 cent of the population, are considered deaf or hard
 19 of hearing, and many require captioning services to
 20 participate in mainstream activities.

21 (3) More than 24,000 children are born in the
 22 United States each year with some form of hearing
 23 loss.

1 (4) According to the Department of Health and
2 Human Services and a study done by the National
3 Council on Aging—

4 (A) 25 percent of Americans over 65 years
5 old are hearing impaired;

6 (B) 33 percent of Americans over 70 years
7 old are hearing impaired; and

8 (C) 41 percent of Americans over 75 years
9 old are hearing impaired.

10 (5) The National Council on Aging study also
11 found that depression in older adults may be directly
12 related to hearing loss and disconnection with the
13 spoken word.

14 (6) Empirical research demonstrates that cap-
15 tions improve the performance of individuals learn-
16 ing to read English and, according to numerous
17 Federal agency statistics, could benefit—

18 (A) 3,700,000 remedial readers;

19 (B) 12,000,000 young children learning to
20 read;

21 (C) 27,000,000 illiterate adults; and

22 (D) 30,000,000 people for whom English
23 is a second language.

24 (7) Over the past decade, student enrollment in
25 programs that train realtime writers and closed

captioners has decreased by 50 percent, even though
job placement upon graduation is 100 percent.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The ~~National Telecommuni-~~
~~cations and Information Administration~~ *Secretary of Com-*
merce shall make competitive grants to eligible entities
under subsection (b) to promote training and placement
of individuals, including individuals who have completed
a court reporting training program, as realtime writers in
order to meet the requirements for closed captioning of
video programming set forth in section ~~723~~ 713 of the
Communications Act of 1934 (47 U.S.C. 613) and the
rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act,
an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Sec-
retary of Commerce that it meets minimum stand-
ards of educational and financial accountability, with
a curriculum capable of training realtime writers
qualified to provide captioning services;

(2) is accredited by an accrediting agency rec-
ognized by the Department of Education; and

1 (3) is participating in student aid programs
2 under title IV of the Higher Education Act of 1965.

3 (c) PRIORITY IN GRANTS.—In determining whether
4 to make grants under this section, the Secretary of Com-
5 merce shall give a priority to eligible entities that, as de-
6 termined by the Secretary of Commerce—

7 (1) possess the most substantial capability to
8 increase their capacity to train realtime writers;

9 (2) demonstrate the most promising collabora-
10 tion with local educational institutions, businesses,
11 labor organizations, or other community groups hav-
12 ing the potential to train or provide job placement
13 assistance to realtime writers; or

14 (3) propose the most promising and innovative
15 approaches for initiating or expanding training and
16 job placement assistance efforts with respect to
17 realtime writers.

18 (d) DURATION OF GRANT.—A grant under this sec-
19 tion shall be for a period of two years.

20 (e) MAXIMUM AMOUNT OF GRANT.—The amount of
21 a grant provided under subsection (a) to an entity eligible
22 may not exceed \$1,500,000 for the two-year period of the
23 grant under subsection (d).

1 **SEC. 4. APPLICATION.**

2 (a) IN GENERAL.—To receive a grant under section
3 3, an eligible entity shall submit an application to the Na-
4 tional Telecommunications and Information Administra-
5 tion *Secretary of Commerce* at such time and in such man-
6 ner as the *Administration Secretary* may require. The ap-
7 plication shall contain the information set forth under sub-
8 section (b).

9 (b) INFORMATION.—Information in the application of
10 an eligible entity under subsection (a) for a grant under
11 section 3 shall include the following:

12 (1) A description of the training and assistance
13 to be funded using the grant amount, including how
14 such training and assistance will increase the num-
15 ber of realtime writers.

16 (2) A description of performance measures to
17 be utilized to evaluate the progress of individuals re-
18 ceiving such training and assistance in matters relat-
19 ing to enrollment, completion of training, and job
20 placement and retention.

21 (3) A description of the manner in which the el-
22 igible entity will ensure that recipients of scholar-
23 ships, if any, funded by the grant will be employed
24 and retained as realtime writers.

25 (4) A description of the manner in which the el-
26 igible entity intends to continue providing the train-

1 ing and assistance to be funded by the grant after
 2 the end of the grant period, including any partner-
 3 ships or arrangements established for that purpose.

4 (5) A description of how the eligible entity will
 5 work with local workforce investment boards to en-
 6 sure that training and assistance to be funded with
 7 the grant will further local workforce goals, includ-
 8 ing the creation of educational opportunities for in-
 9 dividuals who are from economically disadvantaged
 10 backgrounds or are displaced workers.

11 (6) Additional information, if any, of the eligi-
 12 bility of the eligible entity for priority in the making
 13 of grants under section 3(c).

14 (7) Such other information as the Administra-
 15 tion may require.

16 **SEC. 5. USE OF FUNDS.**

17 (a) IN GENERAL.—An eligible entity receiving a
 18 grant under section 3 shall use the grant amount for pur-
 19 poses relating to the recruitment, training and assistance,
 20 and job placement of individuals, including individuals
 21 who have completed a court reporting training program,
 22 as realtime writers, including—

23 (1) recruitment;

24 (2) subject to subsection (b), the provision of
 25 scholarships;

1 (3) distance learning;

2 (4) further develop and implement both English
3 and Spanish curriculum to more effectively train
4 realtime writing skills, and education in the knowl-
5 edge necessary for the delivery of high-quality closed
6 captioning services;

7 (5) mentor students to ensure successful com-
8 pletion of the realtime training and provide assist-
9 ance in job placement;

10 (6) encourage individuals with disabilities to
11 pursue a career in realtime writing; and

12 (7) the employment and payment of personnel
13 for such purposes.

14 (b) SCHOLARSHIPS.—

15 (1) AMOUNT.—The amount of a scholarship
16 under subsection (a)(2) shall be based on the
17 amount of need of the recipient of the scholarship
18 for financial assistance, as determined in accordance
19 with part F of title IV of the Higher Education Act
20 of 1965 (20 U.S.C. 1087kk).

21 (2) AGREEMENT.—Each recipient of a scholar-
22 ship under subsection (a)(2) shall enter into an
23 agreement with the ~~National Telecommunications~~
24 ~~and Information Administration~~ *Secretary of Com-*
25 *merce* to provide realtime writing services for a pe-

1 riod of time (as determined by the ~~Administration~~)
 2 ~~Secretary~~) that is appropriate (as so determined) for
 3 the amount of the scholarship received.

4 (3) COURSEWORK AND EMPLOYMENT.—The
 5 ~~Administration~~ *Secretary* shall establish require-
 6 ments for coursework and employment for recipients
 7 of scholarships under subsection (a)(2), including re-
 8 quirements for repayment of scholarship amounts in
 9 the event of failure to meet such requirements for
 10 coursework and ~~employment~~. *employment or other*
 11 *material terms under subsection (b)(2).* Requirements
 12 for repayment of scholarship amounts shall take into
 13 account the effect of economic conditions on the ca-
 14 pacity of scholarship recipients to find work as
 15 realtime writers.

16 (c) ADMINISTRATIVE COSTS.—The recipient of a
 17 grant under section 3 may not use more than 5 percent
 18 of the grant amount to pay administrative costs associated
 19 with activities funded by the grant. *The Secretary shall use*
 20 *no more than 5 percent of the amount available for grants*
 21 *under this Act in any fiscal year for administrative costs*
 22 *of the program.*

23 (d) SUPPLEMENT NOT SUPPLANT.—Grant amounts
 24 under this Act shall supplement and not supplant other
 25 Federal or non-Federal funds of the grant recipient for

1 purposes of promoting the training and placement of indi-
2 viduals as realtime writers.

3 **SEC. 6. REPORTS.**

4 (a) ANNUAL REPORTS.—Each eligible entity receiv-
5 ing a grant under section 3 shall submit to the ~~National~~
6 ~~Telecommunications and Information Administration, Sec-~~
7 ~~retary of Commerce~~, at the end of each year of the grant
8 period, a report on the activities of such entity with re-
9 spect to the use of grant amounts during such year.

10 (b) REPORT INFORMATION.—

11 (1) IN GENERAL.—Each report of an entity for
12 a year under subsection (a) shall include a descrip-
13 tion of the use of grant amounts by the entity dur-
14 ing such year, including an assessment by the entity
15 of the effectiveness of activities carried out using
16 such funds in increasing the number of realtime
17 writers. The assessment shall utilize the performance
18 measures submitted by the entity in the application
19 for the grant under section 4(b).

20 (2) FINAL REPORT.—The final report of an en-
21 tity on a grant under subsection (a) shall include a
22 description of the best practices identified by the en-
23 tity as a result of the grant for increasing the num-
24 ber of individuals who are trained, employed, and re-
25 tained in employment as realtime writers.

1 (c) *ANNUAL REVIEW.*—*The Inspector General of the*
2 *Department of Commerce shall conduct an annual review*
3 *of the management, efficiency, and effectiveness of the*
4 *grants made under this Act.*

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to carry out
7 this Act, amounts as follows:

8 (1) \$20,000,000 for each of fiscal years 2006,
9 2007, and 2008.

10 (2) Such sums as may be necessary for fiscal
11 year 2009.

12 *There are authorized to be appropriated to the Sec-*
13 *retary of Commerce to carry out this Act \$20,000,000 for*
14 *each of fiscal years 2006, 2007, 2008, and 2009.*

15 **SEC. 8. SUNSET.**

16 *This Act is repealed effective October 1, 2009.*

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