SIIA
2024 POLICY PRIORITIES

2024

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2024 Policy Priorities

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Outlook and Introduction

Following a year in which artificial intelligence took center stage, and debates around privacy, data protection, intellectual property, antitrust, and others continued to attract attention in the U.S. Congress, the states, and internationally, we anticipate that federal, state, and international policymakers will continue to devote significant resources to developing law and policy in all these areas. The stakes are potentially higher as the United States gears up for elections that could change the balance of power in Washington and across state capitals.

AI will continue to dominate policy discourse at all levels domestically and internationally. The U.S. Senate will build on the AI Insight Forums to advance legislation addressing AI safety, national security, bias, and other concerns. The Executive Branch will focus on implementing the terms of Executive Order 14110, advancing a sector-based approach to AI risk management. States will consider numerous bills to regulate AI, possibly leading to a patchwork that creates serious challenges for individuals and businesses alike. And the European Union will finalize the text of the AI Act and begin the process of implementing requirements that could set a new baseline for global regulation.

In addition, Congress and state governments will focus on advancing legislation to address kids' online safety and privacy, which is an especially attractive topic in an election year. Congress will seek to advance children's privacy measures introduced in 2023. States are expected to introduce a bevy of new laws while they navigate ongoing litigation that has already had a notable impact on the scope of state legislation such as the California Age-Appropriate Design Code.

The Software & Information Industry Association (SIIA) is well-positioned to shape the policy discourse around these and other critical issues. As the principal trade association for the software and digital information industries, counting as members nearly 400 companies that serve nearly every segment of society, including business, education, government, and consumers, SIIA is dedicated to creating a healthy environment for the creation, dissemination and productive use of information.

Key Strategic Priorities

Protecting Childhood: Kids' Online Safety and Privacy

Kids' online safety and privacy are key priorities for SIIA both with Congress and at the state level, where dozens of troubling bills were introduced in the past year and more are likely to come. SIIA's Keep Kids Safe and Connected campaign advocates for sensible policy to make the internet safer for kids while ensuring they have access to the information and tools critical for their growth and to amplify the voices of people and organizations across the political spectrum that are concerned that legislation being considered by Congress, such as KOSA, will create privacy vulnerabilities, curtail free expression, hurt underprivileged youth, and increase the risk of harm to LGBTQ+ youth and other marginalized communities.

Schools are Different: Education as a Unique Use Case for AI

AI has enormous potential to further educational objectives, but there is a lot of work that needs to be done to create the right framework for harnessing that potential while mitigating the risks. AI in education builds on a rich data policy and privacy framework that is unique and we need to ensure that AI builds upon that framework in a consistent way that serves the needs of educators, students, and families. In 2023, SIIA worked closely with the ed tech industry to create the first ever Principles for the Future of AI in Education. Building on this foundation, SIIA will continue to work with leaders in federal and state government to advance the responsible adoption of AI in educational environments.

Rules of the Road: Responsible – and Preemptive – AI Regulation to Mitigate Harms and Foster Innovation

SIIA has been a leader in AI policy for years and will continue efforts to advance regulation and oversight focused on mitigating risks to safety and rights in high-risk systems, supporting sector-based approaches, and raising the bar for voluntary measures and industry standards. SIIA will continue to advocate for prudent AI policies that keep core objectives in mind -- public trust in the digital ecosystem, consumer confidence in AI tools, continued innovation, and US competitiveness and national security. SIIA will encourage Congress to pass legislation establishing a nationwide standard for AI that advances these objectives. And it should begin that effort by passing a comprehensive federal privacy bill, because AI is only as good and reliable as the data that goes into it. We will advocate for alignment across states as Congress continues its work, and support the White House and agencies in implementing the important measures in EO 14110.

Key Strategic Priorities (continued)

Preserving the Flow of Information: Modernizing Data Policy

We need to reshape the discussion around data policy in the United States. Data has grown exponentially year over year, yet legislative proposals remain bogged down by an outdated approach sounding in an undifferentiated fear of data collection rather than a practical discussion of undesirable use. The most salient manifestation of this trend is in the way that virtually all companies that use or distribute data become pejoratively labeled as "data brokers." This framework is incompatible with the important societally beneficial uses of data and the capabilities of privacy enhancing technologies. In 2024, we will be rolling out a series of initiatives to shape modern data policy necessary for a data-driven age.

A Catalyst for Innovation: Healthy Intellectual Property Rules

A healthy intellectual property system is essential to innovation. SIIA will continue to focus on improving patent quality and maintaining the integrity of the bipartisan reforms to the patent system enacted by the America Invents Act, and ensuring that the patent system is ready for the challenges of AI. With respect to copyright and AI, SIIA is uniquely situated to engage in this important discussion. While we believe that the courts are best equipped to sort out competing equities on a case-by-case basis, our members benefit from the certainty that licensing provides.

Privacy and Data Protection Policy

Ending the State Patchwork: Advancing Comprehensive Federal Privacy Legislation

A strong framework for privacy is a bedrock for today's digital society, individual autonomy, and a functioning democracy. SIIA will continue to advocate for comprehensive federal privacy legislation that includes meaningful consumer safeguards and serves as a uniform standard for the entire nation. We support a federal privacy law that:

- Establishes one national standard that expressly preempts state laws.
- Protects the processing and use of publicly available information and other data in the public domain, supporting innovation and socially beneficial uses and aligning with First Amendment protections.
- Supports small business and the U.S. digital economy by limiting the potential for abusive litigation based on technical violations that do not injure consumers or affect their legal rights.
- Addresses concerns about the lack of tech accountability and transparency around the collection, processing, and use of consumer data to streamline business compliance.
- Provides meaningful consumer safeguards while promoting innovation and democratic values.

Supporting Uniformity in State Privacy Legislation

SIIA will continue to advocate for state privacy laws that provide consumer safeguards, predictability for industry and alignment with other laws to avoid what has become a growing patchwork of privacy regimes in the United States.

Promoting Socially Beneficial Uses of Commercial Publishing

SIIA is a leader in advocating for preserving the right of its members to transmit accurate, lawfully acquired information and protecting a free flow of information in the public domain and available through legitimate commercial means. We support:

- Tailored exemptions to privacy laws for socially beneficial use cases such as identity authentication, fraud prevention, legal compliance and specific law enforcement needs.
- Maintaining the right of our members to distribute lawfully acquired, accurate public domain information available in government records and in widely distributed media.

Privacy and Data Protection Policy (continued)

Upgrading Privacy and Data Utility: Advancing Adoption of Privacy Enhancing Technologies

SIIA advocates for policies to accelerate adoption of privacy enhancing and privacy protective technologies (PETs). We support:

- Government and intergovernmental initiatives to evaluate PETs as pilot projects and promote widespread operational use.
- Advancing standardization efforts to foster broader market use of PETs, providing clarity that will drive market adoption.
- Development of rules to encourage and incentivize PET adoption in the private sector, particularly critical industries such as financial services and healthcare, including through legislative safe harbors.
- Elevating public policy discourse to highlight PET-driven solutions to key business, mission and social challenges.
- Using PETs to solve challenges in data sharing and analysis across borders and jurisdictional, organizational, and security boundaries.
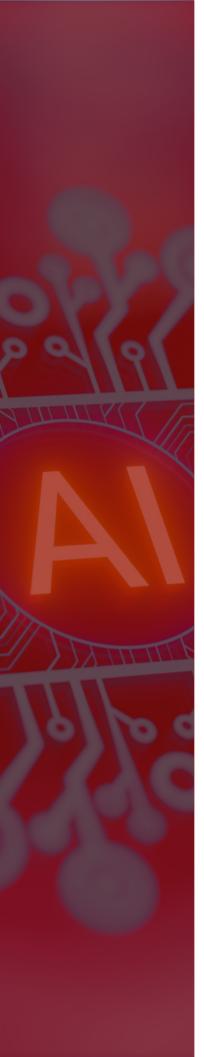
Helping Those Who Are Harmed: Ensuring Accountability for Misuse of Data and Digital Fraud

SIIA supports the FTC's role in preserving the information environment by fostering fair business practices in the digital economy and cracking down on deceptive and unfair practices in line with its statutory mandate. As the FTC pursues new initiatives in the digital economy, SIIA supports continued emphasis on fraudulent or deceptive conduct and business practices that cause demonstrable consumer harm. SIIA cautions against efforts to expand enforcement authority beyond the FTC's statutory mandate.

Seeking Justice: Advancing Diversity, Equity and Inclusion

Diversity, equity and inclusion are critical to society. In the context of privacy and data protection, we support efforts to advance diversity, equity and inclusion as a core piece of meaningful privacy reform. This includes attention to intentional and unintentional practices and outdated biases that may disproportionately affect consumers associated with different groups.

Artificial Intelligence Policy

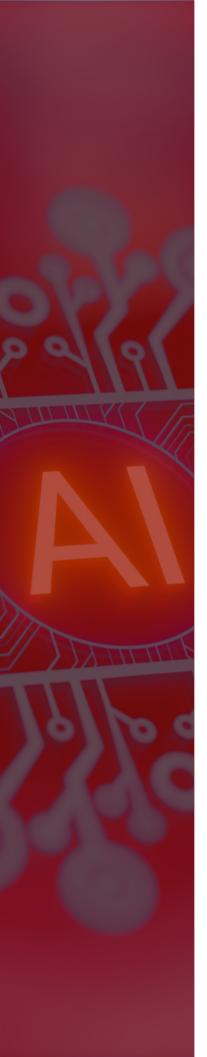**Keeping the Machines In Check: Responsible and Ethical Artificial Intelligence and Machine Learning**

SIIA is a thought leader in advocating for risk-based, technology-neutral policies and regulations designed to foster innovation while addressing key risks associated with the development and use of AI and ML tools. We support:

- Policies designed to foster trustworthy and responsible AI practices, including the mitigation of unintentional bias in algorithms and training data.
- "Future proof" policies that are technology-neutral and promote continued innovation and socially beneficial uses of AI technologies, algorithms and automated decision-making.
- Advancing sectoral-based approaches to AI guidance and regulation tailored to practices, needs, uses and impacts of AI tools in different sectors.
- Industry-led efforts to develop international technological standards.
- Bilateral, multilateral and multi-stakeholder initiatives to foster regulatory interoperability.
- Efforts by the U.S. National Institute of Standards and Technology (NIST) to advance a risk-management framework for responsible AI.
- Advancing a pro-innovation narrative around AI tools that serve important societal benefits.
- Elevating discourse around the quality of training data relied on by advanced AI tools.
- Policies to foster greater collaboration between stakeholders and access to government data sets.

Harnessing Collective Energy to Build the Policy Framework for Tomorrow

SIIA will continue its engagement to shape the emerging rules of the road for responsible AI, including:

- Engagement with the White House and Executive Branch agencies as they implement Executive Order 14110, focusing on promoting a risk-based approach to development and use of AI by the private sector and government agencies.
- Engagement with European Union officials to develop guidelines for implementation of the AI Act that reflect a truly risk-based approach and recognize compliance burden on small and medium sized companies.
- Advancing thought leadership in international forums, including the G7, the OECD, and multilateral government frameworks.
- Supporting industry-led efforts to raise the bar on responsible AI development and use.

Artificial Intelligence Policy (continued)

Building the Next Generation of AI: Advocating for Research and Development

The federal government must follow through on its commitment to advancing the US R&D ecosystem to ensure US competitiveness and help to democratize access and opportunity. The first step is passing the CREATE AI Act to authorize and fund the National Artificial Intelligence Research Resource. SIIA will also advocate for increased funding for science agencies in the Executive Branch, as authorized by the CHIPS and Science Act.

Education and Children's Policy

Creating Tomorrow's Successful Student: Promoting Education Technology

SIIA serves as the champion for the education technology industry representing small, medium and large businesses making products for PK-20 education partners. We support:

- Policies that support the unique partnership between schools and education technology vendors.
- Policies that support innovation in the education space to improve all student outcomes.
- Equitable, accessible and inclusive education supported by education technology.
- Development and implementation of a robust National Ed Tech Plan (NETP) from the U.S. Department of Education's Office of Education Technology that recognizes the unique connection between educational technology companies and state/local education agencies and aligns with relevant federal frameworks.

Supporting the Responsible Use of Artificial Intelligence

SIIA works with our members and policymakers to understand the benefits and risks of incorporating emerging technologies such as artificial intelligence in education. We support:

- Continued engagement between policymakers and industry to understand the benefits and challenges of emerging technologies.
- Elevating stories that demonstrate the positive impact of artificial intelligence in education.
- Policies that encourage innovation and protect end users.
- Policies designed to foster trustworthy and responsible AI practices between education technology companies and PK-20 education partners.
- Advancing education sectoral-based approaches to AI guidance and regulation tailored to practices, uses, needs and impacts of AI tools in PK-20 education.
- Elevating understanding and pedagogy around the quality of training data relied on by advanced AI tools in the education sector.
- Promoting transparency of AI tools used in education, including building industry support around transparency and disclosure of information necessary for educators and school communities.

Education and Children's Policy (continued)

Advocating for Investments and Policies to Support Robust Education
SIIA advocates for increased investment in all levels of education and encourages policies to bolster robust education. We support:

- Maintaining sufficient federal funding for educational priorities.
- Ensuring that schools have access to the funding and guidance they need to understand and measure student learning to develop prompt intervention efforts for those that may need additional assistance.
- Access to high-quality, affordable digital learning experiences in K-12 and higher education.
- Continued investment in ESEA Title IV-A to support well-rounded education, accessible and instructional technology, safe and healthy students and the effective use of technology in education.
- The availability of comprehensive social emotional and mental health resources for students, educators and parents.
- Support for educators through policies that support increased wages, retention and high-quality professional development to help them be safe and succeed in their jobs.
- Funding for and updates to E-rate and dramatically expanding broadband access across all parts of our country.
- Robust investments in the Institute of Education Sciences, the Department of Education's Education Innovation and Research Program and the National Science Foundation to unleash the potential of our students to thrive and our country to successfully compete in an increasingly competitive global landscape.
- Support more funding for research and development to provide data that can benefit learners, enhance educational equity, efficiency, and evaluation.
- Policies to support STEM education, including data and computer science, for early learners to learners looking to complete a credential to bolster their career. Increased awareness of and funding for adult education and literacy needs, advancing the opportunity for adult learners to engage and successfully in a competitive educational and workforce landscape.

Education and Children's Policy (continued)

Protecting Children's and Student Data Privacy

SIIA supports policies that protect student, child and minor privacy, safety and the security of personal information. We support:

- Policies that protect the privacy, safety and security of children and students.
- Policies and legislation that protect child, teen and parent rights and align with emerging global standards that do the same.
- Continued investment in the Privacy Technical Assistance Center (PTAC) which has been invaluable for the education community as we look to protect student data privacy.
- Clear guidance based on the benefits and risks of technology which provides rules for the road.
- Robust engagement with all stakeholders - students, parents, educators, administrators and industry.
- Consideration of the unique role education technology companies play in providing educators access to important data to improve student learning outcomes.

Advancing Diversity, Equity, Inclusion and Civics

Diversity, equity, inclusion and civic engagement are critical to a well-rounded education. We support:

- Summative assessments to help achieve equity by providing valid, comparable, equitable data to measure the impact of distance learning on students and instructional systems.
- SIIA also supports the inclusion of diverse perspectives to support well-rounded learning across subject areas and courses in PK-20 education, including history, social studies and civic education.
- Support an increase in Federal investments in K-12 civic education with a specific focus on cultivating students' information literacy skills in order to navigate the challenges posed by the proliferation of AI, interactions on social media, and evaluate the quality of online information.

Intellectual Property Policy

The incentives created by intellectual property law remain central to the businesses of SIIA members. SIIA's goal is to promote a healthy intellectual property ecosystem, one which provides robust incentives to invest in new technologies and the dissemination of copyrighted works while at the same time allowing room for continued innovation.

Maintaining Innovation through Patent Quality: Patent Priorities
SIIA's members both create patented technology and license it. Our members have frequently been the targets of non-practicing entities that have used the threat of litigation to extort settlements over meritless patent claims. We support:

- Efforts by the federal government to ensure that issued patents meet statutory requirements. Patent quality is critical to the health of patent incentives and many patents exist that should not have been issued. SIIA strongly supported the bipartisan America Invents Act and its inter partes review provisions and will continue to support further legislative and regulatory efforts to maintain that quality. It will actively oppose efforts to weaken those provisions.
- Efforts by the federal government to keep the scope of patentable subject matter within its historic bounds. For over two hundred years, the Supreme Court has held that patents do not protect abstract ideas and has clarified that no one has a monopoly in performing a specific task "on a computer." While momentum behind such an amendment has waned, SIIA will continue to monitor it.

Current Law Supports Creativity: Copyright Priorities
Strong copyright protection forms one of the key building blocks of the information industry. SIIA recognizes and supports existing copyright law, which has adapted well to the challenges posed by new technology. We support:

- Maintaining the freedom to contract for the use of copyrighted works remains essential. Legislatures should not mandate "reasonable terms" that interfere with the exercise of exclusive rights.
- Technological neutrality of copyright statutes including those that might prevent infringement, either for use by copyright owners or by intermediaries. A case-by-case approach to balancing the rights of copyright owners against the advances of AI when protected works are ingested into large language models.

Content and Competition Policy

Protecting the Information Lifecycle and a Healthy Digital Ecosystem
SIIA advocates for a robust application of the First Amendment and protects the three stages of the information lifecycle: creation, dissemination and productive use. We support:

- Legislation that aims to defend our democracy, guards against hate speech, protects users from harm and security risks while safeguarding the rights of online platforms to make decisions about what content to carry.
- International efforts that aim to ensure that online platforms can create safe communities for their users and promote a healthy digital ecosystem.

Promoting a Competitive Innovative Ecosystem
SIIA advocates for a healthy innovative ecosystem. We support:

- Legislation that maintains the consumer welfare standard as the primary objective of U.S. antitrust law.
- Agency enforcement policies that are based on existing law and precedent and are predictable and workable for businesses and consumers.
- Providing federal agencies with increased resources as opposed to creating new enforcement authorities.
- An implementation of the Digital Markets Act that strives for coherence between enforcement of EU and member state competition laws and allows "gatekeepers" to continue to offer the services that consumers, businesses and governments rely on.

International Digital Policy

Promoting Cross-Border Data Flows and Digital Trade

SIIA supports policies to facilitate cross-border data flows and increase the value of data in the digital economy. SIIA engages with foreign governments and officials in supporting free cross-border data flows that allow innovation to flourish. SIIA continues to advocate for international data privacy laws and reciprocity agreements to align data certification frameworks and standards across countries with shared values. SIIA believes restrictive data localization policies will create barriers to trade and free markets. We support:

- Concrete advancement of the Global Cross Border Privacy Rules (CBPR) Forum.
- Advancement of the Data Free Flow with Trust (DFFT) framework through the G7, G20 and other international bodies.

Advancing International Coordination on Digital Trade and Data Governance

SIIA actively supports international initiatives to coordinate digital policy internationally. Removal of barriers to digital trade and coordination of data governance frameworks to unlock the value of data in the digital economy, generate benefits for society, consumers and companies and further democratic tech values. We support:

- International efforts to advance frameworks for AI development and use, including the U.S.-EU Trade and Technology Council's (TTC) joint roadmap and initiatives of the Organization for Economic Co-operation and Development (OECD).
- Digital trade policies focused on cementing U.S. global leadership in tech as a catalyst for jobs, innovation, and economic growth, as well as protecting U.S.. national security interests at home and abroad.
- Promotion of digital trade policies through the Indo-Pacific Economic Framework (IPEF), the Global CBPR Forum, the G7, the G20, and the World Trade Association (WTO).
- Advocating against data localization laws in various foreign jurisdictions.

International Digital Policy (continued)

Promoting Digital Policy in the European Union

SIIA actively engages with European Union bodies to advance regulation that promotes cross-border collaboration and foster a healthy environment for the creation, dissemination and productive use of information. Key priorities include:

- Data Act. While we support the Act's objective of unlocking the value of data to foster innovation, key provisions remain impractical. SIIA will continue to engage with European and U.S. stakeholders as the law moves toward implementation.
- Artificial Intelligence Act. As the EU works to finalize and implement the AI Act, SIIA will continue to advocate for further differentiation within proposed high-risk categories to account for advanced industry and company practices for ensuring responsible AI.
- European Cybersecurity Certification Scheme for Cloud Services (EUCS). We support removal of provisions that would have a discriminatory impact on non-EU companies by restricting market access. Such provisions will have a detrimental effect on the EU economy.

Priorities in Other Areas of U.S. Digital Policy

Cybersecurity

SIIA advocates for policies to improve our nation's cybersecurity infrastructure and ability to respond to and remediate cyber threats and incidents. We support:

- Measures to strengthen public-private partnerships and coordination, both domestically and internationally.
- Policies that consider the risks and benefits of proprietary and open source software in an even-handed manner.
- Increased government funding for cybersecurity needs.

Digital Identity and Biometrics

SIIA advocates for the development of sound public policy to advance both innovation and application of advanced digital identity and biometrics technologies with appropriate data governance safeguards. We support:

- Legislation and regulation to advance adoption of digital identity technologies for use in reducing and remediating cybercrime.
- Focusing policy solutions on the collection and use of data related to immutable physical characteristics for authentication, verification and identification purposes.

Tech Solutions and Standards to Advance Online Trust and Democratic Values

SIIA advocates for policies that advance technological solutions and standards to restore trust in the online environment and advance democratic values. We support:

- Policies that foster the application of digital tools to authenticate online content and counter the proliferation of synthetic media intended to undermine the reliability of the online information environment.
- Policies that foster the application of digital tools to advance human rights and fundamental freedoms, including countering censorship and the use of technology for social control.
- Great collaboration among the private sector, government, academia and civil society to educate the public and advance solutions to critical challenges.

About SIIA

The Software & Information Industry Association (SIIA) is the principal trade association for the software and digital information industries. SIIA's membership includes more than 500 software companies, search engine providers, data and analytics firms and digital publishers that serve nearly every segment of society, including business, education, government, and consumers. It is dedicated to creating a healthy environment for the creation, dissemination and productive use of information.

SIIA strives to advance meaningful and innovative public policy solutions that speak to policymakers in the United States, in international fora, and abroad regardless of political or partisan affiliation. We believe that the best solutions are often the ones that strike a balance between the needs of government, the public, and the private sector.

Our mission is to **advance the information lifecycle** – **creation, dissemination** and **productive use**. While our members innovate new products, grow economic opportunities and create solutions – we advocate for and shape the policy debates impacting their businesses. That debate happens in these foundational areas:

Privacy & Data Protection:
Automated decision making; biometrics; cross-border data flows; data driven privacy compliance; federal and state privacy legislation; and privacy enhancing technologies

Digital Policy
Artificial intelligence and machine learning; content policy; cybersecurity; digital trade; financial information and international/EU

Education Technology
Education law; investment in education; promoting education technology; student data privacy and workforce

Intellectual Property
Competition; content policy; copyright; DMCA Section 512 and 1201; modernizing the copyright office and patent

Amicus and Litigation
First Amendment; information policy; intellectual property; privacy and state sovereign immunity

Contact Us

SIIA is committed to championing policy actions that allow you to innovate, thrive and drive our industry forward. For further details regarding SIIA's initiatives, please explore siia.net/policy. For any further inquiries, feel free to email your questions to press@siia.net.

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