

Supporting Statement for Paperwork Reduction Act Submission
U.S. Department of Justice, Antitrust Division
Procurement Collusion Strike Force Complaint Form
OMB Number: 1105-0109

PART A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Pursuant to 28 CFR Section 0.40, the Assistant Attorney General for the Antitrust Division is responsible for general enforcement of the Federal antitrust laws, including investigation of possible violations of the antitrust laws, conduct of grand jury proceedings, and prosecution of civil and criminal antitrust violations. Price fixing, bid rigging, and market allocation agreements violate Section One of the Sherman Act, 15 U.S.C. § 1, and are prosecuted criminally.

The Department of Justice formed the Procurement Collusion Strike Force (PCSF) in 2019, to focus on deterring, detecting, investigating, and prosecuting antitrust crimes and related frauds involving government procurement, grants, and program funding. The PCSF members include the Department's Antitrust Division, multiple U.S. Attorneys' offices, the Federal Bureau of Investigation, and the Inspectors General for various Federal agencies. The collection of information through the PCSF complaint form facilitates reporting of information regarding potential antitrust crimes affecting government procurement.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Respondents will be able to complete and submit information electronically through the PCSF complaint form on the Antitrust Division's website. The form prompts respondents to identify who was involved in the suspected antitrust violations affecting government procurement; describe the affected government contract, grant, or program; describe the conduct that is the subject of the complaint; and provide contact information. The Antitrust Division may use the information provided to respond to complaints and contacts, initiate or further investigations, and refer complaints or contacts to other law enforcement agencies.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The PCSF complaint form is a web-based form. All information is collected and stored in electronic digital format. This format minimizes the burden on respondents.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The Antitrust Division has no information collection form concerning potential antitrust violations. No other agency is collecting this information.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This collection of information will not have a significant impact on a substantial number of small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This voluntary collection facilitates the reporting of potential antitrust violations affecting government procurement. Absent the collection, the Department may not receive certain information that could be used to initiate or further investigations of antitrust violations. The frequency of the information collection is determined by respondents.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

None of these special circumstances apply to this collection of information.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On August 1, 2023, a 60-Day Federal Register Notice was published at 84 FR 50177. The 60-day comment period closes on October 1, 2023.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Not applicable. No payments or gifts are provided to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

The Antitrust Division's website includes a Confidentiality Policy statement regarding complainants. The Division's Confidentiality Policy provides that the Antitrust Division will use information provided by complainants only for legitimate law enforcement purposes, and will protect the identity of complainants and the information provided to the full extent of the law. The website also provides a link to the Department of Justice's Privacy Policy.

The collection is covered by the Management Information System (MIS) Privacy Impact Assessment, available at <https://www.justice.gov/atr/management-information-system-mis-privacy-impact-assessment>.

The collection of information is covered by two existing system of records notices (SORNs):

- ATR-006, "Antitrust Management Information System (AMIS) - Monthly Report," 63 Fed. Reg. 8659 (2-20-1998), 66 Fed. Reg. 8425 (1-31-2001), 66 Fed. Reg. 17200 (3-29-2001), 82 FR 24147 (5-25-2017). Exemptions Claimed Pursuant to 5 U.S.C. 552a(k)(2). See 28 C.F.R. § 16.88.

- ATR-009, “Public Complaints and Inquiries File,” 45 Fed. Reg. 57898, 902 (11-17-1980); 66 Fed. Reg. 8425 (1-31-2001); 82 Fed. Reg. 24147 (5-25-2017).

The PCSF complaint form includes a Privacy Act Statement, pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This collection does not request information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.**

The total estimated annual reporting burden for the PCSF complaint form is 23 hours. This estimate is based on an estimate of 45 potential respondents, one response per respondent, and .50 hours per response. The hour burden estimate is based upon consultation with a sample of potential respondents.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

There are no additional cost burdens to respondents. There are no costs for capital, start-up, operation, maintenance, or the purchase of services.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimated annual cost to the Federal government is approximately \$1,057. This estimate is based on an estimated 45 respondents, and .75 hours to collect and process each information collection at an hourly rate based on Grade 9, Step 1 of the 2023 General Schedule salary table for the Washington, DC locality pay area.

GS 9, Step 1 (\$23.49) x 45 (respondents) = 1,057.

Previous submission: The estimated annual cost to the Federal government is approximately \$10,370. This estimate is based on an estimated 500 respondents, and .75 hours to collect and process each information collection at an hourly rate based on Grade 9, Step 1 of the 2019 General Schedule salary table for the Washington, DC locality pay area.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

The change is due to a miscalculation or decrease in the number of respondents; from 500 to 45 (roughly 15 per year).

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable. The information collected will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable. The PCSF complaint form will display the expiration date for OMB approval.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

Not applicable. The Antitrust Division does not request any exception to the certification in Item 19 of OMB 83-I.

PART B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable. This information collection does not employ statistical methods.