



Silly Season 2003

By David P. McClure ■ USIA

With only days left until the Congress wraps up its work for the year, there has been a sudden rush to introduce new legislation of every kind. That may not make much sense until you look at how the Congress does and does not work.

Next year, the American people will vote for all of the members of the House of Representatives, one-third of the members of the Senate, and for control of the White House. With so many people up for re-election, it is critical for the incumbents to get back to their home districts and spend a few months campaigning. So the House adjourns in early October, the Senate a week or two later.

But they generally leave with little accomplished. Of the 13 major appropriations bills that are required to fund the government after October 30 of this year, none have been even discussed. Funding for the war against terror, and for new Medicare entitlements, likewise are left on the table.

These and other measures are left until the spring. Both Houses will pass a "continuing resolution" that will allow the government to keep operating until then, and sometime in January the Congress will come back and begin to work.

But they will pick up where they left off, which is what all the new bills are about. For October in Washington is known as "The Silly Season." The Silly Season is that hallowed time when nonsensical bills are introduced for the primary purpose of giving the sponsors bragging rights back home when they campaign.

If the bills prove to be popular with

potential voters, they will be picked up and run with in the Spring. If not, it will quietly slip away and never be heard of again. And some bills will have a quiet death even if they are popular, because they simply would never pass—like bills to require prayer in public schools or anti-abortion bills, for example.

It would be easy to dismiss the Silly Season for the goofy, wasteful and

sleazy practice it is, except for those 13 major appropriations bills. Because the appropriations bills are very large, very boring documents that almost nobody reads—certainly not the members of Congress who vote for these bills.

Staffers are assigned to look over the bills and let the members of Congress know if there are good things or bad things in the appropriations bills, and the votes are cast. But often, these bills



go through a process of amendments that add all kinds of things to them before the final vote is taken.

Some amendments have to do with

For example, an amendment to the Telecommunications Act of 1996 established a new definition for illegal speech that was "indecent." That word

have gone to jail for "indecent speech."

All of this is interesting only because the entertainment industry is spreading lobbying dollars on The Hill in a bid to win support for their twin goals of blocking new technologies and holding ISPs financially and legally liable for the acts of their subscribers. Some of this lobbying is resulting in new bills, such as the ones introduced in the House of Representatives late in September.

And some of those bills, deadly to our industry, will almost certainly be proposed as amendments to the appropriations bills next Spring.

This season may be Silly, but it is also dangerous. ■

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the subject of the appropriations bill, but most are simply things that wouldn't stand a snowball's chance of passage in their own right but can be carefully hidden in a big, boring appropriations bill and slip through without being discussed with or even noted by the public.

Pork-barrel spending, special favors, pet projects...and sometimes, nasty little pieces of legislation.

had no legal meaning, but the amendment (also called the "Communications Decency Act) created a meaning and a penalty. Later that year, staunch Republicans hid a measure that declared all mention of abortion or abortion resources to be "indecent."

The Communications Decency Act was struck down by the US Supreme Court before it could be used, but the danger still existed that people would

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