

F.2d at 1577 (quotation marks omitted). “The court should bear in mind the flexibility of the public interest inquiry: the court’s function is not to determine whether the resulting array of rights and liabilities is one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.”

*Microsoft*, 56 F.3d at 1460 (quotation marks omitted); see also *United States v. Deutsche Telekom AG*, No. 19–2232 (TJK), 2020 WL 1873555, at \*7 (D.D.C. Apr. 14, 2020). More demanding requirements would “have enormous practical consequences for the government’s ability to negotiate future settlements,” contrary to congressional intent. *Id.* at 1456. “The Tunney Act was not intended to create a disincentive to the use of the consent decree.” *Id.*

The United States’ predictions about the efficacy of the remedy are to be afforded deference by the Court. See, e.g., *Microsoft*, 56 F.3d at 1461 (recognizing courts should give “due respect to the Justice Department’s . . . view of the nature of its case”); *United States v. Iron Mountain, Inc.*, 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (“In evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.”) (internal citations omitted); *United States v. Republic Servs., Inc.*, 723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting “the deferential review to which the government’s proposed remedy is accorded”); *United States v. Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (“A district court must accord due respect to the government’s prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case”). The ultimate question is whether “the remedies [obtained by the Final Judgment are] so inconsonant with the allegations charged as to fall outside of the ‘reaches of the public interest.’” *Microsoft*, 56 F.3d at 1461 (quoting *W. Elec. Co.*, 900 F.2d at 309).

Moreover, the Court’s role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint, and does not authorize the Court to “construct [its] own hypothetical case and then evaluate the decree against that case.” *Microsoft*, 56 F.3d at 1459; see also *U.S. Airways*, 38 F. Supp. 3d at 75 (noting that the court

must simply determine whether there is a factual foundation for the government’s decisions such that its conclusions regarding the proposed settlements are reasonable); *In Bev*, 2009 U.S. Dist. LEXIS 84787, at \*20 (“[T]he ‘public interest’ is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged”). Because the “court’s authority to review the decree depends entirely on the government’s exercising its prosecutorial discretion by bringing a case in the first place,” it follows that “the court is only authorized to review the decree itself,” and not to “effectively redraft the complaint” to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60.

In its 2004 amendments to the APPA, Congress made clear its intent to preserve the practical benefits of using consent judgments proposed by the United States in antitrust enforcement, Public Law 108–237 § 221, and added the unambiguous instruction that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” 15 U.S.C. 16(e)(2); see also *U.S. Airways*, 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: “[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.” 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). “A court can make its public interest determination based on the competitive impact statement and response to public comments alone.” *U.S. Airways*, 38 F. Supp. 3d at 76 (citing *Enova Corp.*, 107 F. Supp. 2d at 17).

#### VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: November 9, 2020

Respectfully submitted,

/s/ Matthew Jones

Matthew Jones (DC Bar #1006602),  
U.S. Department of Justice, Antitrust  
Division, 450 Fifth Street NW, Suite 7000,  
Washington, DC 20530, Telephone: (202)

598–8369, Fax: (202) 514–6381, Email:  
Matthew.Jones3@usdoj.gov.

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BILLING CODE 4410–11–P

## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meetings

**TIME AND DATES:** The Members of the National Council on Disability (NCD) will hold a quarterly business meeting on Thursday, November 19, 2020, 10:00 a.m.–4:00 p.m., Eastern Standard Time, via teleconference. Registration is not required.

**PLACE:** This meeting will occur via teleconference. Interested parties are encouraged to join the meeting in a listen-only status using the following call-in information: Teleconference number: 1–800–353–6461; Conference ID: 9807341; Conference Title: NCD Meeting; Host Name: Neil Romano. In the event of teleconference disruption or failure, attendees can follow the meeting by accessing the Communication Access Realtime Translation (CART) link provided. CART is text-only translation that occurs real time during the meeting and is not an exact transcript.

**MATTERS TO BE CONSIDERED:** The Chairman will provide a report followed by a discussion and vote on policy priorities for fiscal year 2021 and fiscal year 2022. Additional reports will be provided by the Executive Director and representatives from the Executive Committee prior to adjournment for lunch. Following lunch, Chair Catherine Lhamon of the United States Commission on Civil Rights will share research findings and recommendations from their recent report titled, “Subminimum Wages: Impacts on the Civil Rights of People with Disabilities.” A panel presentation will follow on successful transitions from 14(c) subminimum wage employment. Council Members will then provide committee reports on research projects currently in progress. The meeting will close with public comment.

**AGENDA:** The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern Standard Time):

#### Thursday, November 19

10:00–10:10 a.m. Welcome and Call to Order

10:10–10:35 a.m. Introductions, New Council Members Get Acquainted

10:35–11:15 a.m. Chairman’s Report, Future Work of the Council

11:15–11:35 a.m. Executive Committee Reports

- 11:35–11:45 a.m. Executive Director's Report
- 11:45–1:00 p.m. Adjournment for Lunch  
*Note:* CART and Phone Line will Disconnect
- 1:00–1:30 p.m. Presentation by Chair Catherine Lhamon of the U.S. Commission on Civil Rights regarding its latest report, "Subminimum Wages: Impact on the Civil Rights of People with Disabilities"
- 1:30–2:30 p.m. Successful Transitions from 14(c) Subminimum Wage Employment
- 2:30–3:30 p.m. Committee Reports on current Research Projects
1. Progress Report on COVID–19
  2. Durable Medical Equipment report
  3. Disparate Treatment of Puerto Rico Residents in Federal Programs
  4. Examining Medicaid Reimbursement for Oral Healthcare of People with I/DD report
- 3:30–4:00 p.m. Public Comment
- 4:00 p.m.—Adjournment

*Public Comment:* Your participation during the public comment period provides an opportunity for us to hear from you—individuals, businesses, providers, educators, parents and advocates. Your comments are important in bringing attention to the issues in your community. Priority will be given to those who register their intent to provide comment in advance by sending an email to [PublicComment@ncd.gov](mailto:PublicComment@ncd.gov) with the subject line "Public Comment" with your name, organization, state, and topic of comment included in the body of your email. Full-length written public comments may also be sent to that email address. All emails to register for public comment at the quarterly meeting must be received by Wednesday, November 18, 2020.

Each person will be given three minutes to present comment. If you are presenting as a group and prefer to choose a spokesperson, your group representative will be given six minutes to provide comment. To ensure your comments are accurately reflected and become part of the public record, NCD requests electronic submission prior to the meeting or immediately after to [PublicComment@ncd.gov](mailto:PublicComment@ncd.gov).

**CONTACT PERSON FOR MORE INFORMATION:** Anne Sommers, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (V), or [asommers@ncd.gov](mailto:asommers@ncd.gov).

*Accommodations:* A CART streamtext link has been arranged for this meeting. The web link to access CART (in English) is: <https://www.streamtext.net/player?event=NCD-QUARTERLY>. If you

require additional accommodations, please notify Anthony Simpson by sending an email to [asimpson.cntr@ncd.gov](mailto:asimpson.cntr@ncd.gov) as soon as possible and no later than 24 hours prior to the meeting.

Due to last-minute confirmations or cancellations, NCD may substitute agenda items without advance public notice.

Dated: November 10, 2020.

**Sharon M. Lisa Grubb,**  
*Executive Director.*

[FR Doc. 2020–25278 Filed 11–12–20; 11:15 am]

**BILLING CODE 8421–02–P**

## THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Submission for OMB Review, Comment Request, Proposed Collection Requests: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Submission for OMB Review, comment request.

**SUMMARY:** The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments as part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery. IMLS has submitted a Generic Information Collection Request (Generic ICR entitled "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery" to OMB for approval under the Paperwork Reduction Act (PRA). A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **FOR FURTHER INFORMATION CONTACT** section below on or before December 14, 2020.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

**ADDRESSES:** Comments should be sent to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316.

**FOR FURTHER INFORMATION CONTACT:** Matthew Birnbaum, PhD., Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Birnbaum can be reached by telephone at 202–653–4760, by email at [mbirnbaum@imls.gov](mailto:mbirnbaum@imls.gov), or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

**SUPPLEMENTARY INFORMATION:** The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to work together to transform the lives of individuals and communities. To learn more, visit [www.imls.gov](http://www.imls.gov).

*Current Actions:* The Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback, we mean information that provides useful insights on perceptions and opinions but are not statistical surveys that yield