

The 110th Congress: An Eye to the Past and the Future

All of the members of the U.S. House of Representatives and one-third of the members of the U.S. Senate are up for reelection every two years. Thus, as the first session of the 110th Congress gets under way in January 2007, we should review the legislative efforts and personnel of the past Congress, with an eye to the future.

In January 2005 the 109th Congress came in, on the heels of the reelection of George W. Bush, with a solid majority of Republicans in both the House and the Senate. Republicans occupied the House leadership Speaker's position and the Senate Majority leader's seat. On each committee in the House and the Senate, the Republicans had a majority of seats, reflective of their overall numbers in Congress. The opening days of the 109th Congress involved significant changes in committee leadership, due to guidelines limiting committee chairs to three terms. This rule had been adopted by the Republicans in 1994 to demonstrate that they did not support the system of seniority as practiced in the past by the Democratic-controlled Congress. In particular, younger members identified by the Republican leadership were chosen to assume committee chairs.

The first order of business was thus a game of musical chairs among the leaders of the committees in both the House and the Senate, soon followed by a radical restructuring plan for the Appropriations Committees in both the House and the Senate. This plan, offered by the incoming chairman of the House Appropriations Committee, Rep. Jerry Lewis (R-Calif.), was a harbinger of things to come.

His effort to pare down the thirteen-subcommittee structure in the House to a "more focused" eleven subcommittees was developed and announced without consultation with the Senate, despite the fact that the Senate was expected to follow suit. (The Senate Appropriations Committee did not mirror these changes, although it did consolidate and eliminate one subcommittee.) In particular, shifting the National Science Foundation (NSF) budget from the subcommittee responsible for Housing and Urban Development and Veterans' Affairs to the renamed Science, State, Justice and Commerce Subcommittee has been effective in providing greater visibility as well as higher appropriations for the science agencies, including the National Aeronautics and Space Agency (NASA) and the National Institute of Standards and Technology (NIST). The move eliminated the annual competition between those supporting veterans and those supporting science.

However, budgets and appropriations are only a part of the congressional agenda, albeit an important part, as it affects the programming options and activities of agencies that fund college and university research and projects as well as congressional members' favorite hometown projects. What about other issues, other legislation of interest to the higher education IT community?

In the 109th Congress, bills were introduced on broadband, post-9/11 security issues, copyright and intellectual property, and extension of the USA-PATRIOT Act of 2001. Most were carryover issues, reintroduced from the 108th Congress. Other, new issues also made it onto the congressional docket: homeland secu-

riety, data security, telecommunications reform, and universal service. The first session of the 109th went quickly, but the second session saw less action. With elections looming in the fall of 2006, posturing and fund-raising were in full swing early, in expectation of a tough campaign season. Rumors abounded, particularly regarding the telecommunications bills and the money that the cable and telecommunications industries had on hand to spread around to favored members of Congress. Cynics posited that telecommunications legislation would not see easy or early passage, if only because the industry had so much money to help fund campaigns.

The proposed telecommunications reform legislation is a good example of the difficulty of passing comprehensive legislation, even when a single party controls both bodies of Congress. After more than a year and a half of debate, the House passed a telecom reform bill in June 2006. The Senate moved even more slowly. Sen. Ted Stevens (R-Alaska), chairman of the Senate Commerce Committee, proposed three different draft telecom reform bills during the summer of 2006. His bills included many of the issues raised in the House bill but also added reform of the \$7 billion Universal Service Fund (USF). Another one of the key issues concerned "net neutrality": a provision to ensure that access to the Internet remains open to all users on equal terms. A net neutrality amendment in the committee lost on a tie vote. Net neutrality advocates, including EDUCAUSE, continue to seek a net neutrality provision when and if the bill is brought to the Senate floor for final passage. However, Senator Stevens was

unable to assemble the 60 votes needed to overcome a filibuster in the waning days of the 109th Congress.

Also of great interest to those of us in higher education IT was a congressional event that, unfortunately, has yet to reach closure. This began with the report and attendant meeting, convened by the Council on Competitiveness (<http://www.compete.org/>), on the issue of innovation and competitiveness. Senate hearings were held, and the senators challenged those testifying to examine the questions of U.S. competitiveness and to report their findings back to Congress. The National Academy of Sciences became

tion was allowed to die, although maneuvers are afoot to keep the proposed budget increases for the NSF, the DOE Office of Science, and NIST.

Overall, the higher education community found strong bipartisan support from the House Science Committee of the 109th Congress. Chaired by departing Rep. Sherwood Boehlert (R-N.Y.), the House Science Committee provided programmatic oversight for the NSF, some DOE programs, NASA, and the Environmental Protection Agency (EPA). For example, for several years running, the committee supported the reauthorization of the Networking and Information



the vehicle for the study and the report, which was completed in record time. That report, *Rising above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future*, provided a series of recommendations that were immediately seized on, crafted into legislation, and introduced with much fanfare by a large bipartisan group of senators. A series of hearings held to specifically address the recommendations resulted in immediate action. Congressional legislation was introduced to increase agency budgets in order to tailor the programs to the recommendations. In this instance, both sides of the Senate aisle were eager to climb aboard the competitiveness train. In fact, the interest and support of Congress reached the White House, and in his 2006 State of the Union address, President Bush introduced his own program, the American Competitiveness Initiative (ACI) to increase the budgets of three agencies: the NSF, the Department of Energy (DOE) Office of Science, and NIST. Despite wide support, the legisla-

Technology Research and Development (NITRD) Act, a successor to the original High Performance Computing Act of 1991, which supported the development of the NSF Internet. Yet despite passage by the full House, no companion legislation was introduced in the Senate.

Following legislation in the House and Senate is often confusing. The thousands of bills cover a wide range of topics of interest to the higher education IT community. To track these developments, EDUCAUSE has assumed the role of advisor on IT policies to the American Council on Education's inter-association meetings. The Association of American Universities (AAU), the National Association of State Universities and Land-Grant Colleges (NASULGC), the American Association of State Colleges and Universities (AASCU), and others share knowledge about the multitude of bills before Congress, deferring to EDUCAUSE for advice on IT issues. In addition, many bills require closer scrutiny, since they have the potential for lasting impact.

The EDUCAUSE Federal Policy Program team, based in Washington, D.C., covers these IT-related bills, publishing regular newsletters, writing special reports, maintaining a legislative tracking chart, and answering direct requests for information (<http://www.educause.edu/policy>).

The start of a new Congress is always an important time to follow the shifting of power bases and to learn the names of new congressional members and staff. The 110th Congress will have more women, more minorities, and more people with public service/political backgrounds than in either of the two previous Congresses. On average, members of the 110th Congress will also be just a bit older. In addition, the committee chairs have again shifted, opening up fresh leadership both for carryover issues and for new issues. In the 110th Congress, the incoming committee chairs are longtime congressional members who have experience with the issues of interest to those in the higher education IT field.

Finally, now is also an important time to review legislation that "didn't make it." Frequently—and 2006 was no exception—many issues before Congress are not resolved, despite lengthy hearings and much debate. What will happen next for "net neutrality"? How will the debate proceed regarding the regulation of the Internet? The 110th Congress will be offering changing positions on—and new ideas for—these issues of the past, as well as those in the future.



EDUCAUSE members can play an important role by providing information about issues affecting higher education IT programs and by making congressional representatives aware of the community's concerns and interests. Members need to read the EDUCAUSE online newsletter *Washington Outlook*, keep up with new legislation in the EDUCAUSE legislative tracking chart, and check out some of the other EDUCAUSE sources of information on appropriations. With the 110th Congress getting under way, now is an important time to get involved.

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