

June 5, 2007

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, DC 20510

RE: Support Amendment #1239 to S. 1348

Dear Majority Leader Reid and Republican Leader McConnell:

On behalf of the Software & Information Industry Association (SIIA), I am writing in support of Amendment #1239 to S.1348, the Comprehensive Immigration Reform Act of 2007. The amendment would strike a provision requiring the U.S. Department of Education to develop an Internet-based software program to enable English learning. We strongly support this amendment because it would prevent inappropriate expansion of the Federal Government to perform responsibilities best performed, and already undertaken, by the private sector.

SIIA is the principal trade association for the software and digital content industry, representing more than 800 developers and publishers of software and information products and services. All SIIA members depend on our nation's immigration policies and educational institutions for a skilled, high-tech workforce. Many SIIA members develop software and digital content used to meet our nation's education and training needs.

Specifically, Sec. 709 of S.1348 would require the Department of Education to develop a free electronic program, useable on personal computers and through the Internet, to teach the English language. While this legislation is well intentioned to meet the English language learning needs of our current and potential new citizenry, we believe this public initiative will ultimately serve to undermine these very policy goals.

A free, government-owned electronic program will provide a significant disincentive for private investment and solution development. Federal involvement and competition with existing or future private sector efforts, including just the perception that the government will give away such resources, will lead to the termination of private initiatives, thus leading to fewer citizen choices and less innovation.

Myriad instructional and curricular resources are currently offered by the private sector, including electronic programs that support the needs of non-native individuals to learn English. Private sector publishers currently invest millions of dollars to develop and maintain software and digital content that is rich and engaging, learner-appropriate, aligned to learning needs and goals, and incorporates effective pedagogy and instructional design. They invest millions more to bring such products and services to market, host and support web-based software, provide technical and other assistance to users, and to service and update the software in light of ever-evolving technologies.

Experience demonstrates that a federal initiative like the one proposed will be unable to meet its ambitious goals, and there will be no alternative available at that time to meet continued educational needs. Government-funded products usually lack the infrastructure and sustained, annually renewed investment necessary to enter the market (e.g., marketing), sustain the product (e.g., technical assistance), and update and improve these products over multiple generations. The result has most often been failed implementation, including the failure to reach the intended audience and make it past release 1.0.

Reliance on market forces and public-private partnership is critical to ensure that the needs of our citizenry are addressed and that public funds are efficiently targeted toward sustainable ends. It is a long held premise in the United States that the Government should not compete with its citizens, and that the private sector is best equipped to provide inherently non-governmental products and services. Public policies should seek to create an environment in which private sector and public goals coincide and providers better meet education needs. Competition between providers, in this case, will spur innovation, improve quality and reduce consumer costs.

Again, we urge support for the Ensign Amendment #1239 to S.1348. Thank you in advance for your consideration of this request. If you have questions or would like to discuss this issue further, please do not hesitate to contact me or Mark Schneiderman, SIIA's director of education policy at 202-789-4444 or marks@siia.net.

Sincerely,

A handwritten signature in black ink that reads "Ken Wasch". The signature is fluid and cursive, with the first name "Ken" and last name "Wasch" clearly distinguishable.

Ken Wasch
President