Nov. 2, 2023

The Honorable Chuck Schumer Maiority Leader U.S. Senate Washington, DC 20510

The Honorable Mitch McConnell Minority Leader U.S. Senate Washington, DC 20510

The Honorable Mike Johnson Speaker U.S. House of Representatives Washington, DC 20515

The Honorable Hakeem Jeffries Minority Leader U.S. House of Representatives Washington, DC 20515

Dear Majority Leader Schumer, Speaker Johnson, Minority Leader McConnell and Minority Leader Jeffries.

We, the undersigned businesses and trade associations, collectively employ millions of Americans in all sectors of the U.S. economy. As tax policy plays a critical role in the ability of businesses to thrive, create jobs in the U.S. and effectively compete in today's global economy, we write to urge Congress to take immediate action to seamlessly extend three tax policies vital to workers and America's future: immediate R&D expensing, a pro-growth interest deductibility standard and full expensing.

Although legislation has been introduced in both chambers in support of these policies,¹ Congress must act immediately to extend these competitive tax policies. Failing to do so will put hundreds of thousands of family-supporting jobs, cutting-edge innovation and pro-growth investments in America at risk.

1. Ensure the tax code supports innovation.

Innovation is one of America's greatest strengths and a significant contributor to job creation, economic growth, competitiveness and national security. The private sector accounts for more than 75% of total research and development spending,² with small businesses alone accounting for approximately \$90 billion of all private-sector R&D investments.³ With wages and salaries comprising approximately 75% of R&D spending,⁴ the R&D amortization requirement is first and

¹ See H.R. 2673, the American Innovation and R&D Competitiveness Act and S. 866, the American Innovation and Jobs Act, which would permanently repeal the R&D amortization provision; H.R. 2788 and S. 1232, the American Investment in Manufacturing Act, which would permanently restore the pro-growth EBITDA interest limitation standard; and H.R. 2406 and S. 1117, the Accelerate Long-Term Investment Growth Now Act, which would permanently extend full expensing. ² National Center for Science and Engineering Statistics, National Science Foundation, National Patterns of R&D Resources: 2020-

²¹ Data Update, NSF 23-321, Jan. 4, 2023, https://ncses.nsf.gov/pubs/nsf23321.

³ National Center for Science and Engineering Statistics, National Science Foundation, InfoBrief, NSF 22-343, Oct. 4, 2022,

https://ncses.nsf.gov/pubs/nsf22343 and InfoBrief, NSF 23-305, Dec. 14, 2022, https://ncses.nsf.gov/pubs/nsf23305.

⁴ Internal Revenue Service, Statistics of Income, Corporation Income Tax Returns Line Item Estimates 2019, Publication 5108, Rev. 6-2022, Form 6765, https://www.irs.gov/pub/irs-pdf/p5108.pdf.

foremost a jobs issue, with R&D jobs paying an average wage of more than \$155,000.⁵ Moreover, for every \$1 billion in R&D spending, 17,000 jobs are supported.⁶

For nearly 70 years, the tax code recognized the importance of R&D by allowing businesses to fully deduct their R&D expenses in the same year they were incurred. Unfortunately, starting in 2022, the tax code has required businesses to amortize (or deduct over a period of years) their R&D expenses, making R&D more costly to conduct in the U.S. This harmful tax change has resulted in significant cash flow impacts on businesses, particularly for start-ups and small businesses, with some having to forego hiring, delay investments and take out loans to pay the higher tax bills. In fact, recent data shows that tens of thousands of jobs are at risk if the harmful R&D amortization requirement remains in place.⁷

As a result of this change, the U.S. is now one of two developed countries requiring the amortization of R&D expenses. While America's tax code makes R&D more costly, China recently expanded and made permanent a super deduction for R&D expenses, allowing companies to deduct an extra 100% of eligible R&D expenses in addition to actual R&D expenses. In fact, 17 countries, including 10 OECD countries, provide for the recovery of more than 100% of eligible R&D expenses.⁸

The amortization requirement also poses a serious threat to our national security. As the National Science and Technology Council has noted, R&D investments "are essential to ensure that the U.S. remains able to secure and protect the American people in the face" of other countries' increasing support for R&D.⁹

At a time of increasingly fierce global competition for research dollars, Congress must act immediately to ensure the next R&D dollar is spent in the U.S. Restoring immediate R&D expensing will secure America's global leadership in innovation and our nation's economic and national security future.

2. Enable businesses to finance growth.

Debt financing plays an important role in supporting growth. Many businesses need to borrow funds to finance long-term investments in equipment and facilities, which in turn help create jobs and enable them to compete effectively. At the beginning of 2022, a stricter limitation on the deductibility of interest payments on business loans went into effect, increasing the cost of financing critical investments.

Prior to Jan. 1, 2022, businesses' interest expense deductions were limited by section 163(j) to 30% of their earnings before interest, tax, depreciation and amortization (EBITDA). Interest deductions are now limited to 30% of earnings before interest and tax (EBIT). By excluding depreciation and amortization, the stricter EBIT standard acts as a tax on investment by making

⁶ See EY, Impact of the Amortization of Certain R&D Expenditures on R&D Spending in the U.S. at ii (2019), https://investinamericasfuture.org/ey-impact-of-the-amortization-of-certain-rd-expenditures-on-rd-spending-in-the-united-states/.

⁵ National Center for Science and Engineering Statistics, National Science Foundation, *InfoBrief*, NSF 23-322, Feb. 21, 2023, <u>https://ncses.nsf.gov/pubs/nsf23322</u>.

 ⁷ "New Data: Taxing R&D Will Cost U.S. More Than 260,000 Jobs Next Year If Congress Doesn't Act," National Association of Manufacturers (Dec. 16, 2022). Available at <u>https://www.nam.org/new-data-taxing-rd-will-cost-u-smore-than-260000-jobs-next-year-if-congress-doesnt-act-19948/</u>.

⁸ OECD, Tax Incentives for R&D and Innovation, <u>https://stip.oecd.org/innotax/</u>.

⁹ Subcommittee on Research and Development Infrastructure, Committee on Science and Technology Enterprise of the National Science and Technology Council, *National Strategic Overview for Research and Development Infrastructure*, October 2021, p. 23, https://www.whitehouse.gov/wp-content/uploads/2021/10/NSTC-NSO-RDI- REV_FINAL-10-2021.pdf.

it more expensive for capital-intensive companies throughout the supply chain to finance jobcreating growth.

Under an EBIT standard, capital-intensive companies face higher taxes and increased financing costs. This reduces their flexibility and liquidity when financing needed investments, ultimately making it more difficult for these job creators to raise capital, hire new workers and grow— especially at a time of soaring interest rates. In fact, a recent EY study found that failing to reverse the shift from EBITDA to EBIT will cost the U.S. economy 867,000 jobs, \$58 billion in lost wages and \$108 billion in GDP.¹⁰ The industries most impacted by the change from EBITDA to EBIT are vital to the U.S. economy, with the same study finding that 77% of interest expense disallowed under the new standard would come from the manufacturing, information, transportation and mining sectors.

Additionally, limiting business interest deductions harms U.S. competitiveness by making the U.S. an outlier compared to our peers in the OECD. Of the more than 30 OECD countries with an earnings-based interest limitation, the U.S. is the only one that employs an EBIT standard.

Congress must take urgent action to restore a pro-growth interest deductibility standard. Enabling businesses to efficiently finance growth at a time of rising interest rates will protect the U.S. economy, and particularly small and medium-sized businesses, from damaging job losses that will be felt across the country.

3. Make permanent a key incentive for capital equipment purchases.

Over the past several decades, the tax code has provided businesses with varying degrees of first-year expensing (i.e., accelerated depreciation). A 100% deduction for the purchase of equipment and machinery in the tax year purchased was in place from 2017 through 2022. Congress enacted full expensing to spur investments and ensure that the U.S. is well-positioned to attract capital in a competitive global marketplace. However, full expensing began to phase out at the beginning of 2023 and will be eliminated completely by 2027.

Given that full expensing reduces the after-tax cost of capital equipment purchases, this progrowth incentive can be vital—especially for smaller businesses with tighter margins, as it frees up much-needed capital. According to the nonpartisan Joint Committee on Taxation, accelerated depreciation policies lead to stronger investment effects, especially in small businesses.¹¹ The JCT also found that sectors with the largest workforces, such as manufacturing, agriculture, communications and wholesale and retail trade, were the most able to utilize accelerated depreciation to reinvest in their companies.

Congress must act swiftly to restore full expensing, as failing to do so will make it costlier for businesses to undertake job-creating investments in the U.S. Supporting businesses' ability to invest in capital equipment will strengthen domestic supply chains and ensure that the U.S. can compete effectively on a global scale.

 ¹⁰ "Economic Impact of a Stricter 163(j) Interest Expense Limitation," EY (October 2023). Available at https://documents.nam.org/COMM/EY_NAM_Economic_Analysis_163j_Limitation_FINAL_10_06_2023.pdf.
¹¹ See Joint Committee on Taxation, *Tax Incentives for Domestic Manufacturing* (2021). Available at https://www.jct.gov/publications/2021/jcx-15-21/.

On behalf of the millions of American workers whose jobs depend on a competitive U.S. economy, we urge all members of Congress to work together by year's end to seamlessly reinstate immediate R&D expensing, restore a pro-growth interest deductibility standard and extend full expensing. Doing so will secure the U.S. as a global leader in innovation, incentivize job-creating investments and reinforce America's competitiveness on the world stage.

Signed,

cc: The Honorable Ron Wyden The Honorable Mike Crapo The Honorable Jason Smith The Honorable Richard Neal

Alabama

Building & Earth Sciences, Inc. General & Automotive Machine Shop Huntsville/Madison County Chamber of Commerce O'Neal Industries, Inc. Prattville Area Chamber of Commerce Sabel Steel Service Inc. Shoals Chamber of Commerce Suture Health, Inc. TASSCO, LLC TechBirmingham The Business Council of Alabama Trideum Corporation

Alaska

ACEC Alaska Alaska Chamber PKS Consulting Inc RIM Architects RIM Architects LLC RSA Engineering

Arizona

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National Railroad Construction and Maintenance Association National Restaurant Association National Retail Federation National Venture Capital Association NCTA - The Internet & Television Association NSSF **Plastics Industry Association** Portland Cement Association Railway Supply Institute Semiconductor Industry Association Siemens Corporation Siemens Energy, Inc. Small Business & Entrepreneurship Council Specialty Equipment Market Association Sports & Fitness Industry Association Steel Manufacturers Association TechNet The Alliance for Competitive Taxation The American Institute of Architects The Hardwood Federation U.S. Chamber of Commerce Ultorg Inc. USTelecom - The Broadband Association Valve Manufacturers Association Vinyl Institute Window & Door Manufacturers Association Wood Machinery Manufacturers of America

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Kansas

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Nevada

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New Mexico

Class Bucks New Mexico Business Coalition New Mexico Tech Council

New York

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Kellyway Donuts LLC Kuber Management LLC LighTopTech Corp. Morse Manufacturing Co., Inc. Nimble Industries, Inc. PELLETS LLC Peloton Pernod Ricard USA LLC Pharos Enterprise Intelligence, LLC Putnam Precision Products, Inc. **Relay Nexus** Rotabull, Inc. Schatz Bearing Corporation SCHEPSOFT Stein Fibers, LLC The Business Council of New York State, Inc. Tidbyt, Inc. Trail of Bits Two Orioles UserScape Venntive Vita Rara Inc. Wendt Corporation

North Carolina

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North Dakota

Baker Boy, Inc. Brosz Engineering, Inc. Greater North Dakota Chamber Houston Engineering, Inc. MyCreativeShop, Inc. North Dakota Petroleum Council TrueNorth Steel

Ohio

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Zaclon LLC

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Pennsylvania

Advanced Optronics Inc. Allegheny Hardwood Utilization Group AnkyrBio, LLC Aptagen Labs Arconic Corporation Arieca Inc. Ariel Precision Medicine, Inc. ARIN Technologies, Inc. Astrobotic BlueTree Venture Capital BNZ Materials, Inc. Business Technology Resources, LLC CapSen Robotics, Inc. Carl Rosenberry & Sons Lumber Inc. CivicMapper Cognistic LLC Colliers Consegna Pharma Inc. Daedalus, Inc. **Digital Dream Labs** Discovery Machine, Inc. **Discovery Machine®** DorothyAI E x H, Inc. Ekto VR, Inc. EQT Corporation Equa Health, Inc. ESTAT Actuation, Inc. Evenly Odd, Inc. dba Knack **Gigawatt Digital Goliath Technologies** Greater Pittsburgh Chamber of Commerce Greater Reading Chamber Alliance GSK **Gupta Permold Corporation** Hardwood Manufacturers Association Harrisburg Regional Chamber HEBI Robotics, Inc. Impulse Technology LLC Instech Laboratories, Inc. Juniata River Valley Chamber of Commerce Koble Systems, Inc. Koppers Inc. Kurt J. Lesker Company Life Sciences Pennsylvania LifeX Global Liquid Ion Solutions, LLC

Littlestown Foundry, Inc. Logix Guru, LLC LT Machine LumiShield Technologies Lutron Electronics Main Line Chamber of Commerce Mashup U. Mason Jars Company Michael & Associates, Inc. Near Earth Autonomy NetBeez, Inc. NeuEsse Inc. Nokomis, Inc. Northeast PA Manufacturers & Employers Association **Nurse Navigator Solutions** Ocean Genomics, Inc. OK2StandUP, Inc. OneUp App LLC Optimus Technologies, Inc. Otodata Pennsylvania Chamber of Business and Industry Pennsylvania Manufacturers' Association Philadelphia Alliance for Capital and Technologies Phoenix Contact USA **Piper Creative LLC** Pittsburgh Technology Council Pyrotechnics Management Inc. Qintel Readwise. Inc. Reflective ReturnLogic, Inc. RichardsApex, Inc. Schell Games LLC Schuylkill Chamber of Commerce Sickler, Tarpey & Associates Simulations and Interactive Media Social Media Information, LLC "SMI Aware" Steel Toe Consulting LLC Strados Labs Susquehanna Civil Inc. **Technical Solutions Inc.** The Chester County Chamber of Business and Industry The Technology Councils of North America **Timesys Corporation**

Undeferred Financial Insights, LLC UpContent, Inc. W. R. Sims Agency, Inc. Wise Telemetry Wright Labs, LLC Xact Metal, Inc.

Rhode Island

Rejoiner, Inc. RevUp Capital Rhode Island Manufacturers Association RI Hospitality Association

South Carolina

AGRU America, Inc. Anderson Area Chamber of Commerce AstenJohnson Inc. Domtar Hilton Head Island – Bluffton Chamber of Commerce Milliken & Company MoonClerk LLC Schaeffler Group USA South Carolina Chamber of Commerce South Carolina Manufacturers Alliance

South Dakota

American Council of Engineering Companies of South Dakota Egger Steel Company Falcon Plastics, Inc.

Tennessee

ACEC Tennessee Asurion Chattanooga Technology Council Control Technology, Inc. Corley Mfg. Co. Eastman Greater Nashville Technology Council Gresham Smith International Paper Kingsport Chamber Middle Tennessee Lumber Co. National Hardwood Lumber Association Ramsey Solutions Snell Manufacturing Swift Sawmill Sylvamo Tennessee Chamber of Commerce Tennessee Farm Bureau Federation Tennsco LLC Wearwell, IIc

Texas

AECOM American Council of Engineering Companies of Texas Apache Corporation AT&T **Baker Hughes** BeatStara Beekeeper Studio, Inc. **Bingle LLC** Brainingcamp **BrowserCat Brumfield Labs LLC BSN SPORTS Celanese Corporation** Cirrus Logic, Inc. Colliga Apps Corp. Covie **Cubit Planning** Cypress Donuts LLC **Dell Technologies** Demergent Labs LLC Ecobat, LLC eMetric LLC FactoryFix **GFF** Architects GlobiTech GSD Group, LLC dba Get More Reviews Hewlett Packard Enterprise High End Systems High Flight Ventures, LLC James Avery Craftsman, Inc.

Jason S. Davis Solutions, LLC Kimberly-Clark Ludlum Measurements, Inc. Marathon Oil Corporation **MemoryShare** Mobile Storage Tech **NXP** Semiconductors Oil City Iron Works, Inc. **Oracle Corporation** PageDNA, Inc. Patterson TMP Operating, LLC Plastics Pipe Institute, Inc. **Plus Orthodontics** Project Services Group, Inc. Raba Kistner Inc. **Revival Health** Rodriguez Transportation Group, Inc. RSM US LLP SABIC Sayla Silicon Labs Smarter Reality, LLC Summit SygnaMap TaMolly's Mexican Restaurants Tech Titans: The Technology Association for North Texas **Texas Association of Business Texas Business Leadership Council** Texas Farm Bureau **Texas Healthcare & Bioscience Institute** Texas Instruments Incorporated Texas Partners For Philanthropy LLC Tokyo Electron U.S. Holdings, Inc. Toyota Motor North America, Inc. Trinity Industries, Inc. UglyRobot, LLC Vidalytics Vistra Corp. Wild Moon Corp. WilliamsRDM Wintco Inc. Xperiencify Inc.

Utah

BioUtah Boostly, Inc. Civic Review, Inc. GraphiumHealth, LP Justice Works, LLC O.C. Tanner Company Salt Lake Chamber Shane Murphy Enterprises SoloSuit South Valley Chamber of Commerce Utah Manufacturers Association Utah Valley Chamber of Commerce

Vermont

Associated Industries of Vermont

Virginia

ACEC Virginia Aerospace Industries Association AICC, The Independent Packaging Association Air-Conditioning, Heating & Refrigeration Institute American Composites Manufacturers Association American Frozen Food Institute American Traffic Safety Services Association AMT – The Association For Manufacturing Technology Brick Industry Association Center for American Entrepreneurship Central Fairfax Chamber of Commerce CloudFit Software LLC **Composite Panel Association Consumer Brands Association** Counterpoint Consulting, Inc. Debug Academy **Decorative Hardwoods Association Dotsquare LLC** Epiderma FMI - the Food Industry Association **General Dynamics** Grant Flow Hickman Consulting Partners

НΠ International Bottled Water Association Irrigation Association JP Harvey Engineering Solutions Metaform Meticulous, LLC Monfresh LLC National Electrical Manufacturers Association National Stone, Sand & Gravel Association National Waste & Recycling Association National Wooden Pallet & Container Association Next Degree, Inc. Northern Virginia Technology Council OrthoPreserve LLC Phase2 Technology, LLC Plumbing Manufacturers International PMMI The Association for Packaging and Processing Technologies **PRINTING United Alliance** Referral Rock Inc. **Riggins Company** Rocket Whale Products, Inc. **RTX** Corporation **RV Industry Association** SAIC Spindle Health STIHL Incorporated Strongwell **Telecommunications Industry Association** The Boeing Company **Travel Technology Association** Truck Renting and Leasing Association **Truck Trailer Manufacturers Association** Virginia Biotechnology Association Virginia Manufacturers Association Washington & Lee University

Washington

AR3Systems Inc. Association of Washington Business BeamReaders, Inc. Cadwell Industries Cherry Picking Enterprises, LLC Concrete, LLC Content Harmony Group, Inc. Economic Alliance Snohomish County Eco-Shelter Inc. Feather Financial Inc. Fintellect Inc. FixturFab, Inc. FreeHumans, LLC G2 Commercial Construction, Inc. **Glacier Peak Studios LLC** Gospel Technologies LLC Greater Spokane Inc. Greater Spokane Valley Chamber of Commerce Hint Media, Inc. Hosted Application Development, LLC Julien CPA PLLC Marici Technology Solutions Microsoft Corp. Moses Lake Chamber of Commerce Northwest Hardwoods Inc. PageDNA **Rocket Propulsion Systems LLC** Router Design LLC Shopify Apps, Inc. Studio 38 LLC SwipeWell Tacoma-Pierce County Chamber T-Mobile USA, Inc. Transparent Path spc Unreasonable Labs LLC Washington Technology Industry Association Western Hardwood Association

West Virginia

Meadow River Hardwood Lumber Co., LLC Star Plastics, LLC West Virginia Manufacturers Association

Wisconsin

A. O. SmithAIQ Global Inc.American Council of Engineering Companies of WisconsinArtworkIQ LLC

Bluebird Accounting Services Charter Manufacturing Company, Inc. Convergent Science, Inc. Electronic Theatre Controls, Inc. GoDx Inc. Headway, LLC Husco International Jonco Industries, Inc. Lake Country Manufacturing, Inc. LispCast Inc. Merrill Steel MKE Tech Hub Coalition Proteovista LLC **Rocket Clicks** Rockwell Automation Inc. Snap-on Incorporated Voximetry WD Flooring LLC Wisconsin Manufacturers & Commerce Wisconsin Technology Council

Wyoming

DecisionVault Lampuki Studios LLC