



# Government Relations Update

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SVP, Government Relations  
January 28, 2021

# Big Changes Come to Washington

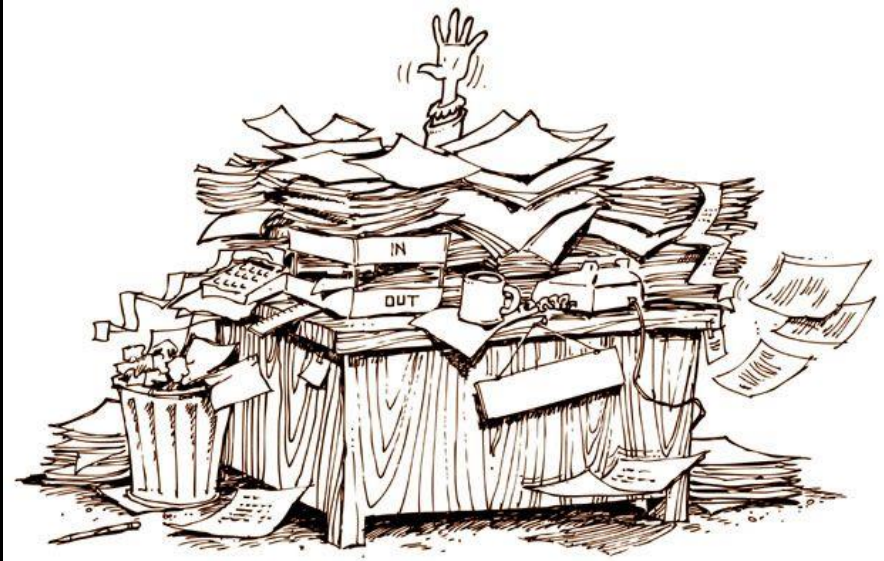


# New Administration

- President Joe Biden and VP Kamala Harris were sworn in last Wednesday.
- This new Administration means more emphasis on regulation at the FTC, FCC, and other regulatory agencies, evidenced by his choice to lead the CFPB.
- Biden has laid out an ambitious agenda that includes numerous policy areas.



# Too Many Issues to Count



- Impeachment
- Fill Administration & Regulatory Agencies
- Fight COVID
- Massive Stimulus Bill
- Immigration Overhaul
- An Infrastructure Package

# Turnover at the FTC

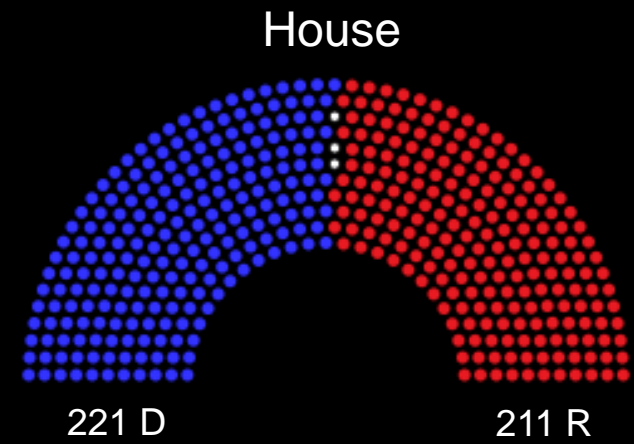
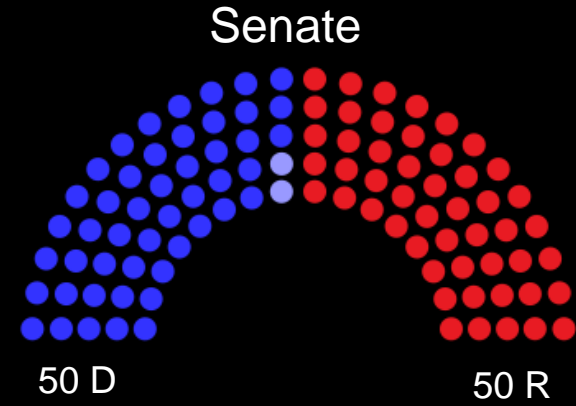
- Part of the regulatory changes will be a new Chair of the FTC and a new head of the FTC's Consumer Protection Bureau. The acting chair will be Commissioner Rebecca Slaughter.



**FEDERAL TRADE COMMISSION**  
**PROTECTING AMERICA'S CONSUMERS**

# Tight Margins

- Democratic majorities in the House and Senate are very narrow.
- The Senate is 50/50 with VP Harris breaking ties.
  - A power sharing agreement is still being discussed.
- Dems hold a 10-seat majority in the House which will be tightened further with some members going to the Biden Administration.



# Power Rests With a Few

- A tied Senate means any one Dem. Senator has the power to block a bill they don't like.
- Moderates like Senators Manchin, Collins, Kelly, Sinema, & Murkowski could have increased power.



# West Coast Dominance



- Senators Cantwell and Murray are now Chair the Commerce and HELP committees, respectively.
- California also as an outsized influence being the home state of the VP, Speaker, and over 1/5<sup>th</sup> of the Democratic House Majority.



# Privacy



# Tech in the Cross Hairs

THE HILL

## Section 230 worked after the insurrection, but not before: How to regulate social media

BY MICHAEL H. LANZA, OPINION CONTRIBUTOR — 01/16/21 07:00 PM EST  
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

545 COMMENTS

TECHNOLOGY · Published 15 hours ago

## Conservatives, Trump officials quietly meet in Las Vegas to discuss 'woke tech'

Chief Technology Officer Michael Kratsios, Texas Attorney General Ken Paxton, and conservative legal scholar John Eastman were among the event's high-profile speakers, according to Protocol.

The Biden Agenda

## Biden inherits bipartisan momentum to crack down on large tech companies' power

Capitol violence adds fresh urgency to the question of whether to break up tech titans.

The Biden Agenda

## Silicon Valley braces for tougher regulation in Biden's new Washington

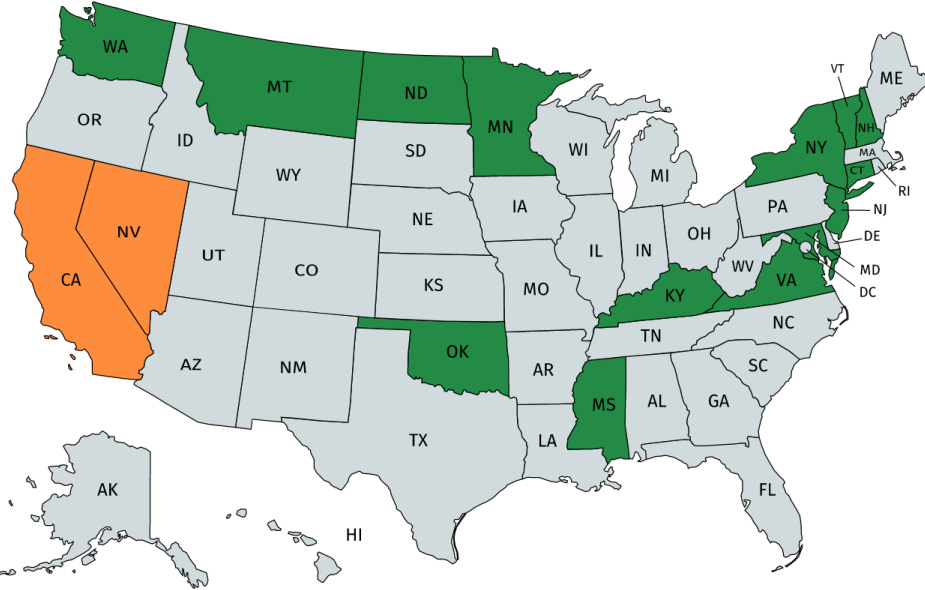
The Democratic Party's calls for regulation have grown more urgent in the days since Biden's presidency, his party took control of the House and the Senate — and Trump and his allies face the risks of a largely unregulated Web.

yahoo/finance

## Capitol Hill attack could end Section 230 as we know it

ANA

# Explosion in the States



- States in green already have proposed privacy, or privacy related, bills for 2021.
- States in orange have privacy legislation that has become law including CCPA and CPRA.

# Conditions Ripe for a Federal Law

- Unified Democratic control of Washington and the ever-growing number of different privacy laws in the states means that Congress could finally be motivated to pass a national privacy law.
- The intensified focus on tech platforms only increases this likelihood.
- Sen. Cantwell (Chair of the Commerce Committee) has previously shown support for a private right of action.

# Privacy for America



- Creating one national standard has become even more important due to the massive reliance on digital communication throughout the economic system.

# What is Privacy for America?



4As, IAB, NAI and ANA  
CEOs at the P4A  
Launch

ANA members  
Adobe and  
Mediamath  
partake in a P4A  
panel at the 2020  
ANA Masters of  
Data and  
Technology  
Conference



- P4A attempts to move away from a primary focus on opt-in and opt-out models
- Privacy for America has devised a new paradigm for a national law that aims to set clear definitions for data use. These include
  - Per se reasonable uses
  - Per se unreasonable uses
  - Other uses left up to regulation
- Would give the FTC increased rulemaking and enforcement authority.
- Would preempt state laws, creating one national privacy standard.
- ANA CEO Bob Liodice serves as Chair of its Advisory Board.



# PARTNERSHIP FOR RESPONSIBLE ADDRESSABLE MEDIA

- “The Partnership for Responsible Addressable Media (PRAM) is a collaborative effort of the leading advertising trade associations and companies representing every sector of the global advertising industry to advance and protect critical functionalities like customization and analytics for digital media and advertising, while safeguarding privacy and improving consumer experience.”



# Advertising Taxes



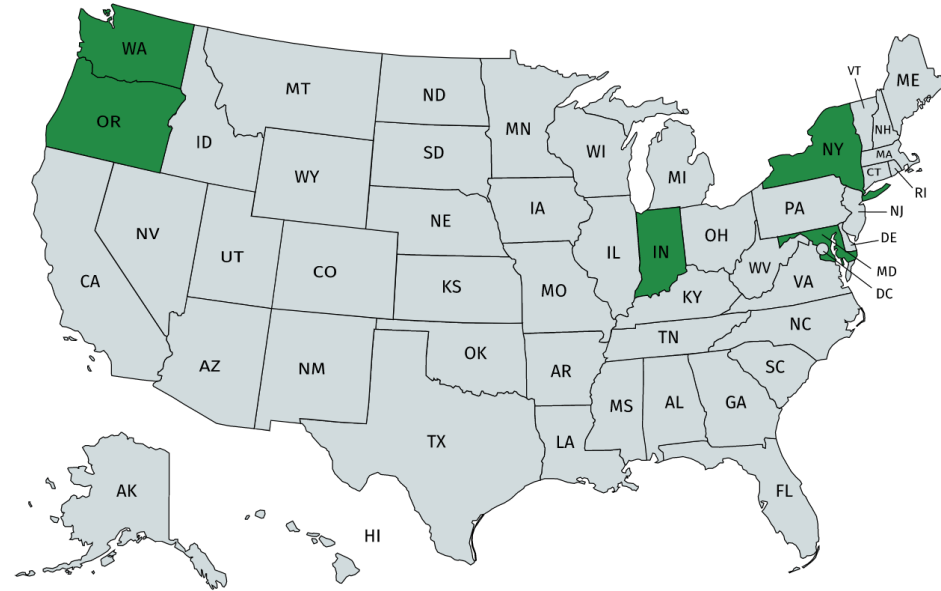


# Last Year

- Last year ANA was able to fight off proposed ad taxes in D.C., South Dakota, and Nebraska.
- We were also able to secure a veto of the proposed digital ad tax in Maryland, though the Maryland Legislature has signaled they intend to override that veto.

# Threat Increases

- Advertising taxes are currently pending in New York, Indiana, Oregon, and Maryland
- ANA has continued to lead a growing coalition of companies and trade associations to combat these proposals.
- ANA hosts state Ad Tax meetings every Thursday at 12pm ET. If you are interested in joining please contact Travis Frazier ([tfrazier@ana.net](mailto:tfrazier@ana.net)).



# Maryland

- In addition to our coalition, ANA and others have launched Marylanders for Tax Fairness which is implementing a full-scale campaign in support of upholding the veto.
- Please let us know if you are interested in joining Marylanders for Tax Fairness.

<https://www.marylandtaxfairness.org/>

MARYLANDERS FOR  
**TAX**  
FAIRNESS

ABOUT US ▾ NEWS ▾ FACTS ▾ TAKE ACTION f t

Order processing

**STOP THE DIGITAL AD TAX**

Annual Tax to Marylanders \*  
**\$249,999,871**

Source: Maryland Department Of Legislative Services

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# Postal



# New Year Updates

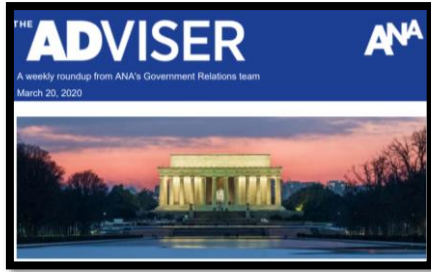
- Postal Regulatory Commission issued revised ratemaking regulations that took effect on January 14.
- New rules allow price increases that can far exceed the change in CPI through additional rate authority the Postal Service can use.
- Total price increases could range from 5.5 to 7.5 percent above CPI.
- Mailer associations have petitioned for review of the Commission's rule in the Court of Appeals for the D.C. Circuit, as has the Postal Service.
- Growing interest in Postal Reform legislation by the new Congress.

# ANA and Postal

- ANA convenes regular calls of the “Mailing Industry Leaders” to discuss current mailing issues and strategy
- ANA attends quarterly meetings with the PMG and USPS Exec Leadership team, as well as the Inspector General
- ANA has 5 participants on the USPS Mailers Technical Advisory Council (MTAC)



# Get Involved



DATE	TIME	TOPIC	LOCATION	
Webinar	March 27, 2020	1:00 pm	Issues to Watch for in Washington & the States	Webinar
Webinar	March 27, 2020	2:00 pm	Email Marketing During Trying Times	Webinar
Webinar	March 30, 2020	1:00 pm	Insights from "The Most Quoted Man in Advertising"	Webinar
Webinar	March 30, 2020	3:00 pm	Crisis Communication Strategy (The Business of Marketing in the COVID-19 Age)	Webinar
Webinar	March 31, 2020	1:00 pm	COVID-19 Legal Impact on Brand Advertising and Marketing	Webinar
APRIL 2020				
DATE	TIME	TOPIC	LOCATION	
Webinar	April 1, 2020	1:00 pm	Internal vs. External Agencies: Bridging the Divide (In-House Agency Series)	Webinar
Webinar	April 2, 2020	1:00 pm	Advertising and Media Will Help Lead Us Through This; Trust and Transparency Will Be Key	Webinar
Webinar	April 6, 2020	3:00 pm	How to Realign Your Marketing Budget (The Business of Marketing in the COVID-19 Age Series)	Webinar
Webinar Series	April 7, 2020	1:00 pm	Brand Activation Legal Webinar: April 2020	Chat with a Researcher



- State Legislative Tracking by Leonine FOCUS
- Our Weekly Newsletter – *The ADviser*
- Legal and Regulatory Webinars
- Podcasts
- Dan Jaffe's *Regulatory Rumblings* Blog
- Legal Affairs and Government Relations Committees
- Email the Washington Office anytime at [washington@ana.net](mailto:washington@ana.net). Please reach out to setup one-on-one meetings with the ANA DC Office.
- Follow Group EVP Dan Jaffe on LinkedIn
- Daily Webinars from different departments in the ANA
- ANA.net which includes The Marketer's Guide to Coronavirus Response, The Marketing Knowledge Center, ANA's Ask the Expert, and More.
- Follow us on Twitter @ANAGovRel



The logo for ANA, consisting of the letters 'A', 'N', and 'A' in a bold, sans-serif font. The letters are arranged in a slightly overlapping, staggered manner, with the first 'A' on the left, the 'N' in the middle, and the second 'A' on the right. The color is a vibrant green.

**ANA**

**Thank You  
and  
Q and A**