

MEMORANDUM OF UNDERSTANDING
Between
THE ANTITRUST DIVISION, DEPARTMENT OF JUSTICE
And
THE DEPARTMENT OF AGRICULTURE
Relative To
COOPERATION WITH RESPECT TO STRENGTHENING
COMPETITION FOR AGRICULTURAL INPUTS

1. **Background and Existing Cooperation:** The Antitrust Division of the United States Department of Justice has cooperated closely with the United States Department of Agriculture in recent years with respect to monitoring competitive conditions in the agricultural marketplace. This cooperative relationship has proven to be of substantial benefit to these agencies in carrying out their separate respective enforcement responsibilities.

2. It is in the public interest that this cooperative relationship be maintained and expanded to the benefit of America's agriculture industry. American businesses up and down the agriculture supply chain benefit from antitrust enforcement that promotes free market competition, while consumers benefit from lower prices stimulated by more competition. The agencies therefore intend to maintain their cooperative relationship in the future and, where possible, to build on it. The agencies are each committed to protecting American farmers from the burdens imposed by high and volatile input costs—such as feed, fertilizer, fuel, seed, equipment, pesticides, and other essential goods—while ensuring competitive supply chains, lower consumer prices, and the resilience of U.S. agriculture and the food supply.

3. **Regular Consultation and Communication:** The agencies will confer regularly, as appropriate and consistent with applicable confidentiality restrictions, to discuss and review law enforcement and regulatory matters related to competitive conditions in the agricultural marketplace, for the purpose of increasing each agency's understanding and improving each agency's effectiveness in carrying out its respective legal responsibilities. Each agency shall designate a primary contact person to facilitate communication between and among attorneys, economists, and technical experts of the agencies.

4. **Information Sharing Protocols:** Each agency may share information, consistent with applicable confidentiality restrictions and subject to the following conditions:

a. Information shared by DOJ shall remain confidential and may not be disclosed by USDA to third parties without prior consent from DOJ, except as required by law or court order. In the event that USDA receives a request or legal demand (such as from a court order, subpoena, or Freedom of Information Act request) for non-public information shared by the Antitrust Division, USDA shall promptly notify the Antitrust Division to provide it with an opportunity to seek a protective order or other appropriate remedy.

b. USDA shall employ reasonable measures to protect the confidentiality of non-public information received from the Antitrust Division and to prevent its unauthorized disclosure or use.

c. Information shared shall be used solely for the purposes outlined in this MOU and not for any other regulatory, enforcement, or administrative action without prior coordination with the sharing agency.

d. Either agency may decline to share specific information if it determines that disclosure could compromise ongoing investigations, enforcement actions, or other legitimate interests.

5. **Prior Coordination Requirement:** Before taking any public action, making public statements, issuing reports, or initiating enforcement actions that relate to matters discussed under this MOU or that could affect ongoing or potential DOJ antitrust matters, USDA shall:

a. Provide advance written notice to DOJ of the proposed action;

b. Consult with the Antitrust Division and provide a reasonable opportunity to review the proposed action; and

c. Obtain the prior written concurrence of the Antitrust Division before proceeding with any public action or statement that is based on non-public information shared by the Antitrust Division or that would reasonably be expected to affect an ongoing or potential antitrust matter.

6. **Dispute Resolution:** In the event of disagreement regarding information sharing or coordination requirements under this MOU, the agencies shall engage in good faith consultations at the senior staff level. If disagreements cannot be resolved, either agency may temporarily suspend the sharing of sensitive information while maintaining general cooperation under this MOU.

7. **Amendment and Termination:** This Memorandum of Understanding may be amended in the future by agreement between the agencies. Either agency may rescind it by notifying the other agency in writing at least 30 days before the date the notifying agency wishes the rescission to become effective.

8. **Relationship to Other Agreements:** This Memorandum of Understanding does not modify or supersede any protocol, agreement, or memorandum of understanding in effect between the Antitrust Division and the Federal Trade Commission regarding their dual enforcement responsibilities under the federal antitrust laws. This Memorandum of Understanding does not modify or supersede any prior agreements between the Antitrust Division, the Federal Trade Commission, and USDA.

EFFECTIVE this 26th day of September, 2025.



Assistant Attorney General, Antitrust Division
United States Department of Justice


_____/s/____

General Counsel
United States Department of Agriculture