

Congressional Committees Taking Shape: Businesses Should Prepare for Legislative Fights in 2019

Article By:

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The 116th Congress of the United States was sworn into office on January 3, 2019. While the nation's attention is largely focused on the partial government shutdown and its impact on government employees and businesses, the work of Congress is continuing in other respects. Indeed, we are starting to get details regarding the composition of the congressional committees and subcommittees that will have the most direct responsibility for issues involving the TCPA. Here's what we know at this point:

Sen. Roger Wicker (R-Miss.) has been elevated to serve as chairman of the Senate Committee on Commerce, Science, and Transportation. He replaces Sen. John Thune (R-S.D.) who has been elevated to be the Republican whip, a senior leadership role that precludes him from also chairing a full committee in the Senate. However, Sen. Wicker has appointed Sen. Thune to serve as chairman of the Subcommittee on Communications, Technology, Innovation, and the Internet, ensuring that Sen. Thune will continue to be a dominant voice in setting communications policy in the United States, including helping determine the future of the TCPA. Considering Sen. Thune's sponsorship of the [TRACED Act](#), a bill that was proposed but not enacted at the end of last year's Congress, we will keep a close eye on any new legislation he introduces in the new Congress.

Sen. Marie Cantwell (D-WA) has been named as the Ranking Member of the Senate Commerce, Science, and Transportation Committee. She will replace Sen. Bill Nelson (D-FL), who served in the position for many years but narrowly lost his reelection bid. It is not yet clear whether Brian Schatz (D-HI), the current Ranking Member of the Subcommittee on Communications, Technology, Innovation, and the Internet, will retain that role.

In the House, Rep. Frank Pallone, Jr. (D-NJ), will chair the House Committee on Energy and Commerce. Rep. Pallone joined forces with Sen. Ed Markey (D-MA) last year to propose the Stopping Bad Robocalls Act, which would have amended the TCPA to, among other things, require verified caller ID and codified a consumer's right to revoke consent at any time and in any manner. This legislation also did not pass, however, it's previous introduction could mean that Pallone and Markey will again try to present legislation intended to "strengthen" the TCPA.

Rep. Greg Walden (R-OR) will serve as the ranking member of the House Energy and Commerce Committee. The leadership and membership for the Subcommittee on Communications and

Technology have not yet been announced.

While the new Congress is still getting its bearings, we encourage businesses to reach out to their elected representatives and help educate them on the true impact of the TCPA for law-abiding businesses. We must work collectively to avoid misguided legislation that amends the TCPA so that Congress looks tough on unwanted robocalls, but which, in reality, ignores the harms that this vague statute, uncapped statutory damages, and frivolous litigation are having on innovation.

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