

Antitrust and a new administration: Important developments

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Many have anticipated that the Biden Administration and Democratic-controlled Congress would push for changes in antitrust enforcement policy, particularly with respect to mergers. There were two important developments on this front today regarding merger reviews. First, the agencies announced a formal suspension of the HSR early termination program, citing an unprecedented volume of recent filings and the transition to a new administration. These are events that have faced the agencies in the past, and two FTC Commissioners, Phillips and Wilson, have published a statement opposing the new policy. Second, Senator Klobuchar introduced far-reaching legislation that would, among other things, impose tougher antitrust standards for mergers and exclusionary conduct and adopt presumptions against large or dominant firms.

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