

# THE AGENDA FOR AMERICA'S ENTREPRENEURS

## Fair Competition

Fair competition is the underpinning of a thriving and equitable economy in which all businesses can achieve pathways to their individual success. As large businesses and online platforms continue to dominate and take hold of nearly all facets of our economy, small businesses are increasingly left at a disadvantage when competing for opportunities to expand their operations. To foster more competitive markets that promote innovation and opportunity for America's small businesses, Small Business Majority recognizes the role that federal antitrust enforcement agencies and Congress can play in ensuring that our nation's smallest businesses are able to compete on a level playing field to achieve their full potential.

- Require the Federal Trade Commission (FTC) to broadly enforce the Robinson-Patman Act of 1936, also called the Anti-Price Discrimination Act, that protects small businesses from being driven out of the marketplace via discriminatory pricing, promotional allowances, and advertising afforded to large companies. Congress should require the FTC to set aside funding annually to carry out RPA investigations and enforcement and empower state attorneys general to pursue RPA investigations. Policymakers and key agencies have not substantially enforced the RPA since the 1980s; therefore, the FTC should commit to taking enforcement actions that are needed to level the playing field for small businesses.
- Restrict the use of non-compete agreements, with few discrete exceptions, to ensure that entrepreneurs are free to start business ventures and compete in the marketplace based upon the quality of their products and services. Following the FTC's decision to abandon its 2024 final rule to ban non-compete agreements, the FTC should continue to examine the impact of non-competes on small businesses and entrepreneurship. Congress should also pass legislation like the Workforce Mobility Act (S. 2031) that would narrow the use of non-compete agreements.
- Increase competition in the credit card processing industry by passing the Credit Card Competition Act. Small businesses are burdened with swipe fees of up to 4% per transaction (and growing, absent competition in the market), which can cost a business thousands of dollars annually. These fees are a result of minimal competition and overwhelming market power between the top credit card processing networks.
- Prohibit the ability of technology platforms to impede free and fair competition through practices such as self-preferencing, forced advertising, copycatting, and exclusion by passing legislation such as the American Innovation and Choice Online Act (AICOA). AICOA would classify self-preferencing as anticompetitive and allows antitrust enforcers to hold companies accountable for restricting competition on their platform.
- Empower the top antitrust enforcement agencies (FTC and U.S. Department of Justice) by providing them with the authority and resources needed to crack down on anti-competitive practices across sectors, including healthcare, commerce, and grocery, that continue to increase prices and stifle competition for America's small businesses.
- Ensure that the development of Artificial Intelligence (AI) technologies is equipped with proper regulatory guardrails that prohibit anti-competitive tactics to be leveraged against America's small business and entrepreneurial community.