



Written by [Luis Miguel](#) on August 17, 2023

## Big Tech Lobbyists Scoring Big Wins in State Legislatures

State lawmakers are taking the issue of Big Tech into their own hands. In response, Silicon Valley is opening up its war chest to stop reform dead in its tracks.

As [Politico](#) reports, Oregon is just one of several states in which proposals to protect user privacy were shot down thanks to lobbying from the tech industry.

The legislation debated in Oregon would have granted citizens the ability to sue companies for violations in what is known as a private right of action.

But when the bill was taken up in the spring, representatives from TechNet, the Computer and Communications Industry Association, and the State Privacy and Security Coalition succeeded in persuading the Democratic-controlled legislature to shoot down the proposal.

As Politico noted, “In Oregon and the six other states that passed legislation between January and July, lawmakers enacted bills that bore clear hallmarks of lobbying influence. If any legislation emerged that would impose stronger privacy protections, industry successfully watered it down.”

The 2018 passage of a California comprehensive data privacy law prompted fears within the tech community. But the celebration among the pro-digital privacy community was short-lived, as the industry went on to score tech-friendly laws in 11 states — both red and blue — since then.

The tech industry once worried about having to wage a 50-front battle against every state legislature in the nation, and attempted to use its influence to have Congress pass legislation favorable to it. Now, however, Big Tech has realized its lobbying efforts can be just as successful at the state level as in D.C. Thus, the industry has been spending less of its money on Congress, moving those resources to the states.

As an indication of this shift in focus, NetChoice — a tech lobbying group that represents Amazon, Google, TikTok, and Meta, among others — once listed “a national standard on privacy legislation” as one of its priorities on its lobbying disclosures. In recent disclosures, that language no longer appears.

Carl Szabo, general counsel at NetChoice, said it’s no secret the industry is getting much more involved in statehouses.

“That’s where a lot of the time and energy ends up getting spent,” he told Politico.

Hayley Tsukayama, an activist with a digital-rights nonprofit known as the Electronic Frontier Foundation, suggested that the new focus on state legislatures could be part of a bottom-up strategy by which Big Tech uses the passage of industry-friendly privacy legislation as an impetus to get Congress



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to eventually act in a way that benefits Silicon Valley.

After California passed its privacy bill in 2018, Big Tech moved quickly to strike back, first attempting to get Congress to pass a national privacy law under the guise of avoiding a complex patchwork of rules, but really with the aim of creating federal rules, friendly to Big Tech, which would supersede state rules that are unfriendly to the industry.

When Silicon Valley could not get its way due to gridlock on Capitol Hill, however, it looked for opportunities in the states, eventually scoring its first big win in Virginia.

As Politico reports:

An opportunity to counter California's privacy rules arrived with Virginia in 2021, where the state's Consumer Data Protection Act had the tech industry's fingerprints all over it. The first draft of the bill was written by an Amazon lobbyist, and input on how to implement the law came from industry groups like CCIA and SPSC.

Virginia's rules soon became the model for state privacy regulations, finding their way into nearly every law that later passed. States would have different variations — but ultimately, the tech industry was setting its own bar for privacy rules across the country.

Matt Schwartz, a policy analyst for Consumer Reports, told the outlet that the tech "[i]ndustry has an inordinate amount of influence on what happens in these bills."

"The reality is, we're working off a model in many of these states that was introduced by Amazon," he added.

Since Virginia, Big Tech has only widened its advantage. Subsequent legislation passed in Colorado, Utah, and Connecticut has only been more beneficial to the industry. And with each bill passed, Silicon Valley's lobbying arms grows stronger, as it can then point to these and say to states thinking of combating Big Tech, "Go against these standards and you will sow chaos for business across state lines."

Silicon Valley is thus implementing one of the common tactics of the corporate elite — mitigating the populist wave by riding it itself.

Would you trust an accused criminal to be his own judge or determine his own sentence? Of course not. Yet that is exactly what Big Tech is doing throughout the country. Knowing that there is a nationwide demand for privacy protections and other restrictions on its practices, Silicon Valley is writing its own regulations — with the obvious intent of depriving these reforms of any real teeth, so that business-as-usual may continue.



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