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Congress' Lame Duck Priorities in Telecom

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Although Congress returned from their August recess ready to hit the ground running on appropriations and nominations, many were also anxious to get out of town again and onto the campaign trail. Many in the telecom space were hopeful that the Senate would pass a big nominations package that included Geoffrey Starks' nomination to fill the open Democratic FCC commissioner slot with Commissioner Carr's nomination to serve a second term prior to leaving for the campaign trail. Both of these nominations remain pending because of holds placed by Sens. Dan Sullivan and Lisa Murkowski (R-AK) over funding for rural telehealth services provided by GCI Communications Corp. in Alaska. In early October, the FCC said that GCI provided sufficient information to justify their collection of $77.8 million from the agency's rural health care program. Senate Commerce Chairman John Thune (R-SD) continues to negotiate with Sullivan over Carr's hold.

On both sides of the Capitol, there has been a continued discourse and focus on privacy. Although it is unlikely Congress will pass meaningful privacy legislation before the end of the year, Senate Commerce Chairman John Thune (R-SD) has pledged to release draft privacy language by the end of the year to serve as a template for continued conversations into the new year. In late September, Sens. Richard Blumenthal (D-CT), Jerry Moran (R-KS), Brian Schatz (D-HI), and Roger Wicker (R-MS) sent Secretary of Commerce Wilbur Ross a letter expressing support for a national privacy framework and encouraging the Commerce Department to work with Congress to develop a blueprint for consumer data privacy protections online. The letter expresses support for providing consumers with more transparency and control over the use of their personal data while still promoting competition and innovation. Looking ahead, Congress is likely to continue their discussions on privacy regardless of which party wins in November. Although, many tech companies are publicly stating their principles on privacy, which will help Congress establish a base when codifying privacy responsibilities, Congress continues to be critical of tech companies who have faced data breaches saying consumers are entitled to have confidence that their data is secure.

Other initiatives that move forward during the lame duck period will likely be shaped by the elections. While there seemed like there was interest in Congress to pass the STREAMLINE Act before the end of the year, recent FCC action on 5G may diminish some of the urgency to pass to bill. It is unclear prior to the elections if Chairman Thune has secured enough Republican commitments to pass the bill this year. On the House side, staffers view the SPECTRUM NOW Act as one bill that could still see movement before the end of the year. While it is unlikely to move on its own, legislators may be looking to attach the bill to the FY appropriations package in December. There has also been a renewed effort to pass the AIRWAVES Act. Senate Commerce and House Energy and Commerce members have mentioned that they have heard voices outside of the committee expressing their support for the legislation. However, it is unclear if there is enough support on either side of the aisle within the committees to get the bill passed this year. Many in the Senate are looking towards the House to take up their version of the AIRWAVES first.

If Democrats take control of the House next year, legislators are likely to take a renewed interest in their oversight responsibilities. Rep. Michael Doyle (D-PA) is likely to remain the top Democrat on the House Energy and Commerce's Subcommittee on Communications and Technology and Rep. Frank Pallone (D-NJ) is expected to helm the Energy and Commerce Committee if Democrats gain control of the House. Democrats are also likely to focus on net neutrality and spectrum legislation. On the Senate side, Sen. Bill Nelson (D-FL) is seen as the most likely Chair of the Senate Commerce Committee while Sen. Roger Wicker (R-MS) is seen as the frontrunner for the Chairmanship if Republicans win and current Chairman John Thune is selected to be part of GOP leadership.

Authors