# [***81 FR 23417***](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5JK6-9P50-006W-849N-00000-00&context=)

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Presidential Documents

**Reporter**

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**Title:** **Title 3--**

**The President**

**Steps to Increase *Competition* and Better Inform Consumers and Workers to Support Continued Growth of the American Economy**

**Agency**

PRESIDENT OF THE UNITED STATES

**Identifier:** **Executive Order 13725 of April 15, 2016**

**Text**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to protect American consumers and workers and encourage ***competition*** in the U.S. economy, it is hereby ordered as follows:

**Section 1**. *Policy.* Maintaining, encouraging, and supporting a fair, efficient, and ***competitive*** marketplace is a cornerstone of the American economy. Consumers and workers need both ***competitive*** markets and information to make informed choices.

Certain business practices such as unlawful collusion, illegal bid rigging, price fixing, and wage setting, as well as anticompetitive exclusionary conduct and mergers stifle ***competition*** and erode the foundation of America's economic vitality. The immediate results of such conduct--higher prices and poorer service for customers, less innovation, fewer new businesses being launched, and reduced opportunities for workers--can impact Americans in every walk of life.

***Competitive*** markets also help advance national priorities, such as the delivery of affordable health care, energy independence, and improved access to fast and affordable broadband. ***Competitive*** markets also promote economic growth, which creates opportunity for American workers and encourages entrepreneurs to start innovative companies that create jobs.

The Department of Justice (DOJ) and the Federal Trade Commission (FTC) have a proven record of detecting and stopping anticompetitive conduct and challenging mergers and acquisitions that threaten to consolidate markets and reduce ***competition***.

Promoting ***competitive*** markets and ensuring that consumers and workers have access to the information needed to make informed choices must be a shared priority across the Federal Government. Executive departments and agencies can contribute to these goals through, among other things, pro-***competitive*** rulemaking and ***regulations***, and by eliminating ***regulations*** that create barriers to or limit ***competition***. Such Government-wide action is essential to ensuring that consumers, workers, startups, small businesses, and farms reap the full benefits of ***competitive*** markets.

**Sec. 2**. *Agency Responsibilities.* (a) Executive departments and agencies with authorities that could be used to enhance ***competition*** (agencies) shall, where consistent with other laws, use those authorities to promote ***competition***, arm consumers and workers with the information they need to make informed choices, and eliminate ***regulations*** that restrict ***competition*** without corresponding benefits to the American public.

(b) Agencies shall identify specific actions that they can take in their areas of responsibility to build upon efforts to detect abuses such as price fixing, anticompetitive behavior in labor and other input markets, exclusionary conduct, and blocking access to critical resources that are needed for ***competitive*** entry. Behaviors that appear to violate our ***antitrust*** laws should be referred to ***antitrust*** enforcers at DOJ and the FTC. Such a referral shall not preclude further action by the referring agency against that behavior under that agency's relevant statutory authority. **[\*23418]**

(c) Agencies shall also identify specific actions that they can take in their areas of responsibility to address undue burdens on ***competition***. As permitted by law, agencies shall consult with other interested parties to identify ways that the agency can promote ***competition*** through pro-***competitive*** rulemaking and ***regulations***, by providing consumers and workers with information they need to make informed choices, and by eliminating ***regulations*** that restrict ***competition*** without corresponding benefits to the American public.

(d) Not later than 30 days from the date of this order, agencies shall submit to the Director of the National Economic Council an initial list of (1) actions each agency can potentially take to promote more ***competitive*** markets; (2) any specific practices, such as blocking access to critical resources, that potentially restrict meaningful consumer or worker choice or unduly stifle new market entrants, along with any actions the agency can potentially take to address those practices; and (3) any relevant authorities and tools potentially available to enhance ***competition*** or make information more widely available for consumers and workers.

(e) Not later than 60 days from the date of this order, agencies shall report to the President, through the Director of the National Economic Council, recommendations on agency-specific actions that eliminate barriers to ***competition***, promote greater ***competition***, and improve consumer access to information needed to make informed purchasing decisions. Such recommendations shall include a list of priority actions, including rulemakings, as well as timelines for completing those actions.

(f) Subsequently, agencies shall report semi-annually to the President, through the Director of the National Economic Council, on additional actions that they plan to undertake to promote greater ***competition***.

(g) Sections 2(d), 2(e), and 2(f) of this order do not require reporting of information related to law enforcement policy and activities.

**Sec. 3**. *General Provisions.* (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Independent agencies are strongly encouraged to comply with the requirements of this order.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals. **[\*23419]**

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

/S/ Barack Obama

THE WHITE HOUSE,

April 15, 2016.

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