U.S. Chamber of Commerce

1615 H Street, NW
Washington, DC 20062-2000
uschamber.com

July 15, 2025

The Honorable Gary Palmer
Chairman
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515
c/o Noah Jackson, Legislative Clerk

RE: Responding to Question from "Stopping Illegal Robocalls and Robotexts: Progress, Challenges, and Next Steps" Hearing

Dear Chairman Palmer:

Thank you for the opportunity to respond to the additional question for the record following my appearance before the Subcommittee on Oversight and Investigations hearing on June 4, 2025, entitled, "Stopping Illegal Robocalls and Robotexts: Progress, Challenges, and Next Steps".

Response to Question from the Honorable Russ Fulcher: "How effective have the Do Not Call registry's safe harbor provisions been at protecting businesses from inadvertent errors and resulting lawsuits?"

The Do Not Call Registry's safe harbor provisions, while providing important protection for diligent businesses in the context of calls inadvertently made to numbers in the Registry, do not shield businesses from the broader risks imposed by the TCPA's complex and expansive regulatory framework. Even when companies maintain robust compliance measures, inadvertent violations may occur through channels outside the Registry's scope, leaving these enterprises vulnerable to costly litigation and class action lawsuits for technical missteps rather than truly intentional misconduct. The TCPA's private rights of action fuel this type of "gotcha" litigation.

This litigation environment has effectively transformed the TCPA into a tool for extracting excessive settlements, often implemented by a narrow group of plaintiffs' law firms searching for deep pocket paydays, instead of targeting the true perpetrators of illegal robocalls and scams. In light of these challenges and as I outlined in my testimony before the Subcommittee, Congress should consider modest, measured reforms—such as establishing a cumulative damages cap, instituting a broad safe harbor for inadvertent errors, and limiting attorney's fees—to recalibrate the balance between necessary consumer protections and the regulatory certainty required for lawful business communications.

Thank you for considering our perspective on this critical issue. We look forward to working with the Committee to advance policies that support reform of the Telephone Consumer Protection Act.

Sincerely,

Stephen Waguespack
President
U.S. Chamber Institute for Legal Reform