

2021 US Policy Agenda

Software is critical to every sector of our economy and modern life. The COVID-19 pandemic has only accelerated this trend. Members of BSA | The Software Alliance provide cutting-edge cloud services, data analytics, manufacturing and infrastructure tools, and other digital capabilities to businesses of all sizes to help them generate new industries and new jobs. BSA's agenda is driven by the need to modernize laws and policies to spread the benefits of technology and support continued job growth.



**Inclusive
Economic
Opportunity**



**Real Data
Privacy**



**Smart and
Strong
Cybersecurity**



**International
Data
Agreements
and Digital
Trade**



**Trustworthy
Artificial
Intelligence**



**Preventing
the
Proliferation
of Harmful
Online
Content**



**Reset
Immigration
Policies**



**Intellectual
Property
Protection**



**Law
Enforcement
Access to
Data**



Inclusive Economic Opportunity

Software jobs are growing twice as fast and pay twice as much as the national average. All Americans deserve access to the opportunities that software and digital services provide. The COVID-19 pandemic further elevated the need to spread the benefits of technology to those that have been historically disadvantaged.

- » Improve access to STEM, cybersecurity, and computer science, and broader digital skills education, including within communities of color and historically marginalized groups
- » Support additional pathways to the evolving workforce, including technical and vocational training with a focus on narrowing the skills gap
- » Expand broadband and computer access, especially in underserved rural and urban areas and low-income communities



Real Data Privacy

Consumers deserve transparency, clarity, and confidence in how their data is used and protected. Companies should also have strong obligations to handle personal data in line with consumers' expectations. A clear, modernized federal framework is important for ensuring consistent and high privacy standards throughout the country.

Enact comprehensive federal privacy law with strong:

- » Consumer rights
- » Obligations for companies that reflect their role in handling consumer data
- » Enforcement



Smart and Strong Cybersecurity

Connected devices and the use of data are improving our economy and the quality of our lives, but this will only continue if we can keep them secure. Government and industry must have a strong partnership to ensure critical infrastructure, consumer devices, and enterprise technologies are protected by robust cybersecurity practices.

- » Drive trust and security in 5G networks by encouraging interoperability and the use of open standards
- » Ensure secure supply chain management based on transparent and risk-based criteria
- » Promote best practices for secure software development and coordinated vulnerability disclosure

**Nearly 1 in 10 US jobs—14 million—
results from the software economy.**

US software jobs grow twice as fast as overall US jobs.



International Data Agreements and Digital Trade

American jobs rely on the ability of businesses to move data across borders. Strong, enforceable digital trade rules and international data agreements are necessary for US companies to compete abroad and hire in the US.

- » Ensure trade agreements include strong rules that enable digital trade and prevent unnecessary or discriminatory data-related restrictions
- » Support an enhanced US-EU Privacy Shield and other international data transfer frameworks
- » Ensure any digital trade controls deemed to be necessary, such as export controls, sanctions, and supply chain security measures, avoid unintended consequences



Trustworthy Artificial Intelligence

AI is driving advances in healthcare, agriculture, infrastructure, security, and many other areas. To maintain global leadership in the development of AI, the US should develop forward-leaning strategies for addressing legitimate public policy questions about the technology.

- » Promote fairness and non-discrimination to ensure AI is being developed and deployed responsibly, including through government's consensus-based standards and industry-led best practices
- » Modernize open data policies that enhance access to government data and facilitate industry sharing
- » Enhance research and development



Preventing the Proliferation of Harmful Online Content

Section 230 of the 1996 Communications Decency Act remains critical to the functioning of the modern, open internet. Given its centrality to today's internet—both the positive and the negative—it is reasonable to assess whether the statute provides the right balance of incentives to achieve its originally intended vision. As policymakers examine the future of Section 230, it is important to consider the diverse impacts of the law.

- » Recognize the broad spectrum of stakeholders that rely on Section 230
- » Maintain legal certainty to promote innovation and responsible action
- » Support balanced frameworks that promote free expression, privacy, and a safe internet



Reset Immigration Policies

In addition to efforts to enhance education and training for all Americans, US immigration policies should facilitate access to foreign talent. Responsible and balanced immigration policies allow American companies to remain competitive and help keep jobs in the US.

- » Strengthen the H-1B visa program
- » Increase accessibility of employment-based green cards
- » Make DACA protections permanent



Intellectual Property Protection

Software is one of America's most innovative industries and helps enable breakthroughs and progress across all sectors of the economy. IP protections foster the research and development that drives innovation.

- » Maintain a technology-neutral system of patent protection
- » Support copyright laws that protect the rights of creators while providing flexibilities that facilitate innovative and emerging technologies
- » Preserve the balanced framework embodied in Section 512 of the DMCA



Law Enforcement Access to Data

To combat crime and threats to national security, law enforcement and the technology community must work together. Now is the time to take practical steps to enable lawful access to digital evidence in ways that don't undermine cyber defenses, including encryption, and reinforce constitutional privacy protections.

- » Increase law enforcement capacity-building for using technology in criminal justice
- » Improve coordination across existing law enforcement training programs

Software jobs are growing quickly outside traditional tech hubs.