

Supp. 2d 37, 40 (D.D.C. 2001); *United States v. Enova Corp.*, 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *3. Instead, “[t]he balancing of competing social and political interests affected by a proposed antitrust decree must be left, in the first instance, to the discretion of the Attorney General.” *W. Elec. Co.*, 993 F.2d at 1577 (quotation marks omitted). “The court should also 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 the 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. *Microsoft*, 56 F.3d 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., *id.* 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.” *Id.* 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); *InBev*, 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 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: June 5, 2026
Respectfully submitted,

CHRISTINE A. HILL (DC Bar #461048),
MIRANDA ISAACS (DC Bar #1780815),
U.S. Department of Justice, Antitrust
Division, Defense, Industrials, and Aerospace
Section, 450 Fifth Street NW, Suite 8700,
Washington, DC 20530, (202) 386–
1744, christine.hill@usdoj.gov.

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DEPARTMENT OF JUSTICE

[OMB Number 1124–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Short Form to Registration Statement of Foreign Agents (Form NSD–6)

AGENCY: Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division (NSD), U.S. Department of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until July 13, 2026 on this request for a 30-day Notice for OMB three-year re-approval of the Short Form to Registration Statement, Form NSD–6. This is a request for a revision with changes of a previously approved information collection for Form NSD–6. Please note that this notice does not concern the previously published notice of proposed rulemaking (“NPRM”) related to regulations under FARA.

FOR FURTHER INFORMATION CONTACT: If you have additional comments including on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Evan Turgeon, Chief, Foreign Agents Registration Act Unit,

Counterintelligence and Export Control Section, National Security Division, 175 N Street NE, Constitution Square Building Three, Suite 1.100, Washington, DC 20002, email: fara.public@usdoj.gov, telephone: (202) 233-0776.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on April 10, 2026, 91 FR 18485-18486, allowing a 60-day comment period. No public comments were received. The purpose of this Notice is to allow 30 additional days for public comment. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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/or
- 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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 1124-0005. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that

information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review. Abstract: Information collection webform for entities and individuals registering pursuant to the Foreign Agents Registration Act of 1938, as amended.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Short Form to Registration Statement of Foreign Agents (Form NSD-6).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* OMB #1124-0005. The form number is NSD-6. The applicable component within the Department of Justice is the Foreign Agents Registration Act Unit (FARA Unit), Counterintelligence and Export Control Section, National Security Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Private sector entities, including businesses, other for-profit entities, not-for-profit institutions, and individuals required to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.* (FARA).

5. *Obligation to Respond:* The filing of this completed webform is required pursuant to FARA for the purposes of registration under the Act and public disclosure. Registrants are required by statute and regulation to provide the information requested on this form, and failure to provide the information is subject to the penalty and enforcement provisions established in Section 8 of FARA.

6. *Total Estimated Number of Respondents:* Based on the projected number of registrations from 2026 to 2029, an estimated 1,066 respondents annually will complete Form NSD-6.

7. *Estimated Time per Respondent:* Based on sample user testing, each respondent will take .23 hours to complete the form, which takes into consideration the improved e-File webform features. The following factors were considered when creating the burden estimate: the estimated total number of respondents, the intuitive online FARA e-File registration process, and the prior collection of the data necessary to complete the filing.

8. *Frequency:* Variable. Based on the projected number of registrations from 2026 to 2029, an estimated 1,066 respondents annually will complete Form NSD-6. Total Estimated Annual

Time Burden— $1,066 \times .23 = 245.18$ hours.

9. *Total Estimated Annual Other Costs Burden:*—\$0.00. No registrant (or person filing on behalf of a registrant) must pay a fee when filing this form. [This is captured in #7 of the 60-day notice as well as item 13 of the Supporting Statement A].

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W-218 Washington, DC 20530.

Dated: June 9, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On June 5, 2026, the Department of Justice lodged a proposed consent decree with the United States District Court for the Western District of Missouri in the lawsuit entitled *United States and the State of Missouri v. U.S. Borax, Inc.*, Civil Action No. 4:26-cv-00482-FJG.

The complaint asserts claims under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a), and Missouri state laws, against U.S. Borax, Inc. for payment of response costs incurred by the United States and the State to address releases of hazardous substances at the Armour Road Superfund Site in North Kansas City, Missouri. The proposed consent decree requires U.S. Borax, Inc. to implement an interim remedy selected by EPA to address arsenic-contaminated groundwater at the Site and to reimburse response costs incurred by the United States and the State. In return, U.S. Borax, Inc. will receive a covenant not to sue under sections 106 and 107 of CERCLA and sections 260.510 and 260.530 of the Missouri Revised Statutes.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural