



The ANA Government Relations team would like to invite you to join us for virtual coffee in order to better get to know you and the issues you face everyday. To schedule your virtual coffee please reach out to Travis Frazier (tfrazier@ana.net) or any of the ANA DC Staff.

Federal Affairs

- [How Will The Election Impact Privacy Issues?](#)
- [Section 230 Discussed During Senate Commerce Nominations Hearing, Including FCC Commissioner Nomination](#)
- [House E&C Democratic Leadership Writes to FCC and FTC Leadership Urging Them to Stop Work on "Controversial" Matters](#)

State Affairs

- [Ad Industry & Others Launch Marylanders for Tax Fairness to Combat MD Digital Ad Tax](#)
- [State Weekly Legislative Tracker](#)

News of Interest

- [Report: FTC antitrust lawsuit against Facebook could come this month, *Silicon Angle*,](#)

November 8, 2020

- [Biden Victory Breathes New Life Into Battle To Restore Net Neutrality](#), *MediaPost*, November 8, 2020
- [Zoom settles with FTC after making ‘deceptive’ security claims](#), *TechCrunch*, November 9, 2020
- [EU levels new antitrust charges against Amazon](#), *The Hill*, November 10, 2020

Word on the Street

- From *Food&Wine*: [22 Fall Cocktails and Drinks to Try This Season](#)

Save the Date

- [Negotiating with Advertising Agencies - Legal & Regulatory Webinar](#) – November 17 @ 1PM

Federal Affairs

How Will The Election Impact Privacy Issues?

On November 7, 2020, former Vice President Joe Biden was declared President-elect of the United States. President Trump continues a series of legal challenges to the election results in the courts.

Democrats will remain in the majority of the U.S. House of Representatives and control of the U.S. Senate will not be determined until after a runoff in Georgia on January 5, 2021 although no matter the outcome of those elections, the margins in the Senate will be extremely narrow.

Potential implications of the election outcome as it pertains to data privacy and security can be found [here](#).

Section 230 Discussed During Senate Commerce Nominations Hearing, Including FCC Commissioner Nomination

On November 10, 2020, the Senate Committee on Commerce, Science, and Transportation convened a [Nominations Hearing](#) to discuss the nomination of Nathan Simington to be a Commissioner of the Federal Communications Commission (FCC), among other nominations. Committee Ranking Member Maria Cantwell (D-WA) was not in attendance. Committee Chairman Roger Wicker (R-MS) introduced Sen. Richard Blumenthal (D-CT) as Committee Acting Ranking Member. During opening statements, Acting Ranking Member Blumenthal expressed concern about Mr. Simington being used as a “ploy” for Section 230 of the Communications Decency Act (Section 230) reform, noting the re-nomination of FCC Commissioner Michael O’Reilly was pulled following his disagreement with President Trump regarding the FCC’s rulemaking authority. Sen. Ted Cruz (R-TX) noted that big tech’s alleged censorship is concerning. Mr. Simington stated that censorship is an issue of great concern, adding that there is no certainty online about what can and cannot be posted. Sen. Cruz asked Mr. Simington if he agreed with FCC Chairman Pai’s Section 230 rulemaking announcement, following President Trump’s [Executive Order on Preventing Censorship Online](#). Mr. Simington noted that the FCC’s general counsel has approved the legality of the announcement. Sen. John Thune (R-SD) questioned if Mr. Simington would support a repeal of Section 230 and said that there is legislation on Section 230 reform. Mr. Simington stated that it was Congress’ responsibility to determine if Section 230 needs to be repealed. He noted that the FCC would work with Congress on Section 230 and that the FCC has

accepted jurisdiction over Section 230. Acting Ranking Member Blumenthal emphasized that the FCC's rulemaking should be politically independent and expressed concern about Mr. Simington's involvement in the National Telecommunications and Information Administration's (NTIA) Section 230 petition drafting process. Committee Chairman Wicker stated that it was "premature" to determine the FCC's ethic department's guidance on his involvement. Acting Ranking Member Blumenthal noted that he would hold Mr. Simington's nomination until he committed to recusing himself on Section 230 rulemaking. No votes on the nomination were held.

House E&C Democratic Leadership Writes to FCC and FTC Leadership Urging Them to Stop Work on "Controversial" Matters

On November 10, 2020, the House Committee on Energy and Commerce [announced](#) that Committee leadership had written letters to Federal Trade Commission (FTC) Chairman Joseph Simons and Federal Communications Commission (FCC) Chairman Ajit Pai urging them to stop work on "controversial or partisan matters" following the announcement of Joe Biden as President-elect. The [letter](#) to the FTC was co-signed by Committee Chairman Frank Pallone (D-NJ) and Subcommittee on Consumer Protection and Commerce Chair Jan Schakowsky (D-IL). The FCC [letter](#) was written by Committee Chairman Pallone and Subcommittee on Communications and Technology Chairman Mike Doyle (D-PA).

State Affairs

ANA Joins Marylanders for Tax Fairness to Combat MD Digital Ad Tax

On Tuesday a broad coalition, including ANA and many others from the ad community, launched Marylanders for Tax Fairness to combat the digital ad tax passed in Maryland last year. As we have noted before, ANA and others were successful in securing a veto from the Governor of Maryland, but we have learned that it is likely that the Maryland Legislature will override the veto when they return in January. More information on Marylanders for tax Fairness can be found below:

- [Website](#)
- [Coalition Overview](#)
- [Press Release](#)
- [Video](#)

If you are interested in learning more or joining the coalition please contact Dan Jaffe at djaffe@ana.net.

State Legislative Weekly Tracker

Click [here](#) for a summary report of this week's legislative activity in the states. To schedule a tutorial provided by a member of the team at Leonine Focus please contact Travis Frazier (tfrazier@ana.net).

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)
- Chris Oswald, Senior Vice President, Government Relations (coswald@ana.net)
- David Buzby, Senior Director, Government Relations (dbuzby@ana.net)

- Meghan Salome, Director, Government Relations (msalome@ana.net)
- Travis Frazier, Associate Manager, Government Relations (tfrazier@ana.net)

You can also reach the D.C. office at any time at 202.296.1883

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