

lessening of competition in the market for national syndicated cross-platform audience measurement services. Some may conclude that there can be no harm in the Commission entering into a consent agreement and issuing a Complaint and Order imposing a remedy with sophisticated and willing parties. That of course need not be true. Nor does that view logically follow from the Commission's mission to prevent anticompetitive conduct and to promote consumer welfare.

Whether parties to a transaction are willing to enter into a consent agreement will often have little to do with whether the agreed upon remedy actually promotes consumer welfare. The Commission's ability to obtain concessions instead reflects the weighing by the parties of the private costs and private benefits of delaying the transaction and potentially litigating the merger against the private costs and private benefits of acquiescing to the proposed terms.<sup>20</sup> Indeed, one can imagine that where, as here, the alleged relevant product market is small relative to the overall deal size, the parties would be happy to agree to concessions that cost very little and finally permit the deal to close. Put simply, where there is no reason to believe a transaction violates the antitrust laws, a sincerely held view that a consent decree will improve upon the post-merger competitive outcome or have other beneficial effects does not justify imposing those conditions. Instead, entering into such agreements subtly, and in my view harmfully, shifts the Commission's mission from that of antitrust enforcer to a much broader mandate of "fixing" a variety of perceived economic welfare-reducing arrangements.

Consents can and do play an important and productive role in the Commission's competition enforcement mission. Consents can efficiently address competitive concerns arising from a merger by allowing the Commission to reach a resolution more quickly and at less expense than would be possible through litigation. However, consents potentially also can have a detrimental impact upon consumers. The Commission's consents serve as important guidance and inform practitioners and the business community about how the agency is likely to view and remedy certain mergers.<sup>21</sup> Where the Commission has

endorsed by way of consent a willingness to challenge transactions where it might not be able to meet its burden of proving harm to competition, and which therefore at best are competitively innocuous, the Commission's actions may alter private parties' behavior in a manner that does not enhance consumer welfare.<sup>22</sup> Because there is no judicial approval of Commission settlements, it is especially important that the Commission take care to ensure its consents are in the public interest.<sup>23</sup>

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## GENERAL SERVICES ADMINISTRATION

[Notice-MG-2013-02; Docket No: 2013-0002; Sequence 26]

### Leased Asset Energy and GHG Reporting Interpretive Guidance

**AGENCY:** Office of Government-Wide Policy, U.S. General Services Administration (GSA).

**ACTION:** Notice.

**SUMMARY:** This notice announces guidance on estimating and voluntarily reporting leased asset energy use and greenhouse gas (GHG) emissions data. The guidance contains a practical set of guidelines and best practices for agencies developing their own policies and processes for leasing, energy data collection and estimation, and GHG reporting and may be found at [www.gsa.gov/hpgh](http://www.gsa.gov/hpgh). It is not federal policy for energy reporting or GHG accounting.

**DATES:** September 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kinga Porst, Office of Federal High Performance Green Buildings (MG), Office of Government-Wide Policy, GSA, at 202-501-0762 or via email at

Significance of Consent Orders in the Federal Trade Commission's Competition Enforcement Efforts, Remarks at GCR Live, 4-5 (Sept. 17, 2013), available at <http://www.ftc.gov/speeches/dfeinstein/130917gcrspeech.pdf>.

<sup>22</sup> See Ginsburg & Wright, *supra* note 14, at 179.

<sup>23</sup> 15 U.S.C. 45(b) (2006); see also J. Thomas Rosch, Comm'r, Fed. Trade Comm'n, Consent Decrees: Is the Public Getting Its Money's Worth (Apr. 7, 2011), Remarks at the XVIIIth St. Gallen International Competition Law Forum, available at <http://www.ftc.gov/speeches/rosch/110407roschconsentdecrees.pdf> (stating that "we at the Commission are responsible for conducting our own public interest inquiry before accepting proposed consent decrees, and this inquiry operates as a check on the 'wide discretion' that we otherwise wield to combat methods, acts and practices that violate the antitrust and consumer protection laws").

[kinga.porst@gsa.gov](mailto:kinga.porst@gsa.gov). Please cite Notice-MK-2013-02.

**SUPPLEMENTARY INFORMATION:** This notice announces guidance on estimating and voluntarily reporting leased asset energy use and greenhouse gas (GHG) emissions data. The guidance contains a practical set of guidelines and best practices for agencies developing their own policies and processes for leasing, energy data collection and estimation, and GHG reporting and may be found at [www.gsa.gov/hpgh](http://www.gsa.gov/hpgh). It is not federal policy for energy reporting or GHG accounting.

Dated: September 23, 2013.

**Kevin Kampschroer,**

*Federal Director, Office of Federal High Performance Green Buildings, Office of Government-wide Policy.*

[FR Doc. 2013-23581 Filed 9-26-13; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

[Document Identifier HHS-OS-20584-60D]

### Agency Information Collection Activities; Proposed Collection; Public Comment Request

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, Office of the Secretary, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on the ICR must be received on or before November 26, 2013.

**ADDRESSES:** Submit your comments to [Information.CollectionClearance@hhs.gov](mailto:Information.CollectionClearance@hhs.gov) or by calling (202) 690-6162.

**FOR FURTHER INFORMATION CONTACT:** Information Collection Clearance staff, [Information.CollectionClearance@hhs.gov](mailto:Information.CollectionClearance@hhs.gov) or (202) 690-6162.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the document identifier HHS-OS-20584-60D for reference. *Information Collection Request Title:* Survey on

<sup>20</sup> See Douglas H. Ginsburg & Joshua D. Wright, *Antitrust Settlements: The Culture of Consent*, in 1 William E. Kovacic, *An Antitrust Tribute—Liber Amicorum* 177, 179-80 (2012).

<sup>21</sup> See, e.g., Deborah L. Feinstein, Bureau of Competition Dir., Fed. Trade Comm'n, The