

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION**

Nomination Hearing  
Tuesday, February 25, 2025, at 10:00 A.M.

**REPUBLICAN QUESTIONS FOR THE RECORD**

**COVER PAGE**  
**Mr. Meador**

## **SENATOR JOHN THUNE (R-SD)**

1. Advanced artificial intelligence (A.I.) is a revolutionary technology that has the potential to improve health care, agriculture, logistics, supply chains, and countless other industries. How would you approach A.I. regulation to protect consumers, harness major advancement, and limit government intervention?

I endorse the principles articulated by Vice President Vance in his February 11, 2025 remarks before the Paris AI Action Summit. If confirmed, I will work with Chairman Ferguson, my fellow commissioners, and FTC staff to protect competition within the AI space and ensure that consumers are not harmed by unfair or deceptive conduct that uses AI tools.

2. Will you commit to working with this committee on a light-touch, pro-innovation legislative framework for A.I.?

*Answer:* Yes.

3. The Federal Trade Commission's section 6(b) investigative authority provides much needed transparency about data practices of large tech companies to consumers. What are your views on the FTC using this authority to provide transparency about some of the practices of the largest technology companies?

*Answer:* The FTC's 6(b) authority is an incredibly valuable tool that allows the agency to better understand how markets operate, ensuring that its enforcement efforts are efficient and well-informed, and to provide expert guidance to Congress. If confirmed, I look forward to working with Chairman Ferguson, my fellow commissioners, and FTC staff to consider future uses of the agency's 6(b) authority that may inform its enforcement and assist legislators.

## SENATOR JERRY MORAN (R-KS)

### 1. Refocusing the Commission

Mr. Meador, I have been concerned about the direction of the FTC over the past four years. During this time, the FTC has:

- pursued significant regulatory changes that encroach on Congress's legislative duties;
- departed from long-standing precedents guiding mergers and acquisitions policies that help create a pro-competition business environment in the US; and
- harmed the bipartisan work of the Commission by politicizing agency processes.

These changes have impacted the FTC ability to perform their essential consumer protection functions and significantly harmed morale at the Commission.

- Mr. Meador, if confirmed, how do you plan to address the concerns I have laid out?

*Answer:* If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that the agency's enforcement efforts adhere to our statutory authorities, reflect sound law and policy, and advance the interests of the American people.

### 2. Enforcement Approach

The FTC has a dual mandate of promoting competition and protecting consumers. The previous administration's record of aggressive antitrust enforcement over-deterred mergers and acquisitions, resulting in a sudden and sharp decline in startup acquisitions by large companies, and an enormous drop in overall acquisitions of smaller startups, which detracts from consumers by limiting access to products and services.

For example, research shows that from mid-to-late 2021 through 2024, antitrust authorities were pursuing a "process is the punishment" approach to antitrust enforcement. In fiscal year 2022 alone, the FTC and DOJ Antitrust collectively filed at least 50 merger enforcement actions, the highest rate in two decades. As a result, acquiring startups virtually ceased. In the technology industry, from 2011 and into early 2021, companies acquired more than a dozen startups every year. Yet, in 2022 and 2023, they collectively acquired just three startups per year. And in the first half of 2024, they collectively acquired zero startups.

In fact, the exit valuations of all startups declined and the shutdown rate for startups increased massively. In the late 2010s, the median company exit multiple for tech startups was between 0.7 to 0.8—the median startup exit was an acquisition at a slight loss for venture capital investors. In 2023 and the first half of 2024, it was zero—meaning the median startup exit was no longer an acquisition, but a shutdown and total loss.

- Mr. Meador, can you share your philosophy on enforcement—how would you decide when to pursue litigation versus negotiation with companies?

*Answer:* The FTC should be prepared to litigate any matter where it believes there has been a violation of the law that has harmed consumers. In some cases, the most efficient and effective way to protect consumers will be to enter into a negotiated settlement with a defendant, known as a consent decree. The FTC should always remain open to consent decrees where they can effectively protect consumers from the harm at issue, but at the same time should be willing to litigate to a verdict where necessary.

- Do you agree that overly rigorous antitrust enforcement stunts the growth and success of innovative small businesses?

*Answer:* Rigorous antitrust enforcement is essential to maintaining the competitive markets that promote innovation, entry by new competitors, and benefit consumers. Markets and consumers are harmed, however, by under- or overenforcement that strays from the law.

- Given the recognized importance of frontier technologies and long-term U.S. economic growth, innovation, and technological leadership, what steps will you take to provide clarity and predictability to antitrust enforcement to ensure that they continue to draw investment and innovation?

*Answer:* If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that we are providing all appropriate guidance to the business community regarding the agency's enforcement policies.

- Will you commit to antitrust enforcement that will focus on the interest of consumers and will not have a negative impact on consumer prices and small businesses?

*Answer:* Ensuring that antitrust enforcement benefits consumers and competition should always be at the forefront of every enforcement decision.

- What steps will you take to remove regulatory taxes that your agency placed on businesses during the last administration?

*Answer:* If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that the agency is not imposing any unnecessary burdens on parties appearing before the Commission. The FTC should protect competition and consumers by enforcing the laws written by Congress, not by abusing administrative processes.

- Will you reimplement guidance to help businesses ensure that they are complying with the antitrust laws and avoid the risk of an investigation?

*Answer:* If confirmed, I will work with Chairman Ferguson, my fellow commissioners, and FTC staff to fully and fairly enforce each of the laws that Congress has given the agency to execute.

Those enforcement efforts should follow the text of the relevant statutes, and priority should be given to matters that present the greatest risk to American consumers.

### **3. Challenges to U.S. Trade Leadership**

Over-enforcement and *ex-ante* digital regulatory experiments in Europe, like the Digital Markets Act, have already resulted in initial harms to consumers and businesses. We have also seen that innovative companies have delayed or halted launches of new products entirely in the EU. For example, Apple and Meta have delayed the launch of certain AI services in Europe as a result of the increased regulatory burdens imposed by the DMA.

President Trump recently criticized Europe for its regulatory approach, exemplified by the DMA, that is unfairly targeting U.S. tech firms. This type of regulatory overreach risks undermining the transatlantic cooperation that has helped to ensure the United States and our allies lead in the global technology race. China is also targeting U.S. tech companies, using antitrust as a tool to undermine America's technology leadership.

- Mr. Meador, how would you work to counterbalance these challenges to American leadership?

*Answer:* American law enforcers and regulators should always put America first. If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to advance the interests of the American people.

- What role can your agency play in preventing these regulatory regimes from spreading to additional countries?

*Answer:* The FTC should focus on enforcing *American* laws, to protect *American* consumers. Precious taxpayer resources should never be spent on helping other nations regulate American companies. If confirmed, I will work with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that the FTC is focused on putting America first.

- Will you distinguish yourself from the prior administration on the way the agency worked with USTR on promoting innovation and competition abroad by standing up for American companies in multilateral fora?

*Answer:* It is paramount that all Executive Branch agencies put America first. If confirmed, I will work with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure the agency follows this approach.

### **4. Competition in General**

American leadership across all industries, particularly in digital markets, is being challenged by regulatory regimes worldwide that are intent on picking winners and losers. These experimental regulatory regimes, like the European Union's Digital Markets Act, penalize businesses and consumers alike through higher costs and may result in reduced innovation.

U.S. antitrust enforcers should carefully consider how overly burdensome rules and regulations can stifle innovation and entrepreneurialism. Robust competition that prioritizes benefits to consumers, rather than competitors, is fundamental to ensure America's continued global leadership in dynamic and innovative markets.

The U.S. is the leading global exporter of innovative new technology, and home to many start-ups and small businesses, particularly in the tech sector. These startups, which have been paramount in advancing the technological leadership of the U.S., rely heavily on mergers to support their products getting into consumers' hands and to continue to attract essential early-stage investment. Likewise, the focus on consumer welfare has been the foundation of our antitrust analysis for decades, and with it, the U.S. has led the world with a highly competitive and innovative technology industry.

- Mr. Meador, what steps will you take to ensure that enforcement of the antitrust laws does not stifle innovation and reduce consumer benefits?

*Answer:* If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that all agency enforcement actions are undertaken to promote the welfare of consumers.

- Will you commit to reviving the consumer welfare standard as the agency's guiding principle?

*Answer:* The welfare of consumers must always be the north star of antitrust enforcement. If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that all agency enforcement actions are undertaken to promote the welfare of consumers.

- Will you commit to ensuring that your agency will use its taxpayer-funded resources to pursue cases only when they risk harm to consumers?

*Answer:* If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that all agency enforcement actions are undertaken to promote the welfare of consumers.

- What policies and guidelines should be prioritized to ensure that antitrust enforcement in the U.S. does not impede innovation and consumer benefits?

*Answer:* If confirmed, I look forward to consulting with Chairman Ferguson, my fellow commissioners, and FTC staff to evaluate all ongoing enforcement efforts to determine what steps we can take to best protect innovation and consumers.

- In recent years we have also seen increased international regulatory and enforcement scrutiny against merger activity by predominantly U.S. firms, particularly in digital markets. As international competition enforcers increase their focus on American tech

firms, what steps can be taken to preserve America's global competitive advantage in these areas?

*Answer:* If confirmed, I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that all agency enforcement actions are consistent with our statutory authority and in the interests of consumers.

## **5. Regulations**

Many have raised concerns about the changes to the new HSR premerger notification rules and their disparate negative impact on small businesses and start-ups. These rules will considerably increase costs and time to prepare for a merger notification. While larger companies can afford to comply with the extra document procurement and work hours, small businesses and start-ups will likely struggle to meet the increased demands. The new rules have also been challenged in court for violating the Administrative Procedures Act as being unnecessary and overly burdensome.

With the final rule for the HSR premerger notification form now in effect, it will also expand the scope of documents required to be submitted, and increase the time for merging parties to prepare for a filing by up to 121 additional hours per filing according to the FTC—a number that many companies that actually prepare these filings suggest is too low—increasing the time and resources needed for the Agencies to review these proposed deals.

The new HSR rules result in a substantial amount of additional information being produced to the agencies and will require additional time by staff to review these filings. The FTC opened an investigation into 2% of mergers for which it received an HSR in 2024 and issued Second Requests to fewer than that.

- Mr. Meador, given that over 95% of notified merger transactions do not present a competitive risk, is this the best use of the Agency's resources?
- Will you commit to repealing the new HSR rules, and to work with the FTC to restart the rulemaking process in order to adopt a new rule that does not negatively impact merger activity?

*Answer:* While I cannot prejudge any matter that may come before me as a Commissioner, if confirmed I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that the agency's merger review process is both efficient and effective.

## **6. Data Privacy**

In previous Congresses, I have sponsored legislation establishing a strong federal data privacy standard for Americans that also provides certainty to businesses that collect and process consumer data.

I believe it is important for Americans to control how their data is collected and used by companies, and I think there is a growing national security argument for a strong federal standard for data privacy and security. The situation with TikTok and recent large-scale cyberattacks have shown how dire the situation for consumer data is in this country.

- Mr. Meador, do you agree that a federal data privacy and security law is needed to protect Americans' data?
- If directed by the law, do you believe the FTC would be able to enforce such a standard, assuming appropriate guidelines are in place to prevent overreach by the Commission?

*Answer:* Protecting Americans' data is incredibly important. If confirmed, I look forward to working with you and your office—as well as Chairman Ferguson, my fellow commissioners, and FTC staff—to ensure the FTC has all of the tools it needs to protect American consumers and enforce the laws written by Congress.

## **7. Artificial Intelligence / DeepSeek**

DeepSeek's emergence in the AI race has sparked concerns over the United States' ability to maintain its lead in this critical technology. In remarks on January 30, 2025, FTC Commissioner Melissa Holyoak argued that “we must avoid slowing innovation in artificial intelligence through misguided enforcement actions.” She went on to observe that “[w]e have a vested interest in keeping America first when it comes to AI technology.”

- Mr. Meador, do you agree with Commissioner Holyoak on the importance of encouraging innovation and keeping America first when it comes to AI?

*Answer:* Innovation is incredibly important, and America must be the leader in AI.

## **8. Elder Fraud / Stop Senior Scams Act**

In 2023, individuals aged 60 and older reported losses exceeding \$3.4 billion due to scams, marking an 11% increase from the previous year.

In 2022, Congress passed the Stop Senior Scams Act, a bill that I introduced with Senator Casey. This law tasks the FTC with setting up an advisory group focused on senior scams and aims to enhance coordination between the federal government, businesses, and consumer advocacy groups to protect seniors from scams.

- Mr. Meador, considering that older Americans face disproportionate financial losses from scams—with estimates of billions lost and significant underreporting—what concrete initiatives or policy changes do you plan to champion at the FTC to strengthen enforcement and improve outreach to protect our vulnerable seniors from these sophisticated fraud schemes?



*Answer:* If confirmed, I will consult with Chairman Ferguson, my fellow commissioners, and FTC staff to get up to speed on the agency's current enforcement efforts in this area and ensure that we are doing everything we can to protect American consumers.

## **9. Future Consumer Protection Issues**

- Mr. Meador, what consumer protection challenges do you believe the FTC should address in the coming years? How does the rise of new technologies, including artificial intelligence, influence the focus of the FTC?

*Answer:* As I observed in my opening remarks, "One of the FTC's most important missions in the years to come will be using its consumer protection authority to safeguard families from those seeking to take advantage of the most vulnerable." Protecting our children is of the utmost importance, especially as attempts to take advantage of them are turbocharged by AI.

## SENATOR DAN SULLIVAN (R-AK)

1. The antitrust statutes are famously brief. They don't say "big is bad," nor that all mergers are bad. However, the focus on consumer welfare has been the foundation of our antitrust analysis for decades. From mid-to-late 2021 through 2024, antitrust authorities were pursuing a "process is the punishment" approach to antitrust enforcement. In fiscal year 2022 alone, the FTC and DOJ Antitrust collectively filed at least 50 merger enforcement actions, the highest rate in two decades.

These actions ran the gambit from providing a chilling effect on innovation, resulting in a sudden and sharp decline in tech startup acquisitions by large companies, to also focusing on the necessary actions to monitor consumer welfare, such as the Albertsons-Kroger merger which would have had unique impacts on Alaska.

Alaskans were concerned about how this now cancelled merger would affect consumer prices, the state's food security, and Alaskan employees and their union contracts. The FTC found that the merger would likely reduce competition and raise prices—putting further strain on working families in our state

- The FTC must strike a balance as it uses its taxpayer-funded resources to pursue cases only when they risk harm to consumers, and not stifle innovation and consumer benefits. What steps will you take to ensure that enforcement of the antitrust laws does not stifle innovation and reduce consumer benefits?
- What do you think is the appropriate goal of antitrust enforcement?

*Answer:* If confirmed, I will work with Chairman Ferguson, my fellow commissioners, and FTC staff to fully and fairly enforce each of the laws that Congress has given the agency to execute. Those enforcement efforts should follow the text of the relevant statutes, and priority should be given to matters that present the greatest risk to American consumers.

2. The public and U.S. markets have historically benefited from FTC's role to protect the public from deceptive or unfair business practices and from unfair methods of competition.

Under the last Administration, Chair Lina Khan chose to use the FTC to score political wins, through costly, unwinnable litigation based on dubious legal theories, and through expansive, burdensome, and overly prescriptive rulemaking.

- If confirmed as Commissioner, how will you prioritize what rulemakings need to be rescinded, and which litigation should be dismissed?

*Answer:* While I cannot prejudge any matter that may come before me as a Commissioner, if confirmed I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that any FTC rulemakings or enforcement actions are based on clear statutory authority and in the interests of American consumers.

3. The geopolitical threat China poses is acute when it comes to high technology. Whether it's national security or economic security, America must remain ahead of China in developing and deploying cutting-edge technologies.

- How should the threat posed by China be incorporated in antitrust analysis, so that we ensure American consumers benefit from competition, while our leading U.S. tech companies are globally competitive against foreign rivals?
- Given the recognized importance of frontier technologies and long-term U.S. economic growth, innovation, and technological leadership, what steps will you take to provide clarity and predictability to antitrust enforcement to ensure that they continue to draw investment and innovation?

*Answer:* American antitrust enforcers must ensure that foreign firms are not violating our antitrust laws to gain an unfair advantage over American companies. They must also ensure that American markets remain competitive so that our free-market economy continues to lead in technological innovation and development.

## SENATOR JOHN CURTIS (R-UT)

1. Last fall, a week after election day, the Biden Administration's Federal Trade Commission (FTC), issued final amendments to the Negative Option rule. Utahns are concerned that the Negative Option rule will not only harm our country's growing subscriptions economy, but that it will curb innovation and impose unnecessarily stringent requirements on legitimate American businesses, all to the detriment of consumers.

Many companies impacted by the Negative Option Rule have best practices around their subscription-based services so that their customers have an experience that is transparent and flexible to meet their needs and budgets. In her dissent to this rule, FTC Commissioner Holyoak noted, "the Rule's breadth incentivizes companies to avoid negative option features that honest businesses and consumers find valuable" and that "even honest businesses will have reason to reconsider the use of negative option billing now that it means subjecting themselves to potential civil penalties for misreading Commission tea leaves." She also notes that parts of the rule "ultimately, may harm consumers."

- Mr. Meador, do you agree with Commissioner Holyoak's statements? Why?

*Answer:* While I cannot prejudge any matter that may come before me as a Commissioner, if confirmed I will work closely with Chairman Ferguson, my fellow commissioners, and FTC staff to ensure that any agency rulemakings are based on clear statutory authority and in the interests of American consumers.

2. Another item of concern for me on the Negative Option Rulemaking was its failure to follow proper procedure in finalizing the rule. Again, looking to Commissioner Holyoak's dissent, she notes that, for multiple reasons she is "convinced that this rulemaking has failed to satisfy [the FTC Act] Section 18's requirements for rulemaking." It is crucial to me and the people of my state that our Federal Government is not side stepping the official rule making process in releasing regulation, such as this one.

- As an FTC Commissioner, will you work to ensure that the FTC will not take short cuts in its rule making process in the future?

*Answer:* Yes.