contracts.[13] As with exclusive dealing, the economic literature also supports the view that loyalty discounts more often than not are procompetitive.[14] The Commission's competition mission therefore is best served by an approach that counsels against imposing restrictions on loyalty discounts unless there is sufficient evidence to establish that such arrangements have or are likely to harm competition and consumers.

The Order permits Graco to enter into certain loyalty discount agreements that require distributors to meet annual purchase and inventory thresholds to qualify for discounted prices.[15] The Order, however, restricts the scope of these loyalty discounts by prescribing the maximum threshold levels Graco may set in 2013 and by only allowing those maximums to increase by 5 percent year to year. Although there is evidence that Graco in some instances increased the inventory and purchase thresholds it required distributors to meet to receive discounts on fast-set equipment following its acquisitions, I have not seen evidence sufficient to link these increases to the anticompetitive effects of the mergers alleged in the Commission's Complaint. For example, I have seen no evidence that a distributor dropped Gama/PMC or any other fringe competitor in response to Graco's increased thresholds. Further, although there appears to be evidence that at least some distributors are unable to both meet the thresholds necessary to receive Graco's discounts and carry competing manufacturers' products, there is nothing barring these distributors from forgoing those discounts in order to carry multiple products lines. It has been several years since Graco increased the thresholds. In the absence of evidence this change harmed competition, the fact that some distributors prefer to take the discounts is not a sufficient reason to believe that prohibiting these contracts will protect consumers. Moreover, it is unlikely that the Commission is best positioned to gauge what the appropriate threshold should be for each distributor over time and as market conditions change.

As a result, based upon the available evidence, I am concerned the restrictions on loyalty discounts in the Order ultimately may reduce consumer welfare rather than protect competition. Thus, I do not believe this aspect of the Order is in the public interest.

* * * * *

For these reasons, I voted in favor of the Commission's Complaint and Order, but respectfully disagree with the Order provisions prohibiting exclusive contracts and restricting loyalty discounts. To the extent the majority believes Graco may use such arrangements to engage in anticompetitive conduct in the future, the Commission's willingness and ability to bring a monopolization claim where the evidence indicates it is appropriate would protect consumers against the competitive risks posed by these arrangements without depriving consumers of their potential benefits.

[13] *See generally* Bruce H. Kobayashi, *The Economics of Loyalty Discount and Antitrust Law in the United States,* 1 COMP. POL'Y INT'L 115 (2005).

[14] *Id.*

[15] Decision & Order § III(6)(c), Graco, Inc., FTC File No.101–0215, (April 17, 2013).

[FR Doc. 2013–09673 Filed 4–23–13; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–00xx; Docket 2013–0001; Sequence 5]

Agency Information Collection Activities; Information Collection; USA Spending

AGENCY: Interagency Policy and Management Division, Office of Governmentwide Policy, U.S. General Services Administration (GSA).

ACTION: Notice of request for public comments regarding a new OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement regarding USA Spending.

DATES: Submit comments on or before June 24, 2013.

ADDRESSES: Submit comments identified by Information Collection 3090–00xx, USA Spending, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov*. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–00xx, USA Spending.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–00xx, USA Spending'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 3090–00xx, USA Spending.

Instructions: Please submit comments only and cite Information Collection 3090–00xx, USA Spending, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mary Searcy, Acquisition Systems for Award Management Division, Office of Governmentwide Policy, General Services Administration, 1275 First Street NE., Washington, DC 20417; telephone number: 703–603–8132; or email address *Mary.Searcy@gsa.gov*.

SUPPLEMENTARY INFORMATION:

A. Purpose

USASpending.gov is required by the Federal Funding Accountability and Transparency Act (Transparency Act). The site provides the public with information about how tax dollars are spent. The site provides data about the various types of contracts, grants, loans and other types of spending in the federal government.

B. Annual Reporting Burden

Number of Respondents: 5,000.

Responses per Respondent: 1.

Total Responses: 5,000.

Average Burden Hours per Response: .25.

Total Burden Hours: 1250.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control Number 3090–00xx, USA Spending, in all correspondence.

Dated: April 17, 2013.

Casey Coleman,

Chief Information Officer.

[FR Doc. 2013–09573 Filed 4–23–13; 8:45 am]

BILLING CODE 6820–WY–P