

November 7, 2023

Chairman Jason Smith
House Ways and Means Committee
1139 Longworth House Office Building
Washington, D.C. 20515

Chair Ron Wyden
Senate Finance Committee
219 Dirksen Senate Office Building
Washington, DC 20510-6200

Ranking Richard Neal
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Ranking Mike Crapo
Senate Finance Committee
219 Dirksen Senate Office Building
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Dear Chairmen Smith and Wyden and Ranking Members Neal and Crapo:

We are reaching out with a pressing concern about the “Research and Experimentation” (R&E) tax policy change that is about to inadvertently stifle American innovation and compromise our nation's leadership in science, technology, and innovation. This matter requires your prompt attention before the end of 2023, as it directly jeopardizes the survival of numerous small businesses – the lifeblood of our innovation ecosystem.

As you're aware, the 2017 Tax Cuts and Jobs Act (TCJA) upends almost 70 years of precedent in how the tax code has supported research and innovation by mandating the capitalization of R&E expenditures. This change makes the US one of only two countries to require amortization. While designed with pragmatic fiscal intentions, its real-world application is having an unintended and potentially catastrophic impact, especially on small businesses that heavily invest in research. For many companies, this will mean paying taxes on up to 90% of the funds used for R&E in 2022.

This is a devastating blow to Small Business Innovation Research / Small Business Technology Transfer (SBIR/STTR) recipients. A typical Phase I SBIR/STTR grant of \$250,000 – usually a lifeline for nascent ventures, will now become a financial albatross. Previously, the full grant amount would have been offset by R&E expenses. However, with the new tax stipulations, businesses will owe taxes on an astounding \$225,000, taxing companies for funds they never tangibly receive. Furthermore, small businesses are expressly disallowed to use any of the grant funds to cover the tax expenses. This situation is already resulting in insurmountable financial strain and bankruptcy for many of these pioneers. Indeed, many companies after spending months to craft and submit successful grant applications to the government have been forced to decline hard-won Federal funding since they cannot afford this new R&E tax burden.

The very essence of the SBIR/STTR program is to fuel technological innovation, foster commercial translation of these breakthroughs, and improve our nation's global competitiveness. With over

5,000 small businesses benefitting from the \$4 billion in SBIR/STTR funds in 2022, a significant portion of America's innovative potential is at risk. Innovations spanning from life-saving drugs to warfighter support technologies are about to die on the vine. Furthermore, this tax change is already deterring some the brightest minds from even considering entrepreneurial ventures.

Our nation has a rich legacy of leading the world in scientific advancements. Policies that hinder our progress can have long-lasting ripple effects, not just economically, but in terms of global prestige and leadership. We need these small businesses to thrive, and to keep America at the forefront of global innovation. In contrast to this 70-year step backward, China recently expanded and made permanent a super deduction for R&D expenses, doubling the incentive; indeed, 10 OECD countries allow super deductions for these crucial investments.

Thus, we strongly advocate for the deferment of the Internal Revenue Code section 174's amortization requirement concerning R&E expenditures. With negotiations to close out the FY2024 appropriations process with an omnibus bill about to begin in earnest, your swift intervention will make all the difference.

Thank you for your time, consideration and leadership in ensuring our tax policies foster growth. For further details or clarifications, please reach out to Liz Powell, Esq., MPH at lpowell@G2Gconsulting.com or Dr. Eva Garland at eva@evagarland.com.

Thank you for your understanding and timely action.

Warm regards,

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