

A weekly roundup from ANA's Government Relations team

January 8, 2021



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News of Interest

- [The Regulatory Issues Madison Avenue May Face in 2021](#), *Wall Street Journal*, December 28, 2021
- [The UK's competition regulator has launched an investigation into Google's plans to remove tracking cookies from Chrome](#), *Business Insider*, January 8, 2021

Word on the Street

- ICYMI: Ad Industry Submits CCPA Comments. Those comments can be found [here](#).

Save the Date

- [CCPA/CPRA Webinar](#) – January 12, 2021 at 1:00 PM
- [Legal Affairs Committee Meeting \(Virtual\)](#) - January 27, 2021 at 2:00 PM

Federal Affairs

Democrats Gain Control of the Senate in 117th Congress and Biden Win Certified by Congress

On January 6, 2021, the Associated Press [reported](#) that Jon Ossoff (D-GA) defeated incumbent Sen. David Purdue (R-GA) in the Georgia runoff. The AP had earlier declared that Raphael Warnock (D-GA) defeated incumbent Sen. Kelly Loeffler (R-GA) in the Georgia runoff. With Democratic victories in Georgia, Democrats will gain control of the U.S. Senate for the 117th Congress as it is a 50-50 split between Democrats and Republicans, with Vice President-elect Kamala Harris as a tie breaker. During the 117th Congress, Democrats will also control the U.S. House of Representatives and the Presidency, as Congress certified President-elect Joe Biden's electoral college victory during the early morning hours of January 7, 2021 following an extended session from the day before.

These developments will almost certainly have major implications on the advertising industry. Democratic control of the Senate means an entirely new slate of committee chairs. These include Sen. Cantwell (D-WA) at the Commerce Committee, Sen. Wyden (D-OR) at the Finance Committee, Sen. Murray (D-WA) at the HELP Committee, and Sen. Durbin (D-IL) at the Judiciary Committee. Full Democratic control of Congress will also make it easier for President-elect Biden to have more regulatory minded members of the FTC, FCC, and other regulatory bodies confirmed.

D.C. Circuit Court Rejects *Zauderer* Challenge

In late December, the D.C. Circuit rejected a *Zauderer* challenge to a provision of the Affordable Care Act (ACA) that requires hospitals to disclose lists of “standard charges” for services. This continues the trend of decisions coming out of the D.C Circuit that have rejected the standards set in *Zauderer*. The decisions also could be interpreted to undermine the positive holding in *NAM v. SEC*.

Congress Urges FTC to Assess Data Privacy Efforts

On December 21, 2020, the House Committee on Appropriations [released](#) its explanatory statements for [H.R. 133](#), the Consolidated Appropriations Act of 2021. In the [explanatory statement](#) for Division E of the bill, which relates to financial services and general government appropriations, Congress urges the Federal Trade Commission (FTC) to conduct a “comprehensive internal assessment” of its efforts related to data privacy and security. The statement directs the FTC to issue a report on its findings to Committee Members within 180 days of the act's passage. President Trump signed H.R. 133 into law on December 27, 2020.

FCC Announces Actions on Robocall Prevention

On December 30, 2020, the Federal Communications Commission (FCC) announced that it took actions relating to the prevention of illegal robocalls. Regarding the first Order, the press release noted that the FCC adopted a rule which limits the number of exempted non-marketing robocalls that can be made to residential phones within a 30-day period. The press release stated that the

FCC's second Order established new rules for voice service providers that require them to "take affirmative steps" to stop robocalls when notified by the FCC. According to the text of the Order, it also expands the FCC's "safe harbor for blocking based on reasonable analytics" to include network-based blocking for calls which are "highly likely to be illegal."

State Affairs

Ad Industry Sends Letter to VA Legislators Regarding Proposed Privacy Bill

The ANA and other advertising trades have submitted a [letter](#) to Senator Marsden and Delegate Hayes of the Virginia General Assembly on the proposed Virginia Consumer Data Protection Act. In the letter ANA urged that if the General Assembly is to pass a privacy law that it "harmoniz[e] terms with similar provisions in other state laws would benefit consumers and businesses alike," among other things.

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).

Virtual Coffee?



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.

- 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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