



Internet Association



May 15, 2018

The Honorable Gilbert Kaplan  
Under Secretary for International Trade  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

Subject: U.S. Department of Commerce Digital Attaché Program

Dear Under Secretary Kaplan:

The U.S. Chamber of Commerce, BSA | The Software Alliance, the Information Technology Industry Council, and Internet Association are writing to you in support of the U.S. Department of Commerce's Digital Attaché Program and to encourage you to further expand its international scope.

Today, digital technologies are critical to the day-to-day functions of companies of all sectors and sizes. In order to maintain a fair and competitive global trading system, the United States must ensure that its trading partners embrace policies that not only facilitate trade in digital products and services, but also address the reality that traditional industries are inextricably connected digitally across borders. Digital barriers to cross border trade do not affect only technology companies. Companies of all sectors and sizes that rely upon digital platforms, cross-border data flows, and the deployment of effective cybersecurity practices to fulfil their day-to-day functions are also negatively impacted by digital trade barriers. Barriers to digital trade place American companies at a disadvantage in global markets and must be addressed.

Since its inception in 2016, the Digital Attaché Program has proven to be a valuable resource through which U.S. stakeholders can identify, respond to, and avert policies that would otherwise have been harmful to the competitiveness of U.S. companies. In the past year alone, our associations have been active in responding to concerning provisions in several dozen countries around the world, working closely with digital attachés during the process. Yet, the pace at which harmful digital policies are emerging has not slowed. If anything, it is speeding up.

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As we continue to witness the spread of harmful barriers to digital trade, it is clear that measures that impede or limit cross-border data flows and mandate infrastructure (data center) localization have a very disruptive impact on trade. These measures take many forms and are spread across a variety of policy platforms in different countries. For example, in Vietnam, proposed cybersecurity legislation would limit the free movement of data. In Brazil, proposed rules on procurement of cloud services by all financial institutions regulated by the Brazilian Central Bank sought to mandate data and infrastructure localization. Our companies have benefitted greatly from U.S. Digital Attaché engagement with U.S. trading partners, seeking the elimination of these and other troublesome measures.

In order to address these challenges and ensure a fair playing field for American companies internationally, we strongly encourage the U.S. Department of Commerce to expand the number of Digital Attachés that are based around the world, and ensure that they are adequately resourced to fulfil their role.

We appreciate the opportunity to share our thoughts with you on this topic and look forward to engaging with you on this important topic, moving forward.

Signed,

BSA | The Software Alliance  
Information Technology Industry Council  
Internet Association  
U.S. Chamber of Commerce

### **BSA | The Software Alliance**

BSA | The Software Alliance ([www.bsa.org](http://www.bsa.org)) is the leading advocate for the global software industry before governments and in the international marketplace. Its members are among the world's most innovative companies, creating software solutions that spark the economy and improve modern life. With headquarters in Washington, DC, and operations in more than 60 countries around the world, BSA pioneers compliance programs that promote legal software use and advocates for public policies that foster technology innovation and drive growth in the digital economy.

### **Information Technology Industry Council**

The Information Technology Industry Council (ITI) is the global voice of the tech sector, celebrating its 100th year in 2016 as the premier advocacy and policy organization for the world's leading innovation companies. We advocate for global policies that advance industry leadership, open access to new and emerging markets, promote e-commerce expansion, drive sustainability and efficiency, protect consumer choice, and enhance worldwide competitiveness of our member companies. Visit [www.itic.org](http://www.itic.org) to learn more. Follow us on Twitter for the latest ITI news @ITI\_TechTweets.

### **Internet Association (IA)**

Internet Association represents over 40 of the world's leading internet companies. IA's mission is to foster innovation, promote economic growth, and empower people through the free and open internet. The internet creates unprecedented benefits for society, and as the voice of the world's leading internet companies, we ensure stakeholders understand these benefits.

### **U.S. Chamber of Commerce**

The U.S. Chamber of Commerce represents the interests of more than three million U.S. businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations. Its International Affairs Division includes more than 50 regional and policy experts and 23 country-specific business councils and initiatives. It also works closely with 116 American Chambers of Commerce abroad.