



October 2, 2017

The Honorable John McCain  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington DC, 20510

Chairman Mac Thornberry  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington DC, 20515

The Honorable Jack Reed  
Ranking Member  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington DC, 20510

Ranking Member Adam Smith  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington DC, 20515

Dear Chairmen and Ranking Members,

On behalf of BSA | The Software Alliance, I am writing to draw your attention to several items being considered for the final version of the FY2018 National Defense Authorization Act. We appreciate your leadership on this important legislation, and ask to you address these issues in conference.

BSA is the leading trade association representing the global software industry before governments and in the international marketplace. Our members are among the world's most innovative companies. Their software-enabled data solutions are transforming the world around us, empowering us as individuals, and growing our economy. The economic impact of software is profound, adding more than a trillion dollars to the US economy per year and supporting over 10 million jobs nationwide with significant numbers in all 50 states.

We would appreciate your consideration of the following recommendations regarding provisions that were included in the Senate-passed version of the NDAA.

#### **OPEN Government Data Act**

We urge you to include the OPEN Government Data Act in the final version of the bill. This would make non-sensitive government data more open, available, and usable for the general public. Government data sets are a national resource that can serve as a powerful new job-creation engine and a catalyst for economic growth. Much as the freeing up of Global Positioning System data for public use in the 1990s led to a new multi-billion dollar industry, the OPEN Government Data Act would allow entrepreneurs to leverage preexisting government data sets to create new value-added services. The OPEN Government Data Act is an important opportunity for Congress to grow the economy and create jobs.

#### **Modernizing Government Technology Act (MGT Act)**

We urge you to include the MGT Act in the final version of the bill. Reliance on outdated legacy systems undermines the ability of US government agencies to operate efficiently and exacerbates the risk associated with cyberattacks. Americans have witnessed firsthand the impact of several high-profile and brazen attacks on US Government systems and officials, resulting in the theft of an

unprecedented amount of federal, commercial and personal data. The MGT Act would mitigate these risks by creating funding mechanisms for updating agency systems, hastening the transition to cloud computing, and encouraging the adoption of IT products and services that will improve the federal government's cybersecurity posture.

### **Cyber Scholarship Opportunities Act**

We applaud measures included by both chambers to improve scholarship opportunities for aspiring cyber professionals. The need for a trained cyber workforce is critical to US national security interests. Unfortunately, the pipeline of trained cybersecurity professionals is unable to keep up with the growing demand. This skills gap already manifests itself in the form of 40,000 cybersecurity jobs that go unfilled in the US each year. Provisions included by both chambers that would codify and enhance a Department of Defense (DOD) Cybersecurity Scholarship Program, and the Cyber Scholarship Opportunities Act included in the Senate version of the bill, represent valuable steps to prepare American workers for this growing field, and we encourage you to retain both provisions in the final bill.

### **Software Acquisition Provisions**

We request the opportunity to work with you to address provisions regarding software acquisition. Collectively, Sections 881-886 of the Senate NDAA create new mandates for vendors of commercial software and custom software developed for the DOD, including requirements that source code and other technical data be transferred to DOD and licensed as open source. If enacted into law, these provisions could impact the availability of cutting-edge commercial software solutions to the DOD, and also raises concerns over intellectual property rights, licensing, and protection of source code in international markets. We appreciate the improvements to these provisions in the lead-up to the Senate's passage of the NDAA, but we seek an opportunity to address several continuing concerns.

Once again, thank you for your leadership on this legislation that is critical to the United States. We appreciate your consideration of these issues and welcome the opportunity to work with you on them as the House and Senate bills are considered in conference.

Sincerely,



Victoria A. Espinel  
President and CEO

CC:

The Honorable Steve Daines  
The Honorable Jerry Moran  
The Honorable Mike Rounds  
The Honorable Ben Sasse  
The Honorable Roger Wicker  
The Honorable Tim Kaine  
The Honorable Patty Murray  
The Honorable Brian Schatz  
The Honorable Tom Udall  
The Honorable Mark Warner

The Honorable Blake Farenthold  
The Honorable Will Hurd  
The Honorable Michael McCaul  
The Honorable Patrick Meehan  
The Honorable John Ratcliffe  
The Honorable Gerry Connolly  
The Honorable Robin Kelly  
The Honorable Derek Kilmer  
The Honorable James Langevin  
The Honorable Ed Perlmutter  
The Honorable Cedric Richmond