



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580



DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
WASHINGTON, DC 20530

ANTITRUST GUIDANCE — HURRICANES HARVEY AND IRMA

In the wake of the damage resulting from Hurricanes Harvey and Irma, cooperation among federal, state, and local governments, private organizations, and businesses will be necessary to rebuild the communities and economies affected by the hurricanes. While natural disasters often bring out the best in human compassion and spirit, they can also lead to unscrupulous individuals and organizations taking advantage of those in need.

The Antitrust Division of the Department of Justice and the Federal Trade Commission (the “Agencies”) will hold accountable those who seek to illegally subvert competition and prey on those affected by Hurricanes Harvey and Irma. The Antitrust Division of the Department of Justice will criminally prosecute businesses involved in naked price-fixing, bid-rigging, or market-allocation agreements. Both Agencies will investigate and take action against civil violations of the antitrust laws. In addition, the Federal Trade Commission will investigate and take action against companies and individuals that violate the consumer protection laws. The Agencies also are members of a multi-jurisdictional working group of federal and state law enforcement agencies established to investigate and prosecute hurricane-related illegal activity including, but not limited to: impersonation of federal law enforcement officials, identity theft, fraudulent activity related to solicitation for donations and charitable giving, and theft, see <https://www.justice.gov/opa/pr/authorities-announce-formation-working-group-fight-hurricane-harvey-related-illegal-activity>. For advice on avoiding disaster recovery scams and helping hurricane victims, see <https://www.ftc.gov/news-events/press-releases/2017/08/ftc-advice-helping-hurricane-harvey-victims>.

The federal antitrust laws are designed to protect consumers from illegal activity and are sufficiently flexible and resilient to accommodate beneficial collaborations that produce net procompetitive benefits for consumers. See Antitrust Guidelines for Collaborations Among Competitors, available at: https://www.ftc.gov/sites/default/files/documents/public_events/joint-venture-hearings-antitrust-guidelines-collaboration-among-competitors/ftcdojguidelines-2.pdf. Joint ventures and other collaborative arrangements can benefit consumers by enabling businesses to bring goods or services to market faster or at lower cost, or for participants to make products or services available they could not otherwise provide on their own.

Hurricanes Harvey and Irma disrupted or destroyed many vital production and distribution facilities as well as numerous other business sectors, including telecommunications, health care, housing, and retail. The recovery from Hurricanes Harvey and Irma may require a range of collaborative efforts among competing firms — including joint ventures, joint licensing, and other similar contractual arrangements. Such collaborative efforts are subject to review under the antitrust laws, however, joint efforts of limited duration by businesses to restore these services more effectively and to assist the affected communities in recovering from the devastation may be beneficial and should not generally raise

antitrust concerns. For example, hospitals or other health care facilities temporarily may need to combine certain resources or services to meet the health care needs of affected communities. Similarly, two or more firms might combine their distribution networks to better or more quickly bring needed products or services to their customers. These collaborations can be accomplished in a manner consistent with the antitrust laws rather than in conflict with them. Antitrust analysis of these collaborative arrangements can — and will — take into account the changes in market conditions as a result of the hurricanes.

The Agencies are committed to reasonable and responsible application of the antitrust laws and will work closely with other federal agencies, state and local governments, and the business community involved in the recovery efforts from Hurricanes Harvey and Irma.

Anyone with information on price-fixing, bid-rigging, market-allocation agreements, or other anticompetitive conduct should call the Antitrust Division's **Citizen Complaint Center** at 888-647-3258, or visit <http://www.justice.gov/atr/report-violations>. Consumers or businesses with concerns about fraudulent activity can call the **Disaster Fraud Hotline** at 1-866-720-5721 or visit <https://www.justice.gov/disaster-fraud/how-report-disaster-related-fraud>.

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