Advocacy Work
January 1, 2023 to March 31, 2023

Summary: ABA’s Advocacy Division’s key focus this quarter was antitrust, the Credit Card Competition Act, as well as writing the third white paper. This update does NOT include ABA’s free expression work. To view ABFE’s quarterly update, click here [TBD].

ABA’s Advocacy Work

ABA Outreach Summation. In the second quarter, Advocacy had 26 actions, which include email to lawmakers, advocacy campaigns, legislator meetings, as well as submitting testimony at both the state and federal level. Nineteen of these actions focused around small business issues, seven focused on COVID-19, four focused on tax regulations, and one focused on antitrust.

LIG Partnership. Provided booksellers with regular updates and emails during the Open Enrollment period, offering information on ABA’s health insurance partnership with LIG Solutions.

Antitrust. In March, Advocacy met with Klobuchar’s office, who noted that the Senator plans to reintroduce this important antitrust bill in the current congressional session “when the timing is right.” The American Innovation and Choice Online Act would protect competition by prohibiting gatekeeper platforms from preferencing their own products and services at the expense of smaller online businesses, or making businesses buy other services as a condition of getting good search ranking or placement on their platforms. The bill also provides government enforcers — including the Department of Justice (DOJ), Federal Trade Commission (FTC), and state attorneys general (AGs) — tools to deter violations and hold dominant platforms accountable when they cross the line into illegal behavior. ABA still believes this bill is crucial to reign in the anticompetitive behavior of online platforms. Chipping away at Amazon’s dominance at this stage must start with its marketplace. We believe this bill would ultimately help booksellers because it is another step toward leveling the playing field and punishing Amazon’s anticompetitive behavior, which is crucial at this stage. Just as our successful sales tax fight was a step forward in removing Amazon’s unfair advantage over independent retailers, this would be an even bigger step forward.

Credit Card Competition Act. In March, ABA sent an informational “blast” to every legislative director and chief of staff in support of the Credit Card Competition Act. Under the bipartisan Credit Card Competition Act of 2022 (S.4674/H.R.8874), a credit card would be required to have more than one network option to route financial data.

Key State Advocacy Efforts.
• **Arizona:** Wrote to the sponsor of Arizona SB 1433 in opposition to a bill that would hold an employer liable for damages of anywhere from $1 million or more if they deny a religious exemption and require an employee to receive a Covid-19 vaccination. Also launched an advocacy campaign urging booksellers to write their state lawmakers in opposition to the bill. The bill passed the Senate Republican Caucus, but there has been no action on the bill since February 21.

• **Missouri, Nevada & Wyoming:** Launched an advocacy campaign urging MO, NV, and WY booksellers to reach out to their federal legislators in support of the Credit Card Competition Act.

• **Maryland:** Submitted testimony in support of HB 936, which would authorize a credit against Maryland state income tax for small businesses with 50 or fewer employees in regards to costs incurred for certain cybersecurity measures undertaken by the small business. The bill is still in the House.

• **Iowa:** Submitted testimony in opposition to Iowa HF 369, which would allow an employee to bring a civil claim against an employer in a court of competent jurisdiction for damages for injury, illness, or adverse effects resulting from a COVID-19 vaccine if the employer required the employee to receive the COVID-19 vaccine as a condition of employment. Also, wrote booksellers in Iowa and urged them to contact their lawmakers in opposition to IA HF 369. The bill has not moved out of the House Labor and Workforce Committee.

**Outreach to New Lawmakers:** In March, ABA Advocacy’s division wrote an introductory letter to the new federal lawmakers and described some of the challenges facing independent bookstores.

**White Paper.** Advocacy is currently finishing off its third white paper, this one focusing on Amazon’s destructive impact on the bookselling and publishing industry. The White Paper should be released by the end of April.

**Coalition Building.** Throughout the 2nd quarter, ABA met regularly with two coalitions: The [Main Street Competition Coalition](https://www.mainstreetcoalition.org), a business coalition organized to push for reviving and enforcing the Robinson-Patman Act, and the [Merchants Payments Coalition](https://www.merchantspaymentscoalition.org), a coalition of retail merchants organized to push for lower card acceptance costs. MPC is focused on passing the Credit Card Competition Act, a bill that would enable merchants to choose between two unaffiliated networks over which to route credit cards. It would create competition for routing thus lower credit card fees. Advocacy attended weekly meetings with both coalitions, beginning in November.

**Small Business Rising.** Attended regular meeting with Small Business Rising, a coalition of independent organizations working in support of stronger antitrust enforcement in the face of Amazon’s anticompetitive behavior.

**BTW.** Provided weekly updates on Advocacy’s work in *Bookselling This Week*. 
**FiscalNote.** Used FiscalNote Advocacy software on a daily basis to check legislation and reach out to lawmakers.

**Communications Team.** Advocacy attended weekly meetings with ABA’s Communication team.