

# WASHINGTON



## This Week in Washington

- Senate Commerce Holds Consumer Privacy Hearing
- FTC Chair Khan Officially Announces Appointments for Directors of Bureaus of Consumer Protection, Competition
- Social Media Companies Targeted at Children's Privacy Hearing
- Senate Confirms Consumer Financial Protection Bureau Director Rohit Chopra
- NIL Rights Back in Front of House E&C

## What's Happening in the States

- ANA Testifies at Minnesota Privacy Hearing
- VT Data Privacy Forums Scheduled for October
- Tennessee to Hold Privacy Hearings in Late October
- State Legislative Report

## News of Interest

- [FTC Urged To Ban 'Surveillance Advertising'](#), *Mediapost*, September 30, 2021
- ['Our children are fed with ads promoting unhealthy foods day in, day out': Fresh call for crackdown on junk food marketing](#), *Food Navigator*, September 27, 2021
- [Opinion: Congress should act on privacy, rather than leaving the job to regulators](#), *Washington Post*, September 30, 2021

## Word on the Street

Did you know? On this day in 1903 the Boston Americans played the Pittsburgh Pirates in the first game of the modern World Series. Boston would win the last 4 games to prevail in the 9 game series 5 to 3.

## Save the Date

- Webinars and Committee Meetings (all virtual):
  - [Legal Affairs Committee Meeting](#) – October 13, 2021
- Conferences (hybrid events):
  - [2021 ANA/BAA Marketing Law Conference](#) – November 15-17, 2021

## This Week in Washington

### Senate Commerce Holds Consumer Privacy Hearing

On September 29, 2021, the Senate Committee on Commerce, Science, and Transportation held a [hearing](#) on “Protecting Consumer Privacy.” The hearing’s witnesses included academics, formers members of the FTC and a representative from The App Association. Discussion during the hearing centered around data privacy, the FTC including privacy rulemaking and enforcement, and a potential federal privacy law and possible provisions that would be included. A more detailed recap of the hearing can be found [here](#).

The Committee has also [announced](#) an October 6 hearing on data security.

### FTC Chair Khan Officially Announces Appointments for Directors of Bureaus of Consumer Protection, Competition

This week the Federal Trade Commission (FTC) [announced](#) that Chair Lina Khan appointed Samuel Levine as Director of the Bureau of Consumer Protection and Holly Vedova as Director of the Bureau of Competition. The announcement follows a September 22, 2021 [memo](#) circulated to FTC staff, in which Chair Khan outlined agency priorities and commented on her intention to appoint Mr. Levine and Ms. Vedova. According to the press release, the appointees have been serving in their respective roles in an interim capacity since June 2021. The press release added that the FTC voted 5-0 to approve the appointments.

## Social Media Companies Targeted at Children's Privacy Hearing

Yesterday, the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Consumer Protection, Product Safety, and Data Security held a [hearing](#) on "Protecting Kids Online: Facebook, Instagram, and Mental Health Harms." The hearing's witness was Antigone Davis (Director, Global Head of Safety, Facebook). Social media's potential impact on children and children's privacy were discussed during the hearing. More details from the hearing can be found [here](#).

## Senate Confirms Consumer Financial Protection Bureau Director Rohit Chopra

On September 30, 2021, the U.S. Senate confirmed the nomination of Rohit Chopra to be the Director of the Consumer Financial Protection Bureau (CFPB) by 50-48 party line vote. Prior to his confirmation, Chopra served as an Federal Trade Commission (FTC) Commissioner. President Joe Biden recently announced his intent to nominate Alvaro Bedoya to replace Chopra at the FTC.

## NIL Rights Back in Front of House E&C

Yesterday, the House Committee on Energy and Commerce's Subcommittee on Consumer Protection held a [hearing](#) on "A Level Playing Field: College Athletes' Rights to Their Name, Image, and Likeness." Witnesses and Committee Members discussed potential federal name, image, and likeness (NIL) legislation and the current patchwork of state NIL laws among other issues. Representatives of players, universities, and the NCAA served as witnesses. Highlights from the hearing are available [here](#).

## What's Happening in the States

### ANA Testifies at Minnesota Privacy Hearing

On Monday the Minnesota House Commerce Committee held an informal hearing on [HF 1492](#), a comprehensive privacy bill. Prior to the hearing, ANA and its sister ad trade associations submitted a [letter](#) opposing the inclusion of a private right of action and broad opt-in requirements. During the hearing, ANA SVP Chris Oswald testified before the Committee.

### VT Data Privacy Forums Scheduled for October

The Vermont Attorney General's office has scheduled a series of privacy forums on October 5, 26, and November 18. These forums are open to the general public and will include discussion on the below questions.

1. Appropriate protections on biometric data, including facial recognition
2. Whether Vermont should adopt all or parts of the California Consumer Privacy Act (CCPA)
3. Consumer protections that better address the privacy concerns of Vermonters.

### Tennessee to Hold Privacy Hearings in Late October

The Tennessee Legislature has [announced](#) a Joint Ad Hoc Committee to Review Data Privacy headed by the House Republican Whip and Deputy Speaker of the Senate. The Committee will meet on October 26th and 27th with an agenda to be published at a later date.

### ANA State Legislative Report

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?



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A weekly roundup from ANA's Government Relations team

October 8, 2021

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## This Week in Washington

- Senate Commerce Holds Data Security Hearing
- FTC Publishes Report on Privacy and Security

## Across the Pond

- UK Information Commissioner Denham Responds to UK Data Protection Consultation

## What's Happening in the States

- California Privacy Protection Agency Appoints Ashkan Soltani as Executive Director
- State Legislative Report

## News of Interest

- Facebook whistleblower's revelations could usher in tech's 'Big Tobacco moment,' lawmakers say, *Washington Post*, October 6, 2021
- Consumer privacy study finds online privacy is of growing concern to increasingly more people, *Tech Republic*, October 1, 2021
- FTC's Slaughter Blasts 'Fundamental Unfairness' Of 'Data Economy', *MediaPost*, October 4, 2021

## Word on the Street

*From the Washington Post:* A French diplomat saved an Afghan refugee's pet bird. Now it says 'bonjour' and has become a symbol of hope.

## Save the Date

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  - [Brand Activation Legal Committee](#) – October 21, 2021 at 2PM ET
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## This Week in Washington

### Senate Commerce Holds Data Security Hearing

The Senate Committee on Commerce, Science, and Transportation held a [hearing](#) on “Enhancing Data Security.” Serving as the hearing’s witnesses were academics and former members of the FTC among others. Participants discussed data privacy, potential data privacy and security legislation, and a potential FTC rulemaking on privacy in addition to several other topics. A summary of the hearing can be found [here](#).

### FTC Publishes Report on Privacy and Security

On October 1, 2021, Federal Trade Commission Chair Lina Khan issued a [statement](#) on the FTC’s September 13 [report](#) to Congress on privacy and security. The report outlined that the FTC has the following priorities for consumer privacy protection: (1) expanding understanding of algorithms; (2) integrating competition concerns; (3) focusing on digital platforms”; and (4) advancing remedies. The report stated that the FTC needs more resources for privacy enforcement and expressed support for legislation to clarify Section 13(b) of the FTC Act.

## Across the Pond

### UK Information Commissioner Denham Responds to UK Data Protection Consultation

On October 7, 2021, United Kingdom (UK) Information Commissioner Elizabeth Denham [published](#)

remarks in response to the UK Department for Digital, Culture, Media, and Sport's (DCMS) public [consultation](#) entitled "Data: A New Direction." According to the consultation [page](#), it is seeking public comments on proposals to enhance the existing data protection regime under the UK General Data Protection Regulation. The consultation outlined that any comments received from the public will advise policymakers on future reforms. In her remarks, Commissioner Denham urged the UK government to ensure that any potential reforms maintain consumer rights, avoid "burdens for businesses," and maintain independence for regulators. Comments on the consultation are due by November 19, 2021.

## What's Happening in the States

### California Privacy Protection Agency Appoints Ashkan Soltani as Executive Director

On October 6, 2021, the California Privacy Protection Agency (CPPA) [announced](#) that it designated Ashkan Soltani to be Executive Director. The press release outlined that the Executive Director is responsible for day-to-day agency operation, including oversight of enforcement activity, rulemaking, public awareness, and building agency staff. According to the press release, Mr. Soltani has previously served as Chief Technologist of the Federal Trade Commission (FTC) and Senior Advisor to the Chief Technology Officer in the Office of Science and Technology Policy. The press release added that Mr. Soltani was an "architect" of the California Consumer Privacy Act (CCPA) and the California Privacy Rights Act (CPRA).

### ANA State Legislative Report

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](mailto:tfrazier@ana.net)).

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- [Thune Calls for Privacy Legislation in Op-Ed](#)
- [Bicameral Group of Legislators Sent a Letter to FTC Chair Khan on Children's Privacy](#)
- [House Energy and Commerce Committee Majority Leadership Announce Plans to Introduce Section 230 Reform Legislation](#)
- [Senate Judiciary Members to Introduce Antitrust Legislation Related to "Big Tech"](#)
- [Federal Trade Commission Announces Privacy Focused Open Commission Meeting](#)

## What's Happening in the States

- Massachusetts Legislature to Hold Hearing on Digital Ad Tax Bill
- State Legislative Report

## News of Interest

- [Lawmakers See Path to Rein In Tech, but It Isn't Smooth](#), *New York Times*, October 9, 2021
- [The UK's GDPR Overhaul: 5 Things to Be Aware Of](#), *AdWeek*, October 15, 2021
- [The Vital Role of Marketing in Supporting Our Food System](#), *AdWeek*, October 10, 2021
- [Europe's top 'tech cop' is ready to take on Big Tech with America](#), *Politico*, October 10, 2021

## Word on the Street

- From *Billboard*: [Adele's 'Easy On Me' Single & Video Have Arrived: Watch](#)

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## This Week in Washington

### FTC Sends Letter to Companies on Deceptive Endorsements

On October 13, 2021, the Federal Trade Commission (FTC) [announced](#) that it sent a [Notice of Penalty Offenses](#) to 700 companies outlining civil penalties connected to the use of deceptive endorsements and fake reviews. The press release stated that social media has “blurred the line” between content and advertising and increased the prevalence of deceptive endorsements. According to letter text, the FTC placed the companies on notice that they may be subject to penalties of up to \$43,792 per violation if they engage in the following practices, among others: (1) falsely claiming a third party endorsement; (2) misrepresenting an endorser as an actual, current, or recent user; (3) continually using an endorsement without reason to believe that the endorser “continues to subscribe to the views presented”; (4) misrepresenting that an endorsement portrays the experience of current or purported users; (5) failing to state any “unexpected material connection” between the company and endorser; and (6) misrepresenting that an endorsement indicates an ordinary consumer experience. The FTC voted 5-0 to approve the notice and its distribution.

### Thune Calls for Privacy Legislation in Op-Ed

Former Senate Commerce Chairman and Current Senate Minority Whip John Thune (R-SD) published an [op-ed](#) calling for “much-needed Big Tech regulation.” Thune slammed large technology companies saying they “have operated in the dark for too long,” and urging the passage of two bipartisan bills he has drafted: the Filter Bubble Transparency Act and the PACT

Act.

### **Bicameral Group of Legislators Sent a Letter to FTC Chair Khan on Children's Privacy**

Sen. Ed Markey (D-MA) has announced that he, along with Reps. Kathy Castor (D-FL) and Lori Trahan (D-MA), wrote a [letter](#) to Federal Trade Commission (FTC) Chair Lina Khan regarding children's privacy online in light of many companies updating their privacy policies to be in compliance with the United Kingdom's (UK) Age Appropriate Design Code (AADC), which became effective September 2, 2021. The press release stated that the FTC should use its Section 5 authority under the FTC Act to ensure that the companies are complying with their updated policies. According to the press release, the AADC would require online platforms to "meet 15 key children's privacy standards," which the letter said were similar to those in a Sen. Markey's bill, S. 1628, the Children and Teens' Online Privacy Protection Act.

### **House Energy and Commerce Committee Majority Leadership Announce Plans to Introduce Section 230 Reform Legislation**

On October 14, 2021, the House Committee on Energy and Commerce announced that Committee leadership, including Committee Chair Frank Pallone (D-NJ), Subcommittee on Communications and Technology Chair Mike Doyle (D-PA), Subcommittee on Consumer Protection and Commerce Chair Jan Schakowsky (D-IL), and Subcommittee on Health Chair Anna Eshoo (D-CA), plan to introduce the [Justice Against Malicious Algorithms Act](#). The press release stated that the bill would reform Section 230 of the Communications Decency Act (Section 230) by revoking online platform's liability shield when online platforms knowingly use algorithms to recommend harmful content to users. According to the press release, the bill would only apply to platforms with more than five million unique monthly visitors and does not target algorithms that "do not rely on personalization."

### **Senate Judiciary Members to Introduce Antitrust Legislation Related to "Big Tech"**

On October 14, 2021, Sen. Amy Klobuchar (D-MN) announced that she, along with Sen. Chuck Grassley (R-IA), plans to introduce the American Innovation and Choice Online Act. Among other provisions, the press release outlined that the bill would provide antitrust enforcers with "flexible" tools to deter platforms from participating in anticompetitive practices and hold platforms accountable for anticompetitive behavior and prohibit platforms from self-preferencing. According to the press release, the bill is similar to [H.R. 3816](#), the American Choice and Innovation Act, which passed out of the House Committee on the Judiciary in June 2021.

### **Federal Trade Commission Announces Privacy Focused Open Commission Meeting**

On October 14, 2021, the Federal Trade Commission (FTC) [announced](#) that it will convene an Open Commission meeting on October 21, 2021. The press release noted that the meeting will include a staff presentation on "Privacy Practices of Six Major Internet Service Providers," along with a period for public comment.

## **What's Happening in the States**

### **Massachusetts Legislature to Hold Hearing on Digital Ad Tax Bill**

On Monday at 10AM ET the Massachusetts Legislature Joint Committee on Revenue will hold a virtual hearing on [H.3081](#), a digital ad tax bill. The bill is similar to Maryland's digital ad tax and would impose a tax on annual gross revenues derived from digital advertising services in Massachusetts. ANA is tracking this bill, but it is not expected to pass. More information can be

found in the state tracking report below.

## ANA State Legislative Report

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## This Week in Washington

- President Biden Announces Plans to Nominate Jessica Rosenworcel as Permanent FCC Chair, Gigi Sohn to be FCC Commissioner
- President Biden Announces Build Back Better Act Framework, Outlines Provisions for FTC Privacy Funding
- Markey Says Big Tech Preys on Children at Senate Commerce Subcommittee Hearing
- Federal Trade Commission Updates Safeguards Rule
- Senate Judiciary Committee Approves Nomination of Jonathan Kanter to be Assistant

Attorney General for Antitrust

- [FTC Sends Notice on Subscriptions](#)

## What's Happening in the States

- [Ad Trades Submit Letter on Massachusetts Privacy Bills](#)
- [State Legislative Report](#)

## News of Interest

- [Your browser can tell websites how to treat your data. But companies didn't have to listen — until now](#), *Washington Post*, October 26, 2021
- [Australia Considers New Privacy Rules to Protect Children on Social Media](#), *Wall Street Journal*, October 25, 2021E

## Word on the Street

- *From Politico*: [15 races to watch on Election Day](#)

## Save the Date

Conferences (hybrid events):

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## This Week in Washington

### **President Biden Announces Plans to Nominate Jessica Rosenworcel as Permanent FCC Chair, Gigi Sohn to be FCC Commissioner**

President Biden provided some clarity regarding the FCC this week when he [announced](#) his intent to nominate Jessica Rosenworcel to serve an additional term as Federal Communications Commission (FCC) Commissioner and to nominate Gigi Sohn to be FCC Commissioner. The press release added that President Biden has designated Commissioner Rosenworcel as FCC Chair, a position which she has been serving in an interim capacity since January 2021. Chair Rosenworcel is currently serving a term that expired in June 2020 and must vacate her position at the end of the year, absent confirmation to another term from the Senate. Ms. Sohn's nomination will also require Senate confirmation. According to the press release, Ms. Sohn is a Distinguished Fellow at the Georgetown Law Institute for Technology Law and Policy and a Benton Senior Fellow and Public Advocate and has previously served as Counselor to Former FCC Chairman Tom Wheeler.

### **President Biden Announces Build Back Better Act Framework, Outlines Provisions for FTC Privacy Funding**

Yesterday, President Joe Biden [announced](#) the release of the latest version of the [Build Back Better framework](#), the Democratic reconciliation package. According to legislative text of [H.R. 5376](#), the Build Back Better Act, Subtitle N of Title 3 would allocate \$500 million to the Federal Trade Commission (FTC) to establish a bureau dedicated to “unfair or deceptive acts or practices relating to privacy, data security, identity theft, data abuses, and related matters.” Bill text outlined that the funds should be used for matters including hiring technologists, user experience

designers, and other experts appropriate to the bureau's work. Additionally, Subtitle C of Title 6 proposes to appropriate \$100 million to the FTC, noting that the funding should be used to carry out agency work pertaining to competition and enforcement of antitrust laws. Both Subtitle N and Subtitle C funding would be appropriated for fiscal year 2022 and would remain available until September 30, 2029 and September 30, 2031, respectively.

According to White House press release, the amended framework follows President Biden "negotiating in good faith with Senators [Joe] Manchin [D-WV] and [Kyrsten] Sinema [D-AZ], Congressional Leadership, and a broad swath of Members of Congress," indicating that provisions in the reduced package could potentially encounter minimal resistance from the two Democratic Senators. The press release added that President Biden is "confident" the bill could pass both chambers. Our sources tell us that Speaker Pelosi would like a vote on the bipartisan infrastructure bill—which is not where the FTC funds are included—by the time President Biden lands in Rome tonight, and that in order to attempt to acquire enough votes for the infrastructure bill, she needed to produce text for the Build Back Better Act reconciliation bill. We are being told that even if the House were to pass this new text in the Build Back Better Act bill today or tonight (the timing of which may not be possible), it will be further modified in the Senate

### **Markey Says Big Tech Preys on Children at Senate Commerce Subcommittee Hearing**

Big Tech remained in Congress' crosshairs this week when the Senate Commerce's Subcommittee on Consumer Protection, Product Safety, and Data Security held a [hearing](#) entitled "Protecting Kids Online: Snapchat, TikTok, and YouTube." Hearing participants discussed data privacy, advertising, and children's privacy along with several other topics. The hearing featured witness testimony from Snapchat, Youtube and TikTok. Several Senators directly attacked large technology companies, with Sen. Ed Markey (D-MA) saying that they "prey" on children to achieve higher profits. A more detailed summary of the hearing can be found [here](#).

### **Federal Trade Commission Updates Safeguards Rule**

On October 27, 2021, the Federal Trade Commission (FTC) [announced](#) that it had updated the [Standards for Safeguarding Customer Information](#) (Safeguards Rule). The press release highlighted that the Safeguards Rule was updated to ensure that non-banking financial institutions develop, implement, and maintain a "comprehensive security system" to safeguard personal information. According to the press release, the updated Safeguards Rule would also require financial institutions to "explain their information sharing practices," and designate an employee to oversee and report on the company's information security programs. The press release noted that the FTC Commissioners vote 3-2 to publish the Safeguards Rule in the Federal Register, with Commissioners Noah Phillips and Christine Wilson dissenting.

### **Senate Judiciary Committee Approves Nomination of Jonathan Kanter to be Assistant Attorney General for Antitrust**

Wednesday, the Senate Judiciary Committee held an Executive Business Meeting to consider the nomination of Jonathan Kanter to be Assistant Attorney General of the Department of Justice's (DOJ) Antitrust Division. During the meeting, Sen. John Cornyn (R-TX) highlighted what he said were shared concerns between himself and Mr. Kanter about the technology industry. He expressed concern about Mr. Kanter being a "critic" of the consumer welfare standard, noting that the DOJ should not "undercut" legal principles. Sen. Amy Klobuchar (D-MN) expressed support for the nomination and added that Mr. Kanter would "crack down" on monopolies. Sen. Josh Hawley (R-MO) said he will vote to approve the nomination and expressed concern about "consolidation in the technology sector." He emphasized that social media companies "artificially suppress" competition. Sen. Richard Blumenthal (D-CT) expressed support for the nomination and stated that the DOJ should examine potential misuse of power by social media companies. He commented

that online platforms use algorithms to amplify engaging content, which, he added, may be harmful to users. The Committee approved the nomination by voice vote, with Sen. Cornyn requesting to be recorded as voting against. The nomination will head to the full Senate for confirmation.

### **FTC Sends Notice on Subscriptions**

In another “putting people on notice” effort, yesterday the Federal Trade Commission (FTC) sent a [notification](#) against dark patterns related to subscriptions. This is now the third such notice, following action in the areas of false or deceptive money-making initiatives and influencers. It is a continued signal of a far more active FTC.

## **What's Happening in the States**

### **Ad Trades Submit Letter on Massachusetts Privacy Bills**

Early this week, ANA and its sister ad trades sent a letter to the Co-Chairs of the Massachusetts Joint Committee on Advanced Information Technology, the Internet, and Cybersecurity to express concerns about privacy bills discussed at an early October hearing. Among our concerns were broad opt-in requirements, a private right of action, and the impacts the bill would have on the digital economy, among other things. The entire letter can be found [here](#).

### **ANA State Legislative Report**

Click [here](#) for a summary report of this week's legislative activity in the states. Important updates include new information on privacy bills in DC and Ohio.

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- [Senate Commerce to Hold Children's Privacy Hearing](#)
- [Consumer Financial Protection Bureau Orders Information from Technology Companies on Payment Systems](#)

## What's Happening in the States

- [Judge Recuses Herself from Federal Lawsuit Against Digital Advertising Tax](#)

- [State Legislative Report](#)

## News of Interest

- [Ireland's Facebook decision triggers argument over limits of GDPR](#), *Politico*, October 18, 2021
- [Sen. Klobuchar Says Congress Is Losing Patience With Tech Giants](#), *Wall Street Journal*, October 20, 2021
- [As the FTC takes aim at tech giants, the regulator just lost key tech and data privacy leaders](#), *Digiday*, October 21, 2021

## Word on the Street

Did you know? Today in 1962, President John F. Kennedy alerted Americans to the Cuban missile crisis, declaring a naval blockade to prevent further missile shipments to Cuba.

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## This Week in Washington

### FTC Holds Open Commission Meeting Focused on ISPs and Privacy

Yesterday, the Federal Trade Commission (FTC) held an open commission [meeting](#) which included a staff presentation and Commissioner response on the FTC's staff report on [A Look At What ISPs Know About You: Examining the Privacy Practices of Six Major Internet Service Providers](#). FTC Chair Lina Khan emphasized that the Commissioners had voted unanimously to publish the report and said that the Report had "striking" findings. She added that the FTC had used its Section 6(b) of the FTC Act authority to produce the Report. During the Commissioner statement portion, FTC Commissioner Rebecca Kelly Slaughter stated that the Federal Communications Commission (FCC) should have the authority to investigate and regulate ISPs. FTC Commissioner Christine Wilson noted that the FTC should continue to have such authority, adding that it has "unique" investigatory powers. She emphasized that she is not surprised that Chair Khan does not want the FTC to have authority over ISPs due to her treatment of FTC staff and the FTC's work. The meeting also featured a period for public comment where data privacy was discussed. More details from the meeting are available [here](#).

ANA is interested in your companies' thoughts if you are impacted by these developments. Please reach out to [washington@ana.net](mailto:washington@ana.net) with any thoughts or concerns you may have.

### Senate Commerce Committee to Hold Children's Privacy Hearing

Next Tuesday, the Senate Committee on Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, and Data Security will convene a [hearing](#) entitled "Protecting Kids Online: Snapchat, TikTok, and YouTube." According to the [hearing page](#), the Subcommittee will examine how algorithms and design choices can "amplify harms, addiction, and intrusions into privacy" and consider potential improvements to children's protections online. The hearing will begin at 10 AM ET with representatives from Snapchat, TikTok and Google, the parent company of Youtube, serving as witnesses. ANA will track the hearing and provide updates.

## Consumer Financial Protection Bureau Orders Information from Technology Companies on Payment Systems

On October 21, 2021, the Consumer Financial Protection Bureau [announced](#) that it issued [orders](#) to several “large technology companies” to submit information on their operation of payment systems. According to the press release, the information received will enable the CFPB to examine how companies use payments data and manage data access. In his [statement](#) regarding the orders, CFPB Director Rohit Chopra noted that payments data can be monetized through behavioral targeting in advertising and eCommerce and expressed concern about “Big Tech companies” potentially “exploiting” their payment platforms. He added that the inquiries would inform policymakers about the future of payment systems, including “any potential rulemaking” under Section 1033 of the Dodd-Frank Act.

## What's Happening in the States

### Judge Recuses Herself from Federal Lawsuit Against Digital Advertising Tax

The federal judge presiding over the effort by several trade associations to stop Maryland's has recused herself from the case due to potential conflicts. A new judge has already been assigned to the case and there should be no major delays due to the original judge's recusal.

### ANA State Legislative Report

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](mailto: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](mailto:tfrazier@ana.net)) or any of the ANA DC Staff.

- Dan Jaffe, Group Executive Vice President, Government Relations ([djaffe@ana.net](mailto:djaffe@ana.net))
- Chris Oswald, Senior Vice President, Government Relations ([coswald@ana.net](mailto:coswald@ana.net))
- David Buzby, Senior Director, Government Relations ([dbuzby@ana.net](mailto:dbuzby@ana.net))
- Meghan Salome, Director, Government Relations ([msalome@ana.net](mailto:msalome@ana.net))
- Travis Frazier, Manager, Government Relations ([tfrazier@ana.net](mailto:tfrazier@ana.net))

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

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