U.S. Chamber of Commerce

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Anticompetitive Regulations Task Force
U.S. Department of Justice, Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, D.C. 20580

May 27, 2025

Re: Public Inquiries Regarding Anticompetitive Regulations (Docket Nos. ATR-2025-0001, FTC-2025-0028-0001)

The U.S. Chamber of Commerce appreciates the opportunity to suggest ideas to the Federal Trade Commission and the Department of Justice's Anticompetitive Regulations Task Force on ways to reduce anticompetitive regulations throughout the economy. As we navigate the complexities of today's economic landscape, we must limit the impact regulatory burdens have on growth, innovation, and competition.

In particular, the Chamber welcomes the FTC and DOJ ("the agencies") interest in advocating for pro-competitive policies with legislators and regulators at both the federal and state levels. As economists have shown empirically, poorly designed regulations can restrain trade or inadvertently determine market outcomes. Pro-competitive regulations, on the other hand, can safeguard and promote healthy competition throughout the economy. By crafting regulations with competition in mind, and by fixing flawed regulations, policymakers can address legitimate regulatory concerns while also promoting competition to benefit American consumers, workers, and entrepreneurs.

We largely organize our specific comments, by industry and by jurisdiction (federal or state), keeping in mind DOJ's focus on American households as well as the reality that many industries have evolved in highly regulated environments. We encourage the agencies to do the following:

- Advocate for the repeal of heavy-handed regulations promulgated by the previous administration, or the end of ongoing rulemakings initiated during the previous administration, that attempted to micromanage markets in ways that reduce competition.

- For national markets, use competition advocacy tools to promote uniform national standards; although the Chamber has the utmost respect for the states, many national markets benefit from the uniformity and predictability that accompany federal rules, whereas a patchwork of state laws raises compliance costs, especially for small firms.

- Continue to gather empirical data on the impact of various laws and rulemakings.

We do offer one word of caution with respect to highly regulated sectors like transportation, healthcare, and energy. Legislators and sector regulators have often deliberately chosen how to shape and in some cases manage competition. For example, the Jones Act, which requires shipping between U.S. ports in ships that are U.S. built, owned, and crewed, clearly affects competition, and likely raises prices for consumers, but reflects a deliberate policy choice.

Similarly, competition was at the heart of the debate around the Affordable Care Act and a potential public option. That debate ultimately gave way to a series of highly regulated state based private exchanges. In energy markets, some states have deliberately chosen to rely on regulated monopolies to provide utility services and govern them with strict regulatory oversight, particularly as certain aspects of energy markets can be incredibly capital intensive and accordingly benefit from scale. Even states that have chosen to deregulate certain portions of their energy markets still deliberately rely on regulated monopolies to provide other utility services due to their capital intensity and economies of scale benefits.

In all such instances involving heavily regulated markets, the Chamber encourages the agencies to recognize that competition consideration readily informed these debates and policy choices were made that may not be worth upending at this time.

Beyond these comments, we hope to have subsequent opportunities to share other ideas on ways to reduce anticompetitive regulations; given the breadth of these inquiries, which effectively span the entire U.S. economy, we would like to provide additional input after we better understand the agencies' priorities.

The Chamber believes that a strategic and balanced approach to regulation can unlock significant economic potential and empower businesses to innovate and meet consumer demands. We urge the Administration to consider the recommendations and policy areas described above as part of its deregulatory agenda and to work collaboratively with the business community to achieve these goals. By reducing regulatory burdens and revising them to promote competition, we can create a more dynamic and resilient economy that benefits all Americans.

Thank you again for this opportunity.

Sincerely,

Sean Heather
Senior Vice President
U.S. Chamber of Commerce

Suggested Areas of Focus

I. Agriculture and Food

In general, the Chamber supports regulations that promote food safety and improve the supply chain. In some instances, however, regulations may fail to achieve these ends or even hinder them. Moreover, certain regulations may impose disproportionate costs on smaller producers, thereby inhibiting their ability to compete and deterring potential new entrants. In particular, the Biden Administration promulgated multiple rules that attempted to micromanage food markets.

Below is a list of some of the most problematic federal regulations; unless otherwise noted, these rules were promulgated by the U.S. Department of Agriculture.

- Poultry Grower Payment Systems and Capital Improvement Systems (AMS-FTPP-22-0046). This Biden-era rule, which becomes effective in July 2026, effectively fixes prices in poultry markets by prohibiting compensation reductions based on a grower's performance. By banning performance-based discounts, the rule effectively redistributes payments from high-performing growers to lower-performing growers. As a result, the rule encourages less efficient and costlier poultry production, to the detriment of consumers.

- Inclusive Competition and Market Integrity Under the Packers and Stockyards Act (AMS-FTPP-21-0045). Already in effect, this Biden-era rule allows market participants to allege a violation of the Act without showing a harm to competition, a position contrary to eight federal circuit courts who have held that the Act requires proof of a harm to competition. *See Wheeler v. Pilgrim's Pride Corp*. 591 F.3d 355, 361 (5th Cir. 2009) (*en banc*). Beyond its legal shortcomings, the rule's vagueness creates significant uncertainty that could result in burdensome litigation and raise costs for all industry participants, including independent farmers, contractors, and smaller processors that are less equipped to manage additional compliance-related costs. As a result, the rule encourages less efficient and costlier food production, to the detriment of consumers.

- Transparency in Poultry Grower Contracting and Tournaments (AMS-FTPP-21-0044). This Biden-era rule, already in effect, requires live poultry dealers to submit disclosure packets to broiler growers that include pay projections, minimum annual placements, and minimum stocking density. By micromanaging poultry grower compensation, the rule increases costs, reduces efficiencies, and stifles innovation, which could reduce the American chicken industry's competitiveness internationally. For example, the rule may cause smaller industry participants to abandon novel payment systems based on relative performance. As a result, the rule encourages less efficient and costlier food production, to the detriment of consumers.

- In addition to these promulgated rules, the Biden administration proposed several pending rules that would disadvantage small producers. For example, similar to other rules, an Advance Notice of Proposed Rulemaking, Price Discovery and Competition in Markets for Fed Cattle (AMS-FTPP-24-0013), would micromanage contracts with detrimental competitive effects. In the same vein, the Environmental Protection Agency proposed more stringent effluent limitations for nitrogen and phosphorus, a rule that could result in higher prices and plant closures, particularly among smaller producers.

- Finally, several states have enacted laws on ingredients, labeling, and other topics that conflict with one another and arguably with federal law. When states enact standards that are different or more difficult to implement than in other parts of the country, or nationally, those standards become a barrier to entry in that state, limiting competition and disproportionately affecting smaller companies. For example, several states have enacted "Extended Producer Responsibility" laws that require companies to report certain packaging information and pay assessed fees related to the volume and composition of this packaging. Compliance costs may serve as barriers to entry and can discourage new products from entering certain markets. Similarly, some states are banning or requiring warning labels for certain ingredients. Again, the compliance costs can serve as a barrier to entry and can discourage new products from entering certain markets.

II. Entertainment & Online Services

Consistent with our position with respect to other national markets, the Chamber strongly advocates for federal laws that include full preemption of state standards. With these principles in mind, the Chamber highlights a few issues where the lack of clear national standards may disproportionately raise costs for smaller companies; while technology has enabled significant amounts of competition in entertainment and online service markets, these regulatory barriers are constraining additional development:

- Broader federal preemption would increase competition for a range of issues such as auto-renew laws, which apply to subscription services, sweepstakes and contest regulations, and name-image-and likeness rules. At present, federal law preempts state law only to the extent that state law is “inconsistent,” so states may pass laws more stringent than the federal requirements. This patchwork raises compliance costs, particularly where state laws conflict, as is the case with auto-renew regulations.

- The business community would benefit from clarity as to the applicability of the Americans with Disabilities Act to websites and apps, the current lack of which increases the costs of developing and operating many websites, streaming services, mobile games, and other apps, many of which are created by smaller companies. By way of background, in 2022, DOJ issued voluntary guidance regarding how websites and apps can voluntarily be made “accessible.” In 2024, DOJ issued regulations that require state and local government websites/apps to comply with certain Web Content Accessibility Guidelines, but those regulations did not address applicability of the standards to businesses.

- Finally, policymakers should focus on modernizing media and video regulations to bolster competition and increase consumer choice. The Federal Communications Commission imposes significant regulatory obligations on the cable, television and radio broadcast, and direct satellite broadcast industries, which were adopted during a time of limited competition in those marketplaces. Since then, the media and video marketplaces have undergone significant changes due to the rapid adoption of Internet streaming and social media services. To account for these marketplace changes, the FCC should, as a continuation of its *Delete, Delete, Delete* initiative, pursue deregulatory actions to update legacy media and video regulations. The Chamber suggested a list of more than a dozen ideas to the FCC pertaining to modernized media and video marketplaces.

III. Health Care

The United States has the most advanced health care system in the world, in large part due to private sector-led innovation. While Americans benefit tremendously from ongoing advancements in bioscience, technology, and care, we continue to wrestle with the challenge of making quality health care more affordable, accessible, and reliable for all Americans. The U.S. Chamber promotes value-based healthcare solutions to reduce costs, reward quality outcomes, and increase competition.

With these principles in mind, we offer a few ideas for the agencies to examine.

A. Federal Issues

- HIPAA Security Rule to Strengthen the Cybersecurity of Electronic Protected Health Information (90 Fed. Reg. 898). This rule, proposed on January 6, 2025, would revise existing standards regarding electronic protected health information. Unfortunately, this proposed rule not only would disproportionately disadvantage smaller market participants by increasing operating costs and diverting resources to compliance reporting and away from patient care but would add significant costs to the entire system with little to no value to the consumer resulting. We therefore recommend that HHS engage stakeholders to develop more workable security standards.

B. State Issues

- Particularly given that the prior administration appeared to politicize economic research, the Chamber encourages the agencies to study a variety of state laws that affect competitive dynamics in health markets, such as “any willing provider” and “freedom of choice” laws. The agencies have studied these types of statutes in the past and should consider updating their research. As another example, weak “prompt pay” laws can unfairly burden small competitors, who have less ability to weather delays in reimbursement.

- Telehealth Deregulation and Market Entry Barriers. The Chamber encourages the agencies to examine how current state-level restrictions on telehealth services undermine competition, limit innovation, and reduce access to affordable care, particularly in rural and underserved communities. During the COVID-19 pandemic, the temporary easing of telehealth restrictions led to significant gains in access and efficiency, demonstrating the potential for virtual care to expand consumer choice and reduce costs. However, as temporary waivers expire and regulatory frameworks revert to pre-pandemic norms, many states have reinstated restrictive policies that create substantial barriers to market entry.

These include requirements that providers conduct an in-person visit before establishing a telehealth relationship, limitations on the types of technology that can be used (such as audio-only services), and mandates that providers obtain a full and separate license in each state where they deliver care. These requirements impose significant compliance burdens, particularly for smaller digital health companies and new market entrants, who may lack the legal and administrative resources to navigate fifty different regulatory regimes. The Chamber urges the agencies to examine whether such regulations constitute anti-competitive barriers under the state action doctrine and to explore how greater harmonization through licensure compacts or model legislation might promote competitive parity and broader access to care.

- Scope-of-Practice Laws for Non-Physician Providers. The Chamber also encourages the agencies to investigate how certain state scope-of-practice laws create anti-competitive barriers that restrict market entry and suppress innovation. Across the country, many states continue to impose overly restrictive rules on non-physician clinicians such as nurse practitioners, physician assistants, pharmacists, and behavioral health professionals. These laws often require these professionals to operate under the supervision or collaboration of a physician, regardless of whether such oversight is clinically necessary.

  In many cases, these restrictions are not grounded in evidence or public health concerns. For example, nurse practitioners in some states are prohibited from prescribing medications, managing chronic diseases, or practicing independently despite clear evidence that such practitioners provide safe, high-quality care in these domains. Pharmacists in many states are similarly limited in their ability to initiate or modify treatment protocols, even where such practices are supported by robust clinical guidelines and have proven cost-effective in managing public health needs.

  These scope-of-practice limitations exacerbate workforce shortages and constrain the health system's capacity to meet growing demand, particularly in primary care and behavioral health. In rural and underserved areas, such rules often result in a lack of available providers and longer wait times for patients. Moreover, in an era of value-based care and team-based delivery models, enabling all providers to practice at the top of their license is essential to achieving better outcomes at lower cost.

The Chamber recommends that the agencies assess how these laws, particularly when enacted or enforced by state boards composed of market participants, may constitute a regulatory burden and stifle competition. The agencies should also consider whether these restrictions unjustifiably limit opportunities for entrepreneurial care models that could reduce costs and increase access, especially for populations that face persistent barriers to care.

- Similarly, corporation practice of medicine/nursing laws and regulations can create barriers to organizations interested in integrated, value-based care. These efforts often require significant administrative support and resources that would be challenging for individual practitioners to provide in such corporate structures. Moreover, for individual practitioners less interested in independent practice, these types of laws and regulations can limit opportunities for individuals.

IV. Transportation

Americans need modern, efficient, and secure infrastructure and transportation systems to strengthen our global competitiveness and spur a manufacturing renaissance. By eliminating certain regulations and redesigning others to promote competition, the U.S. can reduce costs for consumers and increase innovation while continuing to address legitimate regulatory concerns.

With these principles in mind, we offer a few topics for the agencies to examine, at both the federal and state levels.

A. Federal Issues

1. Airlines

In general, the federal government could best benefit consumers by working to reduce the costs of burdensome regulations and advocating for policies that would allow the air transportation sector to increase output for consumers. For example, the FAA Reauthorization Act of 2024 addresses many of these issues, such as by attempting to grow the air traffic controller and safety inspector workforce. The Chamber greatly appreciates that the Trump Administration is already working to modernize our air traffic control system and address these topics.

The Chamber also appreciates the approach regulators take to address airport slotting in a manner that promotes competition. As of the today, the U.S. has only three slot-controlled airports (LGA, JFK, and DCA), which collectively serve two cities, New York and Washington, with Newark subject to “operational authorizations” that bear some similarities to slot controls.

In the past, airport slots have rightly received significant scrutiny, but today, slots are managed in ways that appear consistent with the promotion of competition. Even as slots are allocated based on historical use and investment by incumbent carriers, they remain subject to "use or lose" rules that mandate reasonable use and that offer preferential treatment to new or limited entrants for new or open slots. The sector regulators, the Department of Transportation and Federal Aviation Administration, manage the existing slot regime and airport constraints in a manner that facilitates entry and expansion. With this background in mind, the Chamber encourages the agencies to work with the DOT and FAA to improve air space efficiency which will lead to better use of current slot allocations and benefit the traveling public.

Beyond that, we encourage the agencies to study, and ultimately to work to halt, many of the prior administration's regulatory initiatives that have significant implications for market competition. For instance, on April 30, 2024, the Department of Transportation (DOT) issued a final rule titled *"Enhancing Transparency of Airline Ancillary Service Fees,"* which mandates specific requirements for how certain fees are displayed during the online booking process, including stipulations on timing, placement, and even relative font size. This rule directly affects competition by prescribing uniform presentation standards that limit differentiation among carriers. Similarly, on April 26, 2024, DOT finalized the *"Refunds and Other Consumer Protections Rule,"* which was initially proposed in response to the COVID-19 pandemic. The rule imposes substantial costs on the industry, reflects regulatory overreach, and interferes with competitive dynamics. Rather than allowing the marketplace to operate under the longstanding framework—where DOT could address unfair or deceptive practices through enforcement—the agency chose to preempt diverse business models and transfer risk management burdens entirely to industry stakeholders.

2. Package Delivery

In recent years, the package delivery industry has grown into a $200 billion dollar industry that annually delivers almost 22 billion packages domestically. Although innovation continue to flourish, the agencies could further promote competition by examining a handful of legal and regulatory barriers.

- Federal law prohibits the performance of "customs business" by any person other than a U.S. customs broker licensed by U.S. Customs and Border Protection (CBP). In regulations and administrative rulings, "customs business" has been interpretated in a broad manner that threatens the legality of the collaborative processes that many importers use to create efficiencies in the international supply chain. By reducing the supply of logistics options, these regulations also limit consumer choice and innovation, such as technological solutions by non-broker logistics providers for customs matters.

- Together, the letter monopoly and mailbox monopoly (collectively, the postal monopoly) – both rooted in federal *criminal* laws – reduce competition for package deliveries. For instance, USPS purported to exempt from the monopoly the private carriage of letters only when those private services meet a certain price floor. During President Trump's first term, a task force noted that the letter monopoly has become "largely irrelevant, given the displacement of the mail market by the digital communications market." In a recent survey of the business models of foreign postal operators, USPS's Inspector General concedes, "abolition of the letter monopoly did not significantly harm posts financially." Instead, monopoly repeals increased incentives for efficiency and innovation.

- Similarly, the U.S. is one of the only countries that prohibits access to private mailboxes. Today, in an era of e-commerce, the mailbox monopoly law gives USPS exclusive access to the cheapest and most efficient means of delivering small packages. According to the FTC, the mailbox monopoly "raises private competitors' costs of delivering competitive products that otherwise could fit into a mailbox." Moreover, "porch piracy" cost Americans nearly $16 billion in 2023. By examining these laws and working with other policymakers, the agencies could promote competition and significantly benefit consumers.

- Finally, the agencies should study and advocate for pro-competitive changes to international postal regulations. Today, the international postal market is dominated by corporate successors of foreign postal administrations. At the Universal Postal Union (UPU), the intergovernmental organization governing international postal relations, these large postal corporations use the international legal framework to promote their commercial interests by abusing legacy customs privileges and impeding competition from private carriers — a sector in which the U.S. excels. In 2019, the UPU partially reformed "terminal dues" rates for delivery of inbound small packages adopted in 2019 under pressure from the first Trump Administration and with the support of the Chamber.

  Going forward, the agencies should advocate for strict separation of governmental and commercial interests. The international legal framework should focus on two core objectives: (1) a level playing field for competition in the distribution of commercial goods; and (2) the UPU should redefine the "single postal territory" to include members of the wider postal sector on a nondiscriminatory basis consistent with the missions of other intergovernmental organizations.

B. State Issues

Regulations should, of course, treat similar market participants similarly, neither discriminating for or against certain competitors based on arbitrary criteria. Unfortunately, several states regulate (and effectively tax) ridesharing services far more onerously than they regulate traditional taxi and limousine services, thereby distorting the market and raising costs for consumers.

The Chamber encourages the Task Force to examine state- and municipal-level regulations that threaten the flexible, time-saving, cost-effective transportation model offered by ridesharing services.

- Several states, including California, New Jersey, and New York, impose excessive uninsured and underinsured motorist (UM/UIM) insurance requirements on rideshare providers. These requirements are significantly higher than those for taxis, limousines, and personal vehicles, leading to increased costs for rideshare riders. For instance, California mandates $1 million in UM/UIM coverage for rideshare providers, while New York (exclusive of New York City) requires $1.25 million, and New Jersey requires $1.5 million. In contrast, taxis and limousines in these states have little or no UM/UIM requirements, demonstrating that mandatory UM/UIM coverage is not the goal of this type of legislation. Predictably, this unjustifiable disparity results in higher fares and fewer trips for consumers, and reduced earning opportunities for rideshare drivers.

- Rideshare providers also face selective enforcement of employment classification laws, particularly the so-called "ABC test" in California, codified by AB5. This test has been applied unevenly, exempting over 100 professions, while targeting rideshare drivers for stricter treatment. With Proposition 22, California voters overwhelmingly rejected AB5's application to rideshare drivers, a burdensome, but necessary, response to the proposed legislation. Similar legislation in Colorado and Washington would extend the uneven playing field for rideshare drivers to those states. Such selective enforcement harms competition, innovation, and consumer choice, and calls for federal guidance to promote consistency and discourage laws that shield legacy providers from competition. More broadly, the Chamber discusses gig workers here.

- Relatedly, local regulations capping commissions for rideshare-affiliated delivery services remain in place across America, despite the obsolescence of COVID-19 justifications. These price ceilings – arguably justified in 2020, but not today – restrict output, innovation, and service developments, disproportionately affecting workers and small businesses. These caps are anticompetitive and harm consumers, small businesses, and the overall market. The task force should consider working with municipalities to remove outdated price regulations to allow rideshare-affiliated delivery service providers to negotiate commission levels freely and stimulate demand.

V. Financial Services

Tailored bank regulation is essential for economic growth and competition. In 2019, the Federal Reserve issued the Tailoring Rule, implementing S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act. This rule created categories for supervising institutions based on asset thresholds, which have become static barriers to organic growth and opportunity. These thresholds should be indexed for GDP, on an ongoing basis, to reflect the current market environment, and ensure that regulations are tailored with growth in mind. Additionally, any heightened regulatory requirements that accompany growing from one category to the next should be phased in over time, to eliminate "cliff effects" that also disincentivize growth. Revisiting the Tailoring Rule and indexing these regulatory thresholds for GDP will promote growth and competition in the banking industry, which ultimately will promote economic growth and opportunity for the American business community and families alike.

VI. Cross-Cutting Issues

In addition to these sector-specific topics, the Chamber would like to highlight several topics cut across the economy.

A. Competition and Trade

In terms of trade policy, the antitrust agencies have long been deeply skeptical of anti-dumping and countervailing duty remedies for the distorting impact they have on markets and how they artificially raise prices, despite being administered in accordance with U.S. trade law. These tariffs, often applied for steel and aluminum production, distort competition and raise the price of products that rely on the metals as an input. More recently, sweeping tariffs have been imposed across numerous industries and have had the expected outcome of retaliatory tariffs that further impede U.S. companies' ability to compete in markets around the globe, potentially hindering U.S.-based companies from securing revenue needed to drive innovation and support research and development done in the United States. Such actions appear to have not considered the impact those tariffs would have on competition.

The imposition of tariffs squarely contradicts DOJ's task force announcement that specifically calls out government actions that place an "undue burden on small business" and "intentionally prohibit … lowering prices for American families." Tariffs have an outsized impact on small businesses and are paid for by American families.

B. Privacy

A patchwork of state privacy laws and regulations could hinder the ability of smaller businesses to compete. According to research by the Chamber nearly seventy percent of U.S. small businesses believe that limiting access to data would harm their operations and their ability to compete with larger companies. [1] A majority of small business owners are worried that a patchwork of state AI and privacy laws would lead to increased litigation and compliance costs which they cannot easily bear. [2] In fact according to a economic study by ITIF, a state patchwork of privacy laws could cost small businesses $200 billion in compliance costs over ten years. [3]
The California Consumer Privacy Agency Board for example has undergone a costly rulemaking that would impose sweeping new cyber audit, privacy risk assessment, and ADMT requirements that the underlying legislation's author and the Governor have said exceed their statutory authority.

States like Maryland have enacted strict data minimization laws that will hinder the ability of companies to use data for societally beneficial purposes like small business advertising as well as public health and safety. Other states like Connecticut are considering adopting the same types of strict data minimization approaches which would potentially conflict with new state AI laws like SB-205 which was passed in Colorado last year and imposes liability on companies that design and deploy AI tools that disparately "discriminate" against certain classes.

We encourage the Federal Trade Commission to work with Congress to pass national data privacy legislation based on state laws in places like Kentucky and Texas that includes strong preemption to ensure a patchwork cannot exist and provides certainty for businesses of all sizes. The Commission should refrain from comprehensive privacy rulemakings that would only act as another layer or regulation on top of an already existing state patchwork. The DOJ should work to enforce preemption of current federal laws against state laws where appropriate.

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1 U.S. Chamber of Commerce, "Empowering Small Business: The Impact of Technology on U.S. Small Business" (September 2024) *available at* https://www.uschamber.com/assets/documents/Impact-of-Technology-on-Small-Business-Report-2024.pdf.

2 *Id*.

3 ITIF, "The Looming Cost of a Patchwork of State Privacy Laws " (2022) *available at* The Looming Cost of a Patchwork of State Privacy Laws | ITIF

C. Merger, Antitrust Law & Algorithmic Pricing Regulations

The Chamber encourages the agencies to study the ongoing effects of the Biden-era merger guidelines and Hart-Scott-Rodino reporting form. Initial reports suggest that, across the economy, the HSR form is raising filing costs by a factor of ten, while the more aggressive aspects of the new guidelines continue to create uncertainty. In the coming months, at a minimum, we suggest the agencies issue an RFI to gather feedback based on the experiences of the regulated parties. Further, there are increased efforts to pass state-based antitrust laws that would undermine existing federal law and expand antitrust law and merger regulation already well regulated by extensive precedent under existing federal and state laws. The agencies should push back on such state efforts that would impose further, unnecessary costs onto U.S. companies and establish a disparate patchwork of antitrust law at the state level. Lastly, states – such as California – are proposing legislation aimed at restricting how companies price their products using innovative algorithmic models. Current federal and state antitrust laws more than adequately regulate anticompetitive conduct, including price collusion by competitors. These additional statutory regulations are unnecessary and likely to limit innovation and competitive pricing by companies.

D. State Artificial Intelligence Bills

Across the country, nearly a thousand AI bills have threatened to raise compliance costs, and in many instances insuperable barriers, to small competitors. Some of these approaches may prove inconsistent with one another and the Trump Administration's policies. For example, the Colorado AI Act attempts to regulate AI use and seeks to mitigate algorithmic discrimination, defined as AI-driven decision making that results in unlawful differential treatment or disparate impact on individuals. These types of bills could force companies to develop various risk management and compliance frameworks solely dedicated to AI system use and development, thereby creating a significant barrier to entry for smaller competitors. Accordingly, the Chamber urges the agencies to use their advocacy tools to resist overly prescriptive state AI proposals that conflict with federal law.