

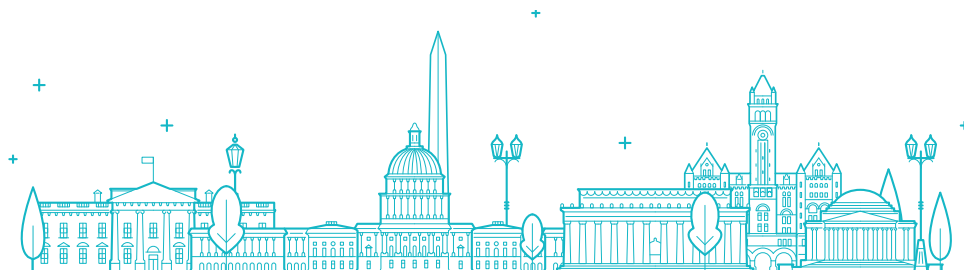
Transforming the FTC: Legislation to Modernize Consumer Protection

Testimony of

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Before the

U.S. House of Representatives
Energy and Commerce Committee
Subcommittee on Consumer Protection and Commerce



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Executive Summary

ACT | The App Association (the App Association) is the leading trade group representing small mobile software and connected device companies in the app economy, a \$1.7 trillion ecosystem led by U.S. companies and employing 205,360 people in Illinois and 237,090 in Florida.¹ Our member companies create the software that brings your smart devices to life. They also make the connected devices that are revolutionizing healthcare, education, public safety, and virtually all industry verticals. They propel the data-driven evolution of these industries and compete with each other and larger firms in a variety of ways, including on privacy and security protections.

We applaud this Subcommittee for examining measures to strengthen the capabilities and enhance the accountability mechanisms for the Federal Trade Commission (FTC or Commission). The FTC is the main privacy enforcer at the federal level and has its hands full in recent years with the proliferation of privacy, security, and other consumer protection harms. The legislation the Subcommittee considers in this hearing falls into three main buckets:

- Regulatory and enforcement expansion.
 - For example, H.R. 4447, the 21st Century FTC Act would authorize the FTC to make rules using the processes outlined in the Administrative Procedure Act (APA) and enable the Commission to seek civil penalties for first-time offenses of any provision of the FTC Act. While we recognize the need to equip the Commission with better enforcement tools, we would recommend more direction from Congress and guardrails around enhanced capabilities like APA rulemaking and civil penalties. For example, we would support legislation establishing a strong set of federal privacy requirements that preempt state laws and that enable the FTC to obtain civil penalties and conduct limited rulemakings.
- Clarifications of the FTC's authority.
 - The Statement on Unfairness Reinforcement and Emphasis (SURE) Act (H.R. 2702) would enact into statute elements of the FTC's policy guidance describing its own authority to bring cases under the "unfairness" prong of its consumer protection jurisdiction. This measure would help provide clarity as to the types of harms the FTC should target and how the Commission should conduct the unfairness balancing test, from one Administration to the next.
- Reporting requirements to aid with enforcement and oversight priorities.
 - For example, the Consumer Equity Protection Act of 2021 (H.R. 4460) would create a task force to examine unfair or deceptive acts or practices targeting or affecting consumers on the basis of race, color, religion, sex, national origin, sexual orientation, and other protected characteristics. It would also help guide oversight and enforcement with a report on related enforcement actions and conduct consumer education and outreach on schemes that target these protected characteristics.

¹ ACT | THE APP ASSOCIATION, STATE OF THE U.S. APP ECONOMY: 2020 (7th Ed.), available at <https://actonline.org/wp-content/uploads/2020-App-economy-Report.pdf>.

I. Regulatory and Enforcement Expansion

We support enhancing the enforcement capabilities and resources for the FTC to stop and prevent consumer protection harms. The FTC needs sharper teeth to stop consumer harms resulting from privacy and data security lapses in particular, as those problems have proliferated and continue to generate headlines and stoke constituent outrage. We understand the intent behind these proposals, and they are emblematic of why we oppose efforts in the House Judiciary Committee to outlaw software platform (app store / operating system combination) activities designed to protect privacy.² For example, the American Choice and Innovation Online Act (H.R. 3816) would prohibit actions by certain software platforms to advantage their own offerings, including by restricting access by other platform participants (including bad actors) to consumer data. Similarly, the Augmenting Compatibility and Competition by Enabling Service Switching (ACCESS) Act of 2021 (H.R. 3849) would require covered software platforms to enable access to consumer data by open application programming interface (API) as a default rule. The FTC is a long-time champion of the idea of privacy by design,³ which runs diametrically counter to these requirements. Although the nation's largest companies may be able to comply with these requirements, the downstream impacts on the app economy in the form of undermined consumer trust in offerings on the platforms would be substantial. For this reason, we are pleased this Subcommittee is focused on enhancing consumer protection capabilities, including in the privacy and data security context.

We support authorizing the FTC to obtain monetary remedies and conduct limited rulemakings as part of a general privacy bill. In February, we wrote a letter to this Committee in the wake of the FTC's settlement with Flo, a fertility and period tracking app, urging bipartisan agreement on federal privacy requirements.⁴ That settlement shined a spotlight on the limitations in the Commission's current authority to pursue *privacy* as opposed to data security harms. As the Commission debates whether to enforce the FTC's Health Data Breach Rule in future cases like *Flo*, the fact remains that a data breach law is an odd fit for the transfer and processing of data that companies engage in under color of authorization from the consumer (as opposed to whether the company timely notified consumers of unauthorized access to data). Nonetheless, these are the tools the FTC currently has, and we believe Congress should better equip the Commission to prevent these harms, including consumer rights to access, correction, and deletion of personally identifiable information; reasonable limits on processing activities; a preemption provision; and more stringent requirements on sensitive personal information. As more healthcare data originates and transfers outside of Health Insurance Portability and Accountability Act (HIPAA) jurisdiction, risks to consumers are propagating and a privacy regime calibrated to address heightened risks associated with sensitive personal information would address these developments. We outline our priorities for a privacy bill in more detail in our comments on this

² See Letter from Morgan W. Reed, President, ACT | The App Association, to the Honorable David Cicilline and the Honorable Ken Buck, re: Markup of Six Antitrust Bills (Jun. 22, 2021), available at https://actonline.org/wp-content/uploads/062221_ACT_HouseAntitrustBills_FTR.pdf.

³ Remarks of Comm'r Edith Ramirez, "Privacy by Design and the New Privacy Framework of the U.S. Fed. Trade Comm'n," Privacy by Design Conf. (Jun. 13, 2012), available at https://www.ftc.gov/sites/default/files/documents/public_statements/privacy-design-and-new-privacy-framework-u.s.federal-trade-commission/120613privacydesign.pdf.

⁴ Letter from Morgan W. Reed, president, ACT | The App Association, to the Honorable Frank Pallone, Chairman, United States House of Representatives Committee on Energy and Commerce and the Honorable Cathy McMorris Rodgers, Ranking Member, United States House of Representatives Committee on Energy and Commerce (Feb. 17, 2021).

Committee’s bipartisan staff consumer privacy draft⁵ and our background materials for new Members of Congress.⁶

Although we appreciate the intent behind the proposals to expand the FTC’s regulatory and enforcement powers across the board, we continue to have concerns with granting the Commission general, undirected rulemaking authority to regulate privacy harms. The same concerns extend to even more general rulemaking authority to police all consumer protection harms under the FTC’s purview, as the 21st Century FTC Act (H.R. 4447) would do. For example, in a letter to Representatives Anna Eshoo and Zoe Lofgren regarding their draft privacy legislation establishing a new agency with broad rulemaking authority, we wrote, “we also recommend providing only narrow rulemaking authority on the issue of privacy. . . . The swath of the economy and range of economic activities a new privacy regulator would oversee is too broad for it to promulgate generally applicable rules that successfully balance the finer conflicts of purpose in the many sectors that would be subject to those requirements.”⁷ A general grant of rulemaking authority to define unfair or deceptive acts or practices in or affecting commerce would completely delegate the exercise of defining limits to the Commission’s own powers to the agency itself—a task better suited to Congress. In 1980, a Democratic Congress imposed additional procedural hurdles on the Commission’s rulemaking authority—including requirements that the agency notify this Committee throughout the rulemaking process⁸—for just this reason. The sheer breadth of its purview was better adapted for an adjudicative approach and invited overreach with rulemaking.

Aside from potential overreach and its relative unsuitability in policing the dynamic markets the FTC oversees, general rulemaking also creates substantial uncertainty and potential instability. For example, an FTC controlled by one party might construct a carefully segmented regulatory regime, categorizing consumer protection harms by industry. The next Administration might have a completely different regulatory philosophy and scrap the framework entirely. Without guardrails in the statute, challenges to such a complete deletion of regulations might fail—according to jurisprudence evaluating federal agency decision-making, the courts grant “*Chevron* deference” to those interpretations.⁹ The less there is for an agency to interpret, the more leeway an agency might have to define its own goals and decisions.¹⁰ The result could be massive swings in consumer protection regulation from one administration to the next (mainly unchecked by the courts), and in all likelihood, a more purposeful focus on political aims and headlines rather than targeting practices that are net harmful to consumers. Even the Communications Act, which experts generally view as granting broad rulemaking authority to interpret its provisions, categorizes the kinds of services under the Federal Communications Commission’s (FCC’s) jurisdiction and sets forth more explicit goals for each. And yet, unfortunately, the recent changes in Administration brought fundamental shifts in the FCC’s regulatory approach to internet service, despite the Communications Act’s guardrails on FCC discretion. That is why we have advocated for Congress to establish statutory network neutrality requirements: to avoid their complete deletion by regulation, on the one hand, and the reclassification

⁵ Comments of ACT | The App Association, House Committee on Energy and Commerce Draft Framework of *Online Privacy Act of 2019* (Jan. 24, 2019).

⁶ ACT | THE APP ASSOCIATION, PROTECTING CONSUMER PRIVACY, GROWING SMALL BUSINESS, *available at* https://actonline.org/wp-content/uploads/Privacy_MOC_20_21.pdf.

⁷ Letter from Graham Dufault and Madeline Zick to the Honorable Anna Eshoo and the Honorable Zoe Lofgren, Members of Congress, re: Draft Framework of Online Privacy Act of 2019 (Jul. 18, 2019).

⁸ See the Federal Trade Commission Improvements Act of 1980 (H.R. 2313, 96th Cong.).

⁹ See *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984); *Astrue v. Capato*, 566 U.S. 541 (2012).

¹⁰ *Id.*

of internet as a Title II service in order to impose such requirements, on the other.¹¹ Even where Congress has explicitly outlined regulatory goals and purposes, shifts in Administration have brought uncertainty, especially to more dynamic markets. An approach that delegates the development of those purposes almost entirely would likely create even more uncertainty from one Administration to the next.

As Rob Coons, chief revenue officer of App Association member Walker Tracker—a platform for people to compete with each other on step challenges and similar wellness activities—points out, regulatory uncertainty falls heavily on small companies like his. For example, as states and governments overseas enact new and different general consumer privacy laws, Walker Tracker had to go back to the drawing board on its data processing agreements with employer clients. In turn, Walker Tracker now declines contracts under a certain dollar threshold with smaller companies because the costs of uncertainty are too high to justify working on smaller contracts. Further privacy shifts at the state level coupled with regulatory pirouetting at the federal level would only worsen the situation for Walker Tracker and other App Association members.

We have similar concerns with granting the Commission broad civil penalty authority for any violation of the FTC Act. Although we support granting the Commission civil penalty authority for specific kinds of offenses, including as part of a general privacy bill, civil penalties for cases of first impression would chill innovation that has a net positive effect on consumer welfare. For example, when the Commission first encountered social media influencers, it quickly developed guidance outlining proper disclosures for influencers who receive compensation for endorsing products and services.¹² A fast-developing business that blurred the lines between personal networking and advertising, “influencing” cried out for FTC clarity on when it crosses the line into deception. If the FTC had civil penalty authority—providing up to \$44,000 per violation—in cases where market participants have little notice as to where the line is for social media influencing, the cost of those potential penalties might have discouraged the practice altogether. Although influencing may have gained an unserious reputation,¹³ its emergence created legitimate livelihoods where none previously existed. And while authorizing civil penalties for first offenses—under the broad prohibitions in Section 5—would not necessarily cause the FTC to shoot first and ask questions later, it certainly could allow for such an enforcement approach.

The risk of such a regime is particularly serious for small companies like App Association members. Marc Fischer, chief executive officer of App Association member Dogtown Media, says the prospect of civil penalties in undefined cases could cause longer timelines for product and service development and higher insurance costs. Dogtown Media is a mobile media development firm that has created more than 200 apps on behalf of clients in a wide variety of industries, and like many of its peers, buys business risk insurance. As Marc points out, the costs would likely increase with the prospect of monetary penalties for first-time offenses, and the additional money he spends on those premiums should instead go toward hiring and business development.

The concerns are especially acute where companies, like Dogtown Media, are forging cutting edge uses for advanced technologies like artificial intelligence (AI). Publicly traded firms with high-powered attorneys may be able to pay heavy fines and move on, but those fines could deal a devastating financial blow to small companies like App Association members.

¹¹ Graham Dufault, “Net Neutrality is Good and so is Sponsored Data,” ACT | THE APP ASSOCIATION BLOG (Apr. 6, 2021), available at <https://actonline.org/2021/04/06/net-neutrality-is-good-and-so-is-sponsored-data/>.

¹² DISCLOSURES 101 FOR SOCIAL MEDIA INFLUENCERS, FED. TRADE COMM’N (Nov. 2019), available at https://www.ftc.gov/system/files/documents/plain-language/1001a-influencer-guide-508_1.pdf.

¹³ Influencers in the Wild, @influencersinthewild, INSTAGRAM, <https://www.instagram.com/influencersinthewild/?hl=en> (last visited Jul. 25, 2021).

Other proposals that would enhance the FTC's authority raise similar concerns for our member companies, although we would support these limited expansions in some forms in the context of a general privacy bill. For example, H.R. 3918 would expand the FTC's jurisdiction to cover non-profit entities and H.R. 4475 would expand FTC jurisdiction to cover common carriers under the Communications Act (telecommunications and wireless carriers, for example). It may make sense to clarify that the FTC has activity-based enforcement jurisdiction over these kinds of entities in a more limited context like a general privacy bill, but we would be concerned about redundantly adding breadth to the FTC's purview generally. For Communications Act common carriers and non-profit entities, we have seen provisions in privacy bills that would place both categories into FTC jurisdiction—while carving those common carriers out of Communications Act jurisdiction—for the purposes of the privacy law and regulations promulgated under it.¹⁴ The FTC is a more experienced privacy enforcer than the FCC, so it makes sense to task the FTC with monitoring privacy practices of wireless carriers instead of the FCC and doing so would promote an even playing field between similarly situated competitors. The targeted treatment of telecommunications common carriers also avoids overlapping privacy regulation of certain entities by multiple federal agencies. App Association members demand high quality services at the lowest possible costs from internet service providers and understand that subjecting them to duplicative regulatory compliance and penalties from multiple federal agencies could increase costs and diminish service quality.

II. Clarifications of FTC Authority

Several measures the Subcommittee is considering would clarify in statute the limits and applicability of FTC authority. For example, the Clarifying Legality and Enforcement Action Reasoning (CLEAR) Act (H.R. 2690) would require the FTC to disclose the legal reasoning behind its decision to close investigations without bringing a claim. It appears the idea behind this bill is to provide to entities under the FTC's jurisdiction with a better sense of what the FTC views as legal activity, as evidenced by its enforcement decisions. The FTC has a good track record when it comes to keeping entities apprised of its thinking on unfair or deceptive acts or practices. This additional requirement should complement its work and add clarity for market participants. On the competition side of the Commission, we have concerns with the removal of the unfair methods of competition (UMC) policy statement. However, the Commission could still clarify its authority on antitrust in specific contexts. For example, where patent owners have their intellectual property declared as essential to a technical standard (like 5G or WiFi), the Commission could clarify the kinds of licensing practices involving standard-essential patents (SEPs) that are likely anticompetitive and could draw enforcement actions. Anticompetitive SEP licensing conduct harms small business innovators like App Association members as well as consumers, and we urge the Commission to focus on this conduct.

A similar measure, the Statement on Unfairness Reinforcement and Emphasis (SURE) Act (H.R. 2702) would add more clarity to the kinds of acts or practices that meet the definition of "unfair" under the FTC's consumer protection jurisdiction. Congress already enacted the "balancing test" for unfairness cases in the FTC Act in 1994,¹⁵ and this bill would add more of the policy statement the balancing test is drawn from to the statute. The bill would also require the Commission to consider the Bureau of Economics' analysis as it decides whether to bring such a case. Similarly, the Revealing Economic Conclusions for Suggestions (RECS) Act (H.R. 2676) would require the FTC to include a cost-benefit analysis along with any recommendations it makes to Congress to increase its own authority. The proposal is consistent with the regulatory processes the executive branch uses

¹⁴ See, e.g., SAFE DATA Act (S. 4626, 116th Cong.).

¹⁵ 15 U.S.C. Sec. 45(n).

generally, which hold that the costs of government intervention generally should not exceed its projected benefits.¹⁶ The costs and benefits of enforcement decisions and recommendations are relevant information, and the bills require the FTC to do its homework as it enforces a purposely undefined statute or suggests legislative additions to its authority. However, we also think it is important that requirements for the FTC to undertake more rigorous analysis be coupled with additional authorities to pursue and prevent privacy and data security harms. To the extent privacy and data security harms have no cognizable economic or health impacts at all, they may still be injurious enough for the FTC—with direction from Congress—to stop them. A general federal privacy regime is necessary to clearly prohibit these kinds of practices.

III. Reporting Requirements

Reporting can help Congress conduct more rigorous and effective oversight while helping the Commission shape its own agenda. The FTC Robust Elderly Protections and Organizational Requirements to Track Scams (FTC REPORTS) Act (H.R. 2672), for example, would require a fulsome report of the FTC's plans for the upcoming year as well as its enforcement activities around elder fraud. This requirement would help the FTC and this Subcommittee better evaluate the Commission's priorities and adjust as necessary. Similarly, the Consumer Equity Protection Act of 2021 (H.R. 4460) would convene a task force to focus on harms that specifically target or affect protected characteristics like race, sex, color, religion, sexual orientation, and others. The task force would report on enforcement actions taken that would target these harms as well as on complaints the Commission receives detailing such acts and practices. A better awareness of how fraud and other unfair or deceptive acts or practices are impacting certain communities would help the Commission better adjust its enforcement agenda to ensure it can effectively address inequitable outcomes. Reporting is not costless, however, and Congress should accompany measures like FTC REPORTS and the Consumer Equity Protection Act (and the RECS Act and CLEAR Act for that matter) with additional resources. The FTC's mission is far too important for it to remain chronically underfunded and overtasked.

IV. Conclusion

We appreciate that the Subcommittee seeks our views on these bills to reform the FTC to address consumer protection harms more effectively in the wide variety of industries it oversees and in which App Association members compete. The FTC is overdue for an update to meet the challenges of the 21st century. App Association member companies want stronger federal privacy requirements in particular, including a single set of national rules governing authorized data processing activities and data security practices to prevent unauthorized access. This Subcommittee has made unprecedented bipartisan progress toward agreement on a national privacy law, and we urge that this hearing and further Subcommittee activities help inform that process along with some of the important updates we consider in this hearing.

¹⁶ See Office of Management and Budget, Circular A-4, Sec. E (requiring executive agencies to measure costs and benefits of proposed rules), available at https://obamawhitehouse.archives.gov/omb/circulars_a004_a-4/#e.

Appendix: App Economy Innovators in Your Districts

Majority

Rep. Jan Schakowsky, Chair (IL-09)

Company: Devscale

Founded in 2016, Devscale is a custom app development company with a focus on product strategy. With clients that range anywhere from small to large, Devscale helps their clients through problems in their digital strategy with a trained eye on unique user experiences and a transparent development cycle.

Rep. Bobby Rush (IL-01)

Company: Rentroster

Founded in 1990 as a real estate agency, Rentroster is an online platform that connects homeowners, home buyers, renters, and real estate agents. In 2013, the company saw an opportunity to build out a digital presence and created their Rentroster platform, which provides search features and criteria to help those looking for a home, while providing a back end that makes the application process simple and easy for the homeowner or agent to monitor.

Rep. Kathy Castor (FL-14)

Company: Homee, Inc

Located in Tampa, Homee is an online platform and mobile app that connects insurance carriers with adjusters, policyholders, and service providers throughout the claims process. Additionally, Homee's app connects homeowners and insurers to on-demand contractors and handymen to quickly and efficiently address construction issues related to any claims submitted through the Homee platform.

Rep. Lori Trahan (MA-03)

Company: Atlantis Technology

Atlantis Technology is a software development company that provides their clients with software developers and engineers who are embedded into their client's team for the duration of the project. Their service includes providing staff on site who build out the digital products they've been hired to create and then remain to help problem solve, troubleshoot, and train their client's staff, allowing for a seamless transition after the product goes live.

Rep. Jerry McNerney (CA-09)

Company: Funoon Tech

Funoon Tech is an end-to-end software design company with a focus on mobile and web development. Utilizing a variety of coding languages, Funoon Tech works with their clients to bring an idea to a final product including the development and implementation of a digital marketing and social media strategy.

Rep. Yvette Clarke (NY-09)

Company: Cityblock Health

Cityblock Health is a digital health platform and app that connects patients to in-home, community-based, and virtual care options. The company works with care and insurance providers to fill gaps in care and treatment plans. The app focuses on addressing features in home and community life that either improve or hinder adherence to care, ensuring improved patient and community health outcomes.

Rep. Tony Cárdenas (CA-29)

Company: FloQast

FloQuast is an automated accounting workflow platform created by accountants, that streamlines traditional accounting workflows by connecting a company's existing accounting toolsets like Excel and ERP workbooks through APIs. Founded in 2013 in Sherman Oaks, their platform also creates a streamlined documentation process that speeds up reporting and data analysis for companies of every size.

Rep. Debbie Dingell (MI-12)

Company: Workit Health

Workit Health is a women owned digital therapeutics company based in Ann Arbor that is focused on treating addiction. Their Workit Health app connects patients with clinicians and a community, allowing individuals to receive the communal support necessary for addiction treatment, and routine contact with mental health and clinical care givers in the discreet privacy and safety of their home or preferred treatment site.

Rep. Robin Kelly (IL-02)

Company: Branded Visions

Branded Visions is a web and mobile design firm focused on building digital products and services for local Illinois and Indiana businesses that are traditionally brick and mortar firms. Their mission is to help boost local economies by providing a web and digital presence for the businesses to connect to more customers in their hometown and other small towns.

Rep. Darren Soto (FL-09)

Company: Yac

Yac is a voice messaging platform for remote teams. Their mission is to reduce daily meetings and scheduled calls while enhancing communication and collaboration. Yac's products all center around the theory of "asynchronous" communication through voice notes. The mission is to replicate the ability to "yell across the cubicle" you often see in in-person work environments for virtual or remote teams so you can have the same sort of informal but productive communication.

Rep. Kathleen Rice (NY-04)

Company: Fat Guy Media

Located in Mineola, Fat Guy Media is a web design and digital marketing agency. Their focus is to rebuild their client's web and digital presence and to enhance their overall visibility on the internet through improved search engine optimization (SEO) as a part of their back-end service, a consistent digital brand and related marketing identity, and a focused email marketing strategy.

Rep. Angie Craig (MN-02)

Company: Avionte Staffing and Recruiting Software

Avionte Staffing and Recruiting Software, located in Eagan, provides solutions for payroll, attendance, billing, as well as customer relationship management, new job applications, and onboarding capabilities. Since opening their doors in 2005, they have served more than 900 customers and nearly 25,000 users across the United States and Canada.

Rep. Lizzie Fletcher (TX-07)

Company: For All Abilities

For All Abilities is a software platform that helps companies address and provide for their employees with disabilities. The platform assesses employees and then prescribes and trains them to use individualized supports and accommodations that meet ADA requirements.

Rep. Frank Pallone, Ex officio (NJ-06)

Company: Kidz Learn

Kidz Learn makes educational apps for kids. Their apps range from K-9 math and science to basic coding skills and are available across platforms. Kidz Learn recently adapted their apps for multiple countries and languages, including Hindi and Chinese.

Minority

Rep. Gus Bilirakis, Ranking Member (FL-12)

Company: Thinkamigo

Founded in 2011, Thinkamigo is an educational app company focused on getting kids excited about writing. Their app, Story Dice, helps give kids ideas for stories, while their apps Lists for Writers and Story Spark help kids lay out their story, build out their characters and plot points, and give them the tools they need to improve their overall writing and story structure.

Rep. Fred Upton (MI-06)

Company: SPARK Business Works

Founded in 2017, SPARK Business Works is a custom web and mobile app development firm with an office based in Kalamazoo. They also provide custom dashboards for their clients that give them tailored data collection and analysis tools so their clients can better understand the efficacy of their online presence and streamline their data analysis processes.

Rep. Bob Latta (OH-05)

Company: Spoke Design LLC

Founded in 2009, Spoke is a full-scale branding, design, and web agency. They help their customers utilize digital products and solutions to improve their overall marketing and branding strategy including services like app development and web design. The company also provides consulting services between their clients and IT partners, including cloud services and web hosting services.

Rep. Brett Guthrie (KY-02)

Company: ABR Systems Group

ABR Systems Group is an IT consulting firm helping small businesses around Kentucky make the right technology decisions for their business. From cloud providers to web hosts, cybersecurity software and network integrations, ABR Systems Group helps their clients build out the IT infrastructure they need to grow their businesses.

Rep. Larry Bucshon (IN-08)

Company: InGen Technologies, Inc.

InGen Technologies, Inc., is a software consultancy company focused on improving customer experience for their clients and improving data collection and analysis tools to improve their clients' use and understanding of data analytics. The company's mission is to unite all aspects of their clients' digital presence from apps to the web in order to improve overall digital marketing and cohesiveness.

Rep. Neal Dunn (FL-02)

Company: Execu/Tech Systems, Inc.

Execu/Tech Systems, Inc., is a hotel management software company. They create unique booking engines, point of sale systems, inventory management databases and more for their clients. Each product Execu/Tech Systems builds is scalable, so as a hotel grows, their software can grow with them. Execu/Tech Systems also trains hotel employees on their software solutions and provides troubleshooting and digital maintenance services for each of their clients.

Rep. Debbie Lesko (AZ-08)

Company: Devsoft Group

Devsoft Group is a one-man custom development firm founded in 2010. Focused on clients in manufacturing and energy, Devsoft Group works closely with their clients, building web, cloud, SaaS, and mobile and database solutions that meet the unique needs of each client's projects and business needs.

Rep. Greg Pence (IN-06)

Company: Space Tech Corp

Located in Indianapolis and founded in 2006, SpaceTech Corp is a full-service development company. SpaceTech works with their clients to build custom cloud solutions, content management system, SEO, and ecommerce solutions. Their website designs take a user-first approach with a focus on using improved user experience to help their clients reach more customers.

Rep. Kelly Armstrong (ND-AL)

Company: Bushel

Founded in 2017 and headquartered in Fargo, Bushel is an agricultural technology company that provides a subscription-based web and mobile application specifically designed to harness reliable data for every level of the grain supply chain. The Bushel platform has more than 1,000 grain facilities that are active users including producers, retailers, and processors of grain. The platform covers contracts between grain facilities and their producers with an included e-signature capability to handle business on their app – all with no paper required.

Rep. Cathy McMorris Rodgers, *Ex officio* (WA-05)

Company: Mighty Call

Located in Spokane, Mighty Call is a cloud-based communications and customer service platform founded in 1999. Their virtual phone system is designed specifically for small businesses and remote teams making it easy for teams to connect from anywhere through mobile and desktop apps. Their apps provide unique features like call availability windows, scheduling services, and the ability to mask personal cell numbers, given that privacy is a core pillar of Mighty Call's service.