

Press Release



Changes in Merger Policy Yet To Translate Into Increased Enforcement

PAULINA ENCK | MARCH 19, 2024

President Biden’s July 2021 executive order (EO) on Promoting Competition in the American Economy cemented competition policy among the top priorities of “Bidenomics.” In a new insight, Competition Economics Analyst Fred Ashton walks through the EO’s impact on antitrust enforcement, discusses how the policy has failed to meet its intended goals, and considers its future beyond the Biden Administration.

Ashton concludes:

The Federal Trade Commission and Department of Justice have shifted merger enforcement priorities away from a focus on market power and its effect on consumers toward a “whole-of-government” approach to merger enforcement designed to remedy the alleged harms of industrial concentration and corporate dominance.

More than two-and-a-half years into this experiment, new policies and harsh rhetoric have failed to translate into tougher merger enforcement and have led to a series of losses in court. It is possible that this new approach will be short-lived and a change in administration could return the agency to its previous mission of protecting consumers from mergers that result in increased market power.

[Read the analysis](#)