

109TH CONGRESS
1ST SESSION

S. 268

[Report No. 109—]

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, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH —, 2005

Reported by Mr. STEVENS, with amendments

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Training for Realtime
3 Writers Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

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

22 (4) According to the Department of Health and
23 Human Services and a study done by the National
24 Council on Aging—

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

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

3 (C) 41 percent of Americans over 75 years
4 old are hearing impaired.

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

9 (6) Empirical research demonstrates that cap-
10 tions improve the performance of individuals learn-
11 ing to read English and, according to numerous
12 Federal agency statistics, could benefit—

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

14 (B) 12,000,000 young children learning to
15 read;

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

17 (D) 30,000,000 people for whom English
18 is a second language.

19 (7) Over the past decade, student enrollment in
20 programs that train realtime writers and closed
21 captioners has decreased by 50 percent, even though
22 job placement upon graduation is 100 percent.

1 **SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PRO-**
2 **MOTE TRAINING AND JOB PLACEMENT OF**
3 **REALTIME WRITERS.**

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

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

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

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

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

25 (c) PRIORITY IN GRANTS.—In determining whether
26 to make grants under this section, the Secretary of Com-

1 merce shall give a priority to eligible entities that, as de-
2 termined by the Secretary of Commerce—

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

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

10 (3) propose the most promising and innovative
11 approaches for initiating or expanding training and
12 job placement assistance efforts with respect to
13 realtime writers.

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

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

20 **SEC. 4. APPLICATION.**

21 (a) IN GENERAL.—To receive a grant under section
22 3, an eligible entity shall submit an application to the Na-
23 tional Telecommunications and Information Administra-
24 tion ~~tion~~ *Secretary of Commerce* at such time and in such man-
25 ner as the ~~Administration~~ *Secretary* may require. The ap-

1 plication shall contain the information set forth under sub-
2 section (b).

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

6 (1) A description of the training and assistance
7 to be funded using the grant amount, including how
8 such training and assistance will increase the num-
9 ber of realtime writers.

10 (2) A description of performance measures to
11 be utilized to evaluate the progress of individuals re-
12 ceiving such training and assistance in matters relat-
13 ing to enrollment, completion of training, and job
14 placement and retention.

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

19 (4) A description of the manner in which the el-
20 igible entity intends to continue providing the train-
21 ing and assistance to be funded by the grant after
22 the end of the grant period, including any partner-
23 ships or arrangements established for that purpose.

24 (5) A description of how the eligible entity will
25 work with local workforce investment boards to en-

1 sure that training and assistance to be funded with
2 the grant will further local workforce goals, includ-
3 ing the creation of educational opportunities for in-
4 dividuals who are from economically disadvantaged
5 backgrounds or are displaced workers.

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

9 (7) Such other information as the Administra-
10 tion may require.

11 **SEC. 5. USE OF FUNDS.**

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

18 (1) recruitment;

19 (2) subject to subsection (b), the provision of
20 scholarships;

21 (3) distance learning;

22 (4) further develop and implement both English
23 and Spanish curriculum to more effectively train
24 realtime writing skills, and education in the knowl-

1 edge necessary for the delivery of high-quality closed
2 captioning services;

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

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

8 (7) the employment and payment of personnel
9 for such purposes.

10 (b) SCHOLARSHIPS.—

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

17 (2) AGREEMENT.—Each recipient of a scholar-
18 ship under subsection (a)(2) shall enter into an
19 agreement with the ~~National Telecommunications~~
20 ~~and Information Administration~~ *Secretary of Com-*
21 *merce* to provide realtime writing services for a pe-
22 riod of time (as determined by the ~~Administration~~)
23 *Secretary*) that is appropriate (as so determined) for
24 the amount of the scholarship received.

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

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

20 (d) SUPPLEMENT NOT SUPPLANT.—Grant amounts
21 under this Act shall supplement and not supplant other
22 Federal or non-Federal funds of the grant recipient for
23 purposes of promoting the training and placement of indi-
24 viduals as realtime writers.

1 **SEC. 6. REPORTS.**

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

8 (b) REPORT INFORMATION.—

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

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

24 (c) ANNUAL REVIEW.—*The Inspector General of the*
25 *Department of Commerce shall conduct an annual review*

1 *of the management, efficiency, and effectiveness of the*
2 *grants made under this Act.*

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out
5 this Act, amounts as follows:

6 (1) ~~\$20,000,000 for each of fiscal years 2006,~~
7 ~~2007, and 2008.~~

8 (2) ~~Such sums as may be necessary for fiscal~~
9 ~~year 2009.~~

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

13 **SEC. 8. SUNSET.**

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

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