

S. 2509

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri (Mr. BOND) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2509, a bill to amend the Defense Base Closure and Realignment Act of 1990 to specify additional selection criteria for the 2005 round of defense base closures and realignments, and for other purposes.

S. 2512

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Mr. BREAUX), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. RES. 253

At the request of Mr. SMITH of Oregon, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

S. RES. 269

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 269, a resolution expressing support for legislation to strengthen and improve Medicare in order to ensure comprehensive benefits for current and future retirees, including access to a Medicare prescription drug benefit.

AMENDMENT NO. 3406

At the request of Mr. ALLEN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 3406 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3413

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 3413 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—MAY 14, 2002

By Mrs. CARNAHAN (for herself and Mrs. HUTCHISON):

S. 2511. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

Mrs. CARNAHAN. Mr. President, child pornography is an affront to the inherent decency of our society. Creating and distributing this revolting material causes severe damage to the children involved. Those who purchase this material also harm children by creating a demand for production of more child pornography, leading to a greater number of victimized children.

Congress has enacted strong criminal laws outlawing the production, distribution, and possession of child pornography. But the advent of the internet and advances in imaging technology have made enforcing these laws more difficult. The problem is twofold. First, child pornography can now be created using digital technology such that the subjects of the images are virtual, not real, children. Second, child pornographers facing criminal prosecution now claim that the materials at issue contain computer-generated, virtual image, and claim that such images are constitutionally protected free speech. The technology is now so advanced that it is difficult for expert witnesses to determine whether the pornographers' claims are true, giving real pornographers the ability to escape prosecution.

Congress attempted to address this problem in 1996 by expanding the scope of federal child pornography statutes to cover sexually explicit images that appear to depict children, but were created without using actual children. Unfortunately, last month the Supreme Court determined that parts of the statute were unconstitutional. The Court concluded that the law was drafted too broadly and covered speech that is protected by the First Amendment. Unless Congress takes further action, future prosecutions of child pornographers will be in jeopardy. According to Associate Deputy Attorney General Daniel Collins, if prosecutors can only obtain convictions when the have affirmative proof that actual children were used, the "[g]overnment may be able to prosecute effectively only in very limited cases, such as those in which it happens to be able to match the depictions to pictures in pornographic magazines produced before the development of computer imaging software."

The legislation I am introducing today, along with my colleague Senator HUTCHISON, will cure this problem. It is companion legislation to H.R. 4623 and contains the Justice Department's recommendations on how to draft a constitutional statute that will facilitate prosecution of child pornographers. The legislation strikes a bal-

ance between the government's compelling interest in protecting children while not infringing on First Amendment rights.

The bill has a number of features. First, it narrows the definition of virtual child pornography and includes an affirmative defense that places the burden of proof on defendants to establish that the materials at issue were created without using real children. Second, it prohibits all real or virtual child pornography that depicts preteens. These sexually explicit materials involving young children are obscene and, in my view, do not enjoy any first amendment protection. The bill also creates new ways to crack down on pedophiles by outlawing showing pornography to children. It also encourages greater voluntary reporting of suspected child pornography found by internet service providers on their systems.

This legislation is progressing quickly through the House of Representatives. I hope that we can move expeditiously in this body as well to give the Justice Department the tools it needs to continue its campaign against the exploitation and degradation of children.

Mrs. HUTCHISON. Mr. President, I rise today to join my colleague from Missouri to introduce the Child Obscenity and Pornography Prevention Act of 2002. The passage of this legislation is urgently needed to stop the marketing of child pornography and its destructive impact on our society.

This bill is similar to the House version, which has the strong support of the Department of Justice. Attorney General Ashcroft has asked for this legislation so that he will have the tools to prosecute child pornographers. In this Internet age, it is becoming more difficult to ascertain whether child pornography is produced by exploiting real minors or whether it is made with computer imagery. I understand the Supreme Court's concerns about First Amendment rights. The bill we are introducing today does not violate the First Amendment.

Our bill goes after the marketing of child pornography, regardless of whether it is produced using a real minor. Legal precedent is clear that Congress may outlaw the solicitation and attempt to commit a crime, even if the core crime does not transpire. I have been a strong advocate against marketing violence to children, and similarly, I am strongly against the marketing of child pornography. The bottom line is that sexual images of children, even if produced by computer-imagery, only increase the chances of sexual crimes occurring against our children.

In addition, our bill outlaws the production of "obscene" child pornography, regardless of whether a real child or a computer-image is used. The Supreme Court has been clear that obscenity deserves no protection under

the first amendment, much less obscenity related to child pornography. Without a new law, the Supreme Court's ruling several weeks ago could mean a pornographer might use the defense that the child pornography does not involve a real minor and thus constitutes protected speech. That is a terrible outcome and we must remedy it.

I am pleased to be cosponsor of this important legislation, and I urge the Senate to address this issue expeditiously.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. COCHRAN, Mr. DODD, Mr. HELMS, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. SMITH of Oregon, and Mr. WELLSTONE):

S. 2512. A bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, today I am introducing legislation, the Training for Realtime Writers Act of 2002, on behalf of myself and my colleagues, Senators GRASSLEY, BINGAMAN, COCHRAN, DODD, HELMS, KERRY, ROCKEFELLER, REID, GORDON SMITH, and WELLSTONE. The 1996 Telecom Act required that all television broadcasts were to be captioned by 2006. This was a much needed reform that is helping millions of deaf and hard-of-hearing Americans to be able to take full advantage of television programming. As of today, it is estimated that 3,000 captioners will be needed to fulfill this requirement, and that number continues to increase as more and more broadband stations come online. Unfortunately, the United States only has 300 captioners. If our country expects to have media fully captioned by 2006, something must be done.

This is an issue that I feel very strongly about because my late brother, Frank, was deaf. I know personally that access to culture, news, and other media was important to him and to others in achieving a better quality of life. More than 28 million Americans, or 8 percent of the population, are considered deaf or hard of hearing and many require captioning services to participate in mainstream activities. In 1996, I authored legislation that required all television sets to be equipped with a computer chip to decode closed captioning. This bill completes the promise of that technology, affording deaf and hard of hearing Americans the same equality and access that captioning provides.

Though we don't necessarily think about it, on the morning of September 11, Holli Miller of Ankeny, Iowa was captioning for Fox News. She was supposed to do her three and a half hour shift ending at 7 a.m. but as we all know, tragedy struck. Despite the fact that she had already worked most of

her shift and had two small children to care for, Holli Miller stayed right where she was and for nearly five more hours, she captioned. Without even the ability to take bathroom breaks, Holli Miller made sure that deaf and hard of hearing people got the same news the rest of us got on September 11. I want to say thank you to Holli Miller and all the many captioners and other people across America that made sure the country was alert and informed on that sad day.

But let me emphasize that the deaf and hard of hearing population is only one of a number of groups that will benefit from this legislation. The audience for captioning also includes individuals seeking to acquire or improve literacy skills, including approximately 27 million functionally illiterate adults, 3 or 4 million immigrants learning English as a second language, and 18 million children learning to read in grades kindergarten through 3. In addition, I see people using closed captioning to stay informed everywhere, from the gym to the airport. Captioning helps people educate themselves and helps all of us stay informed and entertained when audio isn't the most appropriate medium.

Although we have a few years to go until the deadline given by the 1996 Telecom Act, our Nation is facing a serious shortage of captioners. Over the past five years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses. Yet the need for these skills keeps rising. That is why my colleagues and I are introducing this vital piece of legislation. The Training for Realtime Writers Act of 2002 would establish competitive grants to be used toward training realtime captioners. This is necessary to ensure that we meet our goal set by the 1996 Telecom Act.

I urge my colleagues to review this legislation and I hope they will join us in support and join us in our effort to win its passage. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training for Realtime Writers Act of 2002".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned beginning in 2006.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered

deaf or hard of hearing and many require captioning services to participate in mainstream activities.

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

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

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

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

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

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

(6) Over the past 5 years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses.

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

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make grants to not more than 20 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 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 is—

(1) approved by the National Court Reporters Association;

(2) accredited by an accrediting agency recognized by the Department of Education; and

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

(c) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

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

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

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

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

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

- (1) recruitment;
- (2) subject to subsection (b), the provision of scholarships;
- (3) distance learning;
- (4) education and training;
- (5) job placement assistance;
- (6) encouragement of individuals with disabilities to pursue a career in realtime writing; and
- (7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

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

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include

a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

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

(1) \$15,000,000 for each of fiscal years 2003, 2004, and 2005.

(2) Such sums as may be necessary for each of fiscal years 2006 and 2007.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Iowa, Senator HARKIN, in introducing legislation to provide grants for the training of realtime reporters and captioners. Many Senators may not be aware of a looming problem related to a shortage of what are called "realtime writers." Realtime writers are essentially trained court reporters, much like the official reporters of debates here in the Senate, who use a combination of additional specialized training and technology to transform words into text as they are spoken. This can allow deaf and hard of hearing individuals to understand live television as well as follow proceedings at a civic function or in a classroom.

In the Telecommunications Act of 1996, Congress mandated that most television programming be fully captioned by 2006 in order to allow the 28 million Americans who are deaf or hard of hearing to have access to the same news and information that many of us take for granted. I know that most of us were glued to the television on and after September 11 in order to absorb every scrap of information we could about the events that took place. In order for those who are deaf and hard of hearing to receive the same information as it is broadcast on live television, groups of captioners must work around the clock transcribing words as they are spoken.

As of this year, 2002, the required number of hours of captioned programming that must be provided by video-programming distributors increased from 450 to 900. In 2004, this will increase to 1350 hours. By 2006, 100 percent of new nonexempt programming must be provided with captions. At the same time, student enrollment in programs that provide essential training in captioning has decreased significantly, with programs closing on many campuses. In order to meet the growing demand for realtime writers caused by this mandate, we must do everything we can to increase the number of individuals receiving this very specialized training.

The legislation that Senator HARKIN and I are introducing, along with a number of other senators, will help ad-

dress the shortage of individuals trained as realtime writers by providing grants to up to 20 court reporting programs to promote the training and placement of individuals as realtime writers. Specifically, court reporting programs could use these grants for items like recruitment of students for realtime writing programs, need-based scholarships, distance learning, education and training, job placement assistance, the encouragement of individuals with disabilities to pursue a career as a realtime writer, and personnel costs.

The expansion of distance learning opportunities in particular will have an enormous impact by making training accessible to individuals who want to become realtime writers but do not live in metropolitan areas. Also, need based scholarships offered using these grant funds would be subject to an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time.

Unless we act now, the shortage of individuals trained as realtime writers will only grow more severe. This would leave the 28 million deaf or hard of hearing Americans without the ability to fully participate in many of the professional, educational, and civic activities that other Americans enjoy. I would therefore urge my fellow Senators to support the swift passage of this legislation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—MAY 15, 2002

By Mr. HATCH (for himself, Mr. LEAHY, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. EDWARDS, and Mr. DEWINE):

S. 2520. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, every decent American joins with me in seeking to rid our country of child pornography. Unfortunately, the growth of technology and the rise of the internet have flooded our nation with it. Child pornography is inherently repulsive, but even more damaging are the purposes for which it routinely is used. Perverts and pedophiles not only use child pornography to whet their sick desires, but also to lure our defenseless children into unspeakable acts of sexual exploitation.

There is no place for child pornography even in our free society. Mr. President, I have long championed legislation designed to punish those who produce, peddle or possess this reprehensible material. As I stated in introducing the Child Pornography Prevention Act of 1996 ("CPPA"), we have both the constitutional right and moral obligation to protect our children from the horrors of child pornography.