Supporting Statement for Paperwork Reduction Act Submission
U.S. Department of Justice, Antitrust Division
Healthcare Competition Complaint form
OMB Number: 1105-NEW

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 Department of Justice, 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. The Federal Trade Commission also enforces Federal antitrust laws. These Federal antitrust laws include the Sherman Act, which prohibits certain agreements between companies that harm competition and prohibits companies from unlawfully gaining or maintaining market power; the Clayton Act, which prohibits companies from merging when the merger may substantially lessen competition; and the Federal Trade Commission Act, which prohibits unfair methods of competition and prohibits companies from acting in unfair or deceptive ways.

The Antitrust Division, Federal Trade Commission, and Department of Health and Human Services have a public web page focused on healthcare competition, at healthycompetition.gov. Users who access healthycompetition.gov will be redirected to https://www.justice.gov/atr/HealthyCompetition on the Department of Justice website. The collection of information through the Healthcare Competition Complaint form facilitates reporting of information regarding potentially anticompetitive or unfair health care practices to the Antitrust Division and Federal Trade Commission. Information from the public is vital to detecting and investigating violations of the Federal antitrust laws.

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.**

The Antitrust Division or Federal Trade Commission may use the information provided to respond to complaints and contacts, initiate or further investigations, and refer complaints or contacts to other federal or state and local 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 Healthcare Competition Complaint form is a web-based form that permits electronic submission of responses. Collecting and storing information in electronic digital format minimizes the burden on respondents and the agencies.

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.**

There is no existing information collection form concerning healthcare antitrust violations.

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 related to health care. Absent the collection, the Department may not receive certain information that could be used to initiate or further investigations of potential 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 July 8, 2025, a 60-Day Federal Register Notice was published at 90 FR 30099. No comments were received.

In developing the reporting criteria for these forms, the Department of Justice consulted the Federal Trade Commission and Department of Health and Human Services.

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

There are no payments or gifts 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 Privacy Impact Assessments for the Antitrust Division's Web Services System, General Support System, Relativity Database Management System, and Cloud Computing Environment. Department of Justice Privacy Impact Assessments are available at Office of Privacy and Civil Liberties | DOJ Privacy Impact Assessments.

The collection of information is covered by the following system of records notices (SORNs):

- JUSTICE/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).
- JUSTICE/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).
- FTC-I-1, "Nonpublic Investigational and Other Nonpublic Legal Program Records," 73 Fed. Reg. 33592, 33597-33598 (6-12-2008).
- FTC-IV-1, "Consumer Information System," 73 Fed. Reg. 33592, 33622-33623 (6-12-2008).

The 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 is 469 hours. This estimate is based on an estimate of 2345 respondents annually and 12 minutes for an individual to respond. 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.

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 $22,400. This estimate is based on an estimated 2345 respondents and .5 hours to collect and process each information collection using the appropriate assumption for wages and benefits.

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

Not applicable. This is a new information collection.

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.**

The complaint form will display the expiration date.

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.