



June 24, 2024

Representative Mike Johnson
Speaker of the House
568 Cannon House Office Building
Washington, D.C. 20515

Representative Hakeem Jeffries
Democratic Leader of the House of Representatives
2433 Rayburn House Office Building
Washington, D.C. 20515

Senator Chuck Schumer
Senate Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Senator Mitch McConnell
Senate Minority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Representative Johnson, Representative Jeffries, Senator Schumer, and Senator McConnell:

The Association of National Advertisers (“ANA”) and the American Association of Advertising Agencies (“4A’s”) together represent the advertising industry. We and our members support reasonable, preemptive federal privacy legislation, and we and our members have worked with the relevant committees in Congress for more than four years through the Privacy for America coalition and its *Principles for Privacy Legislation*¹ to help develop a unified national standard that protects consumer privacy while safeguarding our nation’s vibrant and vital ad-driven economy.²

Unfortunately, the current draft of American Privacy Rights Act (“APRA”) would eviscerate the modern advertising industry, devastate small and mid-sized businesses that depend on advertising to reach customers, force families to pay huge amounts of money for popular ad-supported digital services they use now for free or low cost, and drag down our nation’s economic growth and innovation for decades to come.

If adopted in its current form, APRA would mandate an extreme anti-consumer, anti-advertising, and anti-data privacy regime. It would outlaw common and accepted advertising practices like targeted advertising – simply delivering ads to people who want to see them – creating the most restrictive data regime for advertising data, a regime that is far more limiting than uses allowed for consumer financial and protected health information.

¹ Privacy for America, *Principles for Privacy Legislation*, located [here](#).

² Even before the creation of Privacy for America, we and our members founded and adhere to industry self-regulation through the Digital Advertising Alliance. Our industry has provided a network-wide consumer opt-out for targeted advertising since 2009 and continues to update that program to account for new technology today.

By contrast, all of the states that have examined this issue and passed similar legislation have acknowledged the critical role advertising plays in driving growth and funding popular online services, and the vast majority have placed reasonable opt-out requirements around “targeted advertising,” rather than banning the practice altogether.

The current draft of the APRA also fails the constitutionality test, as the proposed bans and undue restrictions would violate the First Amendment’s protections for truthful advertising, speech that both businesses have a right to speak and consumers have a right to receive.

While our industry is committed to continued engagement and collaboration with Congress, we are disheartened by the arbitrary and scattershot approach taken on this vital issue to date. The relevant language has swung back and forth in each successive draft of the legislation with no explanation or discussion with our members—the stakeholders most impacted by the changes—to explain the reasoning for the fluctuation in approach or to understand how it would impact the very entities the law seeks to regulate.

Put simply, the current draft of APRA treats advertising as a threat to the United States, rather than presenting a reasonable approach to data privacy in relation to the nation’s greatest driver of economic growth, prosperity, innovation, and access to low-cost news, resources, content, and services. Given that unacceptable risk to our industry and our country, we strongly oppose the APRA in its current form.

Sincerely,

Bob Liodice
Chief Executive Officer
ANA

Marla Kaplowitz
Chief Executive Officer
4A’s

CC: Representative Cathy McMorris Rodgers
Representative Frank Pallone
Members and Staff of the House Energy and Commerce Committee
Members and Staff of the Senate Commerce Committee