

September 8, 2022

Dear Members of Congress,

As members of ACT | The App Association, we are the small businesses that lead the software-driven transformation of industries from healthcare and education to public safety and agriculture. To continue improving the lives of your constituents and creating sought-after jobs in your districts and states, we rely on federal policies that enable us to innovate and grow. As you return from August recess, we want to share our top priorities for the remainder of the 117th Congress and as we look towards the 118th Congress.

***Broadband.*** In the wake of Congress' historic \$65 billion investment in broadband deployment and access, lawmakers continue to play a critical role in ensuring the Administration implements the Investment in Infrastructure and Jobs Act (IIJA) according to congressional intent. However, Congress must also be vigilant for the emergence of threats to—and opportunities for—expeditious deployment of advanced networks. **We urge Congress to ensure that investment incentives for deployment, spectrum purchases, and access remain strong, while ensuring high-speed broadband is available on an equitable basis to Americans across the nation.**

***Telehealth and Digital Health Coverage.*** Federal law prohibits Medicare from covering live audio and video (telehealth) visits between caregivers and beneficiaries in the vast majority of care settings. However, Congress temporarily waived those restrictions until 151 days after the expiration of the public health emergency (PHE). With the PHE set to expire soon, the House recently passed legislation extending the waiver until 2025. Allowing telehealth coverage restrictions to snap back into place after the PHE would snatch away covered telehealth options for your constituents and many of our employees, reducing access to critical care for those who need it most. **We urge the Senate to pass the House's additional two-year extension. We also encourage both chambers to continue to move the Medicare system to value-based care arrangements that enable patients and caregivers to leverage covered digital health services.** Congress has numerous options in this regard, from requiring agencies to study medical device interoperability to perfecting rules around healthcare information blocking requirements.

***Cryptocurrency.*** We support Congress' recent attention to crypto asset markets and believe the Responsible Financial Innovation Act (S. 4356) should move forward. The legislation takes a commonsense and risk-based approach to regulation of transactions and issuance of crypto assets, including important consumer protections. We especially appreciate that the legislation includes provisions allowing participants in state regulatory sandboxes to operate across state lines with important protections—these sandboxes would enable regulators and market participants to learn valuable lessons about the risks and benefits of new crypto products and services. **As Congress debates the various pieces of this bill in the coming months and into the 118th Congress, we seek to be a resource for and supporters of the relevant committees' work.**

**Privacy.** Congress should build on its landmark progress earlier this year as the House Energy and Commerce Committee overwhelmingly approved the bipartisan American Data Privacy and Protection Act (ADPPA, H.R. 8152). The bill would impose robust privacy and security requirements and would adopt a single set of rules across all states (with some exceptions), which would provide strong protections for consumers while minimizing compliance burdens for small companies like ours. **We urge Congress to move this legislation forward and ensure that any measure passed by both chambers sets a high bar on privacy while substantially preempting state laws.** At the same time, we urge that children's privacy, including protections for teens, is given full consideration. The ADPPA does not amend or alter the federal Children's Online Privacy Protection Act (COPPA), but it would require opt-in consent for collection and transfer of covered data pertaining to adolescents aged 13 to 17. In addition to these protections for teens, Congress should also consider updating COPPA to modernize consent mechanisms and online protections for the 21<sup>st</sup> century.

**Tax Policy.** We know that opportunities periodically arise for Congress to make targeted updates to the federal tax code. As these prospects surface, we urge lawmakers to prioritize small, innovative companies. For example, as workers went mobile over the course of the pandemic, our employees sought to telework, and in general, they are every bit as effective from home as they are in the office. **Congress should consider providing federal tax benefits for teleworkers, especially those who work for small businesses.** Relatedly, the federal tax code now requires research and development expenses to be amortized over five years, adding substantial costs to research-oriented companies' balance sheets. **We urge Congress to undo the change that went into effect in 2021 and reinstate the ability for companies to deduct the entire cost of research and development in the year in which it is incurred.**

**Workforce Development and Education.** Nearly half a million jobs are open now at tech-driven companies like ours, and one of our top policy priorities continues to be access to talent. **We urge Congress to enhance resources at all levels of workforce development, including the Computer Science Education for All Act (H.R. 3602) and prioritizing computer and coding skills in Workforce Innovation and Opportunity Act (WIOA) programs.**

**Intellectual Property.** From ensuring that patent and copyright protections are accessible to small companies like ours, to protecting innovation on top of technical standards that include patented technologies, we have a range of interests in Congress' intellectual property work. **We urge Congress to oppose measures that would diminish the strength of copyright protections for software and content creators and advance policies to discourage anticompetitive conduct involving standard-essential patents.**

Thank you for taking our views into account as you return from the August work period and begin another grueling legislative month. We hope to continue to be a resource as you work to advance federal policies to achieve the goals we share.

Sincerely,

