



Highlights this issue include new regulations from the California Attorney General, a new proposed federal privacy bill, and the momentary end of the privacy bill threat in Washington State.

In this issue:

Federal Affairs

- [Sen. Moran \(R-KS\) Introduces Data Privacy Bill](#)
- [Senators Introduce Antitrust Bill](#)
- [Senate Judiciary Members Send Letter to DOJ Urging Probe Into Google Search Practices](#)
- [Senate Commerce Committee Holds Markup of US SAFEWEB Act Extension and Emerging Technologies Bills](#)

State Affairs

- [California Attorney General Issues Second Set of Modified Proposed CCPA Regulations](#)
- [Washington Privacy Act Dies](#)
- [ANA Sends Letter To Maryland Legislature Opposing Amended SB 2](#)
- [State Legislative Weekly Tracker](#)

News of Interest

- [ANA chief warns of potential “existential crisis” in martech, *Warc*, March 11, 2020](#)

- [States Drop a Flurry of Consumer Privacy Bills, Following California's Example](#), *Inside Arm*, March 10, 2020
- [Sweden fines Google \\$8 million for right-to-be-forgotten violations and demands it keep websites in the dark](#), *Venture Beat*, March 11, 2020

Word on the Street

- [Social distancing and coronavirus: Netflix, we need you right now.](#)

Upcoming ANA Events

- [Government Relations Committee Meeting](#) – **POSTPONED** (Originally Scheduled March 23rd)
- [Privacy for America National Privacy Summit and Fly-In](#) – **POSTPONED** (Originally Scheduled March 23rd)

Federal Affairs

Sen. Moran (R-KS) Introduces Data Privacy Bill

On March 12, 2020, Sen. Jerry Moran (R-KS), a Member of the Senate Committee on Commerce, Science, and Transportation, issued a [press release](#) stating that he has introduced a data privacy bill entitled, the “[Consumer Data Privacy and Security Act](#).”

Among other provisions, Sen. Moran stated that the bill would: (1) impose a federal data privacy standard, precluding the emergence of “a patchwork of confusing state laws”; (2) enable consumers to exert control “over their own data,” including access, correction, and erasure rights; (3) provide enforcement authority to the Federal Trade Commission (FTC) and state attorneys general; (4) establish data security requirements for covered entities; (5) require companies to gain consumers’ consent prior to processing data “with limited and specific exceptions”; and (6) compel companies that process “a significant amount of personal data” to install “extra precautionary steps” regarding the protection and processing of such data.

Senators Introduce Antitrust Bill

On March 10, 2020, Sen. Amy Klobuchar (D-MN), Ranking Member of the Senate Judiciary Committee Antitrust, Competition Policy, and Consumer Rights, and a Member of the Senate Commerce Committee announced that she and Sens. Richard Blumenthal (D-CT) and Cory Booker (D-NJ) introduced a currently un-numbered bill entitled, the “[Anticompetitive Exclusionary Conduct Prevention Act](#).” Sen. Blumenthal is a Member of the Senate Judiciary Committee and Senate Commerce Committee, and Sen. Booker is a Member of the Senate Judiciary Committee.

According to Sen. Klobuchar’s press release, the bill would amend the Clayton Antitrust Act of 1914 to ban “exclusionary conduct” presenting an “appreciable risk” to competition among dominant firms, and would provide the Federal Trade Commission (FTC) and Department of Justice (DOJ) with civil penalty authority regarding such conduct.

The press release stated that the bill would limit courts from applying implied immunity from antitrust laws and would explain that prosecutors are not required to prove that alleged harms to competition occur in “a relevant market.”

Senate Judiciary Members Send Letter to DOJ Urging Probe Into Google Search Practices

On March 10, 2020, Sen. Josh Hawley (R-MO) issued a [press release](#) announcing that he and

fellow Senate Judiciary Committee Member Sen. Richard Blumenthal (D-CT) sent a [letter](#) to U.S. Attorney General William Barr requesting that the Department of Justice's (DOJ) ongoing investigation into Google regarding potential antitrust violations include a probe into Google's online search practices.

According to the letter, "recent reporting" has indicated that the DOJ's investigation into Google "has focused narrowly on the company's online advertising business." The senators wrote that Google partially derives its online advertising "dominance" from its online search practices, and that Google's online search market share enables Google to collect larger amounts of data than other search engines, which the senators said helps Google improve its algorithms.

Senate Commerce Committee Holds Markup of US SAFEWEB Act Extension and Emerging Technologies Bills

On March 11, 2020, the Senate Committee on Commerce, Science, and Transportation held a markup to consider: (1) [S. 3132](#), "To extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders [US SAFEWEB] Act of 2006"; and (2) [S. 3191](#), the "Industries of the Future Act of 2020," among other bills. Committee Members unanimously passed S. 3132 and S. 3191 by voice vote.

State Affairs

California Attorney General Issues Second Set of Modified Proposed CCPA Regulations

On March 11, 2020, the Office of California Attorney General Xavier Becerra [announced](#) that the AG has published a [second set](#) of modified proposed California Consumer Privacy Act ("CCPA") regulations. The publication of the second modified proposed regulations followed the AG's February 10, 2020 issuance of [initial modifications](#) to its proposed CCPA regulations. According to the AG, public comments will be accepted in response to the second set of modified proposed regulations until March 27, 2020. ANA will file comments and is looking for input.

ANA will convene a call of it's CCPA Working Group on Monday to discuss this important development. If you have interest in joining our CCPA Working Group, please contact Travis Frazier (tfrazier@ana.net).

ANA's Chris Oswald (SVP, Government Relations) has been in California for the last week lobbying legislators on CCPA and other bills.

Washington Privacy Act Dies

ANA has learned that the [Washington Privacy Act \(SB 6281\)](#) has died in the Washington Legislature after House and Senate lawmakers failed to reach an agreement on a bill. Disagreement centered around which entity would have the power to enforce the law. Specifically, the Senate bill would have given sole enforcement power to the State Attorney General while the House bill included a broad private right of action.

ANA sent a [letter](#) to Washington State legislators urging them to reject any bill with a private right of action. ANA also sent a [second letter](#), as part of an ad industry coalition, again asking lawmakers to reject a private right of action.

ANA Sends Letter to Maryland Legislature Opposing Amended SB 2

From Dan Jaffe's Regulatory Rumbblings blog:

"Today, the ANA sent a letter to the entirety of the Maryland Legislature to declare our opposition to the amended version of [SB 2](#) which would create a first in the nation tax on digital advertising. While the Legislature has taken some minimal steps to improve the original version of the bill, the

ANA believes that SB 2 still creates numerous “very serious legal and constitutional questions.” These include the bill’s punitive nature, the inappropriate methods the bill utilizes to calculate the tax on digital advertising, and probable violations of the Commerce Clause and First Amendment. To read our full letter to the Maryland Legislature, please click [here](#).”

The situation remains extremely fluid and it is unclear when SB 2 could come up for a vote in front of the Maryland Legislature. We urge our members to oppose the bill. Contact information of members of the Maryland Legislature can be found [here](#).

State Legislative Weekly Tracker

Click [here](#) for a summary report of this week's legislative activity in the states.

Contact Us

If you have questions on any of the issues mentioned in the ADviser, please feel free to contact ANA's Government Relations team in Washington, D.C.:

- Dan Jaffe, Group Executive Vice President, Government Relations (djaffe@ana.net)
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You can also reach the D.C. office at any time at 202.296.1883

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