

Locke Lord QuickStudy: President Biden Issues Sweeping Executive Order Directed at Promoting Competition in the American Economy

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On July 9, 2021, President Joe Biden signed an expansive [Executive Order](#) directed at increasing competition in the U.S. economy. The Executive Order contains 72 initiatives pertaining to more than a dozen federal agencies, which address a wide spectrum of competition issues across many different industries. Included among the more significant initiatives are ones that:

Labor Markets

- Encourage the Federal Trade Commission (FTC) to ban or limit non-compete agreements.
- Encourage the FTC to ban unnecessary occupational licensing restrictions that impede economic mobility.
- Encourage the FTC and Department of Justice-Antitrust Division (DOJ) to strengthen antitrust guidance to prevent employers from collaborating to suppress wages or reduce benefits by sharing wage and benefit information with one another.

Healthcare

- Direct the Food and Drug Administration to work with states and tribes to safely import prescription drugs from Canada, pursuant to the Medicare Modernization Act of 2003.
- Encourage the FTC to issue rules banning “pay for delay” and similar agreements in the prescription drug industry.
- Encourage the DOJ and FTC to review and revise their merger guidelines to ensure patients are not harmed by hospital mergers.

Agriculture

- Direct the U.S. Department of Agriculture to consider issuing new rules under the Packers and Stockyards Act, making it easier for farmers to bring and win claims, stopping chicken processors from exploiting and underpaying chicken farmers, and adopting anti-retaliation protections for farmers who speak out about bad practices.
- Encourage the FTC to limit powerful equipment manufacturers from restricting people’s ability to use independent repair shops or do DIY repairs—such as when tractor companies block farmers from repairing their own tractors.

Internet Service

- Encourage the Federal Communications Commission to prevent Internet Service Providers from making deals with landlords that limit tenants' choices for internet service.

Technology

- Encourage the DOJ and FTC to scrutinize mergers between technology companies more closely, especially by dominant internet platforms, with particular attention to the acquisition of nascent competitors, serial mergers, the accumulation of data, competition by “free” products, and the effect on user privacy.

In the coming days, Locke Lord plans to issue additional QuickStudy articles on different key initiatives contained in the Executive Order. These QuickStudy articles will provide more details, analysis, and commentary about the various initiatives contained in the July 9, 2021 Executive Order.

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