September 14, 2015

The Honorable Mitch McConnell  
Senate Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Harry Reid  
Senate Minority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable John Boehner  
Speaker of the House of Representatives  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Nancy Pelosi  
House Minority Leader  
United States House of Representatives  
Washington, D.C. 20515

Dear Speaker McConnell, Minority Leader Reid, Speaker Boehner, Minority Leader Pelosi:

As you return from the August recess, we write as members of the Board of BSA | The Software Alliance (BSA) to appeal for urgent action by Congress on five pending legislative efforts that will have an immediate positive impact on the digital economy.

Each of our companies is a leader in developing software, creating information services and harnessing data to produce amazing results. Our products and services empower individuals, businesses, and organizations around the world, and are fueling the engines of growth worldwide. To achieve the full potential of these efforts, each of our companies depends on earning the trust of customers and individual users while operating within the laws of the jurisdictions where they operate. As software services and data analytics have grown exponentially, however, we need clarity and predictability in the legal regimes that guide government access to data.

The laws governing the terms and conditions under which government can request and obtain data from third parties are badly in need of updating. To cite just one example, the Electronic Communications Privacy Act governs how law enforcement can access data in what we now call “the cloud.” It was enacted in 1986, years before most Americans had even heard of the Internet. Given this context, ECPA’s standards require updating to better reflect the reality of today’s online-enabled world.

Congress has the near-at-hand opportunity to both improve trust in information technology, software and data services while also shaping the law in our online world. The United States is a critical leader with a proud history of rule of law and respect for individual rights. This leadership is necessary now to lay a solid and balanced foundation for growth of the global digital economy.

We urge prompt House and Senate action on five pending legislative efforts:

- **ECPA Reform**: The Email Privacy Act (H.R. 699) and the Electronic Communications Privacy Act of 2015 (S. 356) will clarify, for the digital age, the terms and conditions when our government agents can legitimately ask for data from third parties.
• **Mutual Legal Assistance Treaty Modernization** (within the CJS appropriations process) will enhance the ability of US law enforcement to access critical information held overseas, while also dispelling international frustration about a backlog of cases that is leading to efforts to store data outside the United States.

• **Cyber Threat Information Sharing Legislation** will promote cybersecurity and protect sensitive information by enabling private actors in possession of information about vulnerability and intrusions to more easily share that information voluntarily with others under threat, thus enabling the development of better solutions faster.

• The **Law Enforcement Access to Data Stored Abroad “LEADS” Act** (H.R. 1174 and S. 512) will reassure the millions of international business and individuals that use US companies to store and process their data that they will have the protections of due process.

• The **Judicial Redress Act** (H.R. 1428 and S. 1600) will help rebuild trust in cross-border data flows by giving standing to the citizens of our allies under US privacy laws.

We stand ready to work with you in every way we can to promote trust in the digital economy, the software and technologies that make it work, trust in the rule of law, and respect for individual rights.

Thank you for your attention to this important agenda.

Sincerely,

Michael A. Dillon  
Senior Vice President, General Counsel and Corporate Secretary  
Adobe Systems, Inc.

Tim Hale  
Chief Legal Officer  
Altium, Inc.

Bruce Sewell  
Senior Vice President and General Counsel  
Apple Inc.

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Steven W. Dietz  
Senior Vice President, General Counsel and Secretary  
Siemens PLM Software

Victoria A. Espinel  
President and CEO  
BSA | The Software Alliance

Cc:  
The Honorable Charles E. Grassley  
Chairman  
Judiciary Committee  
United States Senate

The Honorable Patrick J. Leahy  
Ranking Member  
Judiciary Committee  
United States Senate

The Honorable Bob Goodlatte  
Chairman  
Judiciary Committee  
House of Representatives

The Honorable John Conyers  
Ranking Member  
Judiciary Committee  
House of Representatives

The Honorable Richard Burr  
Chairman  
Select Committee on Intelligence  
United States Senate

The Honorable Dianne Feinstein  
Ranking Member  
Select Committee on Intelligence  
United States Senate
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