



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.

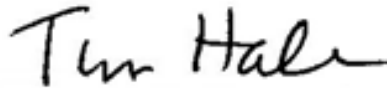
We stand ready to work with you in every way we can to promote trust in the digital economy, the software and technologies that make it work, trust in the rule of law, and respect for individual rights.

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.



Pascal W. Di Fronzo
Senior Vice President, General Counsel and
Secretary
Autodesk, Inc.



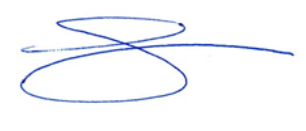
Michael Bisignano
Executive Vice President & General Counsel
CA Technologies



Clint Smith
General Counsel
DataStax



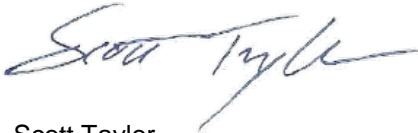
Daniela Combe
Vice President, Assistant General Counsel --
Software & Systems
IBM Corporation



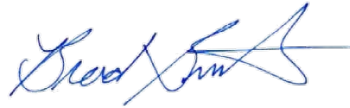
Bruce Pincus
General Counsel and Corporate Secretary
Minitab, Inc.



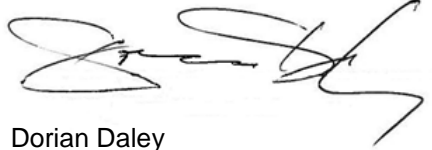
Burke Norton
Chief Legal Officer
Salesforce.com



Scott Taylor
Executive Vice President, General Counsel
and Secretary
Symantec Corporation



Bradford L. Smith
President and Chief Legal Officer
Microsoft Corporation



Dorian Daley
Executive Vice President, General Counsel,
and Secretary
Oracle Corporation



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
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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

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
House of Representatives

The Honorable Adam B. Schiff
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The Honorable Thad Cochran
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The Honorable Barbara A. Mikulski
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The Honorable Harold Rogers
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Appropriations Committee
House of Representatives

The Honorable Nita M. Lowey
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The Honorable Ron Johnson
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The Honorable Thomas R. Carper
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The Honorable Michel T. McCaul
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The Honorable Bennie G. Thompson
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Homeland Security Committee
House of Representatives