Press Release

Biden’s Antitrust Autopsy

PAULINA ENCK | JANUARY 16, 2025

Just months into his term in office, President Biden issued an executive order on competition policy that upended the competition regime that had been in place for more than 40 years. In a new insight, Director of Competition Policy Fred Ashton reviews the Biden Administration’s antitrust agenda – which replaced the consumer welfare standard with a big-is-bad approach to enforcement – and considers its potential lasting effects.

Ashton concludes:

> *While the Biden Administration came out swinging against the competition regulatory regime that had been in place for more than 40 years, its antitrust enforcers largely failed in unseating the consumer welfare standard as the guiding principle of antitrust enforcement. There are, however, reasons to believe that the focus on market concentration may have staying power in the next administration. While business competitors may benefit under the continuation of such a regime, consumers would suffer.*

Read the analysis