The Commission will request this information from CMS providers on a voluntary basis, including geographic area served and devices that are programmed, at point of sale, to transmit WEAs. We note that many participating CMS providers already provide information of this nature in their docketed filings. As discussed below, this database will remove a major roadblock to emergency managers' ability to conduct tests of the alerting system and enable individuals and emergency managers to identify the alert coverage area.

Since ensuring consumer notice and collecting information on the extent of CMS providers' participation is statutorily mandated, the Commission requests to extend approval of this collection by OMB so that the Commission may continue to meet its statutory obligation under the WARN Act.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–13088 Filed 6–21–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

[File No. 161 0068, Docket No. 9374]

Louisiana Real Estate Appraisers Board; Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis of Proposed Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 22, 2021.

ADDRESSES: Interested parties may file comments online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: ''Louisiana Real Estate Appraisers Board; File No. 161 0068, Docket No. 9374'' on your comment, and file your comment online at *www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Patricia M. McDermott (202–326–2569), Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis of Agreement Containing Consent Orders to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC website at this web address: *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 22, 2021. Write ''Louisiana Real Estate Appraisers Board; File No. 161 0068, Docket No. 9374'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *www.regulations.gov* website.

Due to protective actions in response to the COVID–19 pandemic and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Louisiana Real Estate Appraisers Board; File No. 161 0068, Docket No. 9374'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at *www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on *www.regulations.gov*—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing this matter. The FTC Act and other laws that the Commission administers permit the

collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 22, 2021. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

Analysis of Agreement Containing Consent Orders To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval by the Commission, an Agreement Containing Consent Order (''Consent Agreement'') with the Louisiana Real Estate Appraisers Board (''the Board''). The Consent Agreement resolves allegations against the Board in the administrative complaint issued by the Commission on May 31, 2017.

The Commission has placed the Consent Agreement on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the Consent Agreement and the comments received, and will decide whether it should withdraw from the Consent Agreement, modify it, or issue the proposed Order. The proposed Order is for settlement purposes only and does not constitute an admission by the Board that it violated the law, or that the facts alleged in the complaint, other than jurisdictional facts, are true.

II. Challenged Conduct

This matter involves allegations that the Board unreasonably restrained price competition for appraisal services in Louisiana. The Board is a state regulatory agency controlled by Louisiana-licensed appraisers. The Commission's complaint challenges the Board's promulgation and enforcement of subparts A, B, and C of Rule 31101 of Title 46 Part LXVII of the Professional and Occupational Standards of the Louisiana Administrative Code (''Rule 31101'').

The complaint alleges that the Board's promulgation and enforcement of Rule 31101 displaced competition and introduced a regime of rate regulation. The Board's actions had the effect of requiring appraisal management companies (''AMCs'') to pay rates for appraisal services consistent with median fees identified in fee surveys commissioned and published by the Board. Specifically, the Board investigated and issued complaints against AMCs that paid fees below the rates specified in the surveys, and entered into settlement agreements with AMCs that required those companies to pay fees at or above the median fee survey levels.

The complaint alleges that the Board's actions exceeded the scope of its obligations under the appraisal independence provisions in the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''). The complaint further alleges that the Board's conduct resulted in anticompetitive harm in the form of higher appraisal fees paid by AMCs in Louisiana, and that this harm is not outweighed by any procompetitive benefits.

III. Legal Analysis

The factual allegations in the complaint support a finding that the Board violated Section 5 of the FTC Act, 15 U.S.C. 45, by promulgating and enforcing Rule 31101. Section 5 of the FTC Act prohibits unfair methods of competition, including unlawful agreements in restraint of trade prohibited by Section 1 of the Sherman Act, 15 U.S.C. 1.[1] Under Section 1, a plaintiff must show (1) concerted action that (2) unreasonably restrains competition.[2]

A state regulatory board that consists of market participants with distinct and potentially competing economic interests engages in concerted action when it adopts or enforces rules that govern the conduct of its members' separate businesses.[3] Rule 31101, adopted and enforced by the Board, regulates the fees paid by AMCs to appraisers in Louisiana, including those appraisers that serve as members of the Board.

Price regulation practiced by market participants is a form of price fixing and is per se unlawful.[4] In the alternative, a restraint on price competition may be judged inherently suspect: that is, the agreement is presumed to be anticompetitive because the anticompetitive nature of the challenged conduct is obvious.[5]

The state action defense is not applicable here. On a motion for partial summary decision, the Commission concluded: (1) The Board is controlled by active market participants; (2) therefore, in order to constitute state action, the Board's conduct must be actively supervised by the State; and (3) the Board's promulgation and enforcement of Rule 31101 were not actively supervised by the State of Louisiana.[6]

The Dodd-Frank Act also does not give rise to a defense to antitrust liability. Exemptions from the antitrust laws are to be narrowly construed,[7] and the general rule is, except where federal statutes impose conflicting obligations, courts will give effect to both statutes.[8] The ''good faith regulatory compliance defense'' to antitrust liability is a narrow, rarely invoked defense. The defense applies only when there is an inconsistency between the antitrust laws and the imperatives imposed on the respondent by federal regulation, such that the respondent is not able to comply with both laws.[9] ''The defense does not insulate anticompetitive conduct that a respondent freely chooses to undertake; the conduct must be necessitated by regulatory and factual imperatives.'' [10]

[1] 15 U.S.C. 45; *see, e.g., FTC* v. *Cement Inst.,* 333 U.S. 683, 693–94 (1948).

[2] 15 U.S.C. 1; *see, e.g., Arizona* v. *Maricopa Cnty. Med. Soc.,* 457 U.S. 332, 342–343 (1982).

[3] *See N.C. Bd. of Dental Exam'rs* v. *FTC.,* 574 U.S. 494, 510–12 (2015); *In re N.C. Bd. of Dental Exam'rs,* 2011 FTC LEXIS 290 at *38–39, 2011–2 Trade Cas. (CCH) ¶ 77,705 (Comm'n Op. and Order, Dec. 7, 2011); *see also Mass. Bd. of Registration in Optometry,* 110 FTC 549, 1988 WL 1025476 at *47–48 (Comm'n Op. and Order, June 13, 1988).

[4] *FTC* v. *Ticor Title Ins. Co.,* 504 U.S. 621, 639 (1992) (equating price regulation by market participants with per se unlawful price fixing); *Cal. Retail Liquor Dealers Ass'n* v. *Midcal Aluminum, Inc.,* 445 U.S. 97, 103–106 (1980) (same); *Goldfarb* v. *Va. State Bar,* 421 U.S. 773, 781–82 (1975) (same); *Schwegmann Bros.* v. *Calvert Distillers Corp.,* 341 U.S. 384, 386–390 (1951) (same); *Ky. Household Goods Carriers Ass'n., Inc.* v. *FTC,* 199 F. App'x 410, 411 (6th Cir. 2006) (same).

[5] *N. Tex. Specialty Physicians* v. *FTC,* 528 F.3d 346, 359–63 (5th Cir. 2008); *Polygram Holding, Inc.* v. *FTC,* 416 F.3d 29, 35–36 (D.C. Cir. 2005).

[6] *In the Matter of La. Real Est. Appraisers Bd.,* No. 9374, Op. and Order of the Comm'n, at 19–20 (Apr. 10, 2018).

[7] *Union Labor Life Ins. Co.,* v. *Pireno,* 458 U.S. 119, 126 (1982).

[8] *See Pom Wonderful LLC* v. *Coca-Cola Co.,* 573 U.S. 102, 107 (2014) (''When two statutes complement each other, it would show disregard for the congressional design to hold that Congress nonetheless intended one federal statute to preclude the operation of the other.''); *Morton* v. *Mancari,* 417 U.S. 535, 551 (1974) (''The courts are not at liberty to pick and choose among congressional enactments, and when two statutes are capable of co-existence, it is the duty of the courts, absent a clearly expressed congressional intention to the contrary, to regard each as effective.''); *United States* v. *Borden Co.,* 308 U.S. 188, 198 (1939) (''When there are two acts upon the same subject, the rule is to give effect to both if possible.'')

[9] *In the Matter of La. Real Est. Appraisers Bd.,* No. 9374, Op. and Order of the Comm'n, at 5–7 (May 6, 2019) (''*May 6 Comm'n Order*''); *see also PhoneTele, Inc.* v. *Am. Tel. & Tel. Co.,* 664 F.2d 716, 737–38 (9th Cir. 1981) (defendant must establish that ''at the time the various anticompetitive acts alleged here were taken, it had a reasonable basis to conclude that its actions were necessitated by concrete factual imperatives recognized as legitimate by the regulatory authority'').

[10] *May 6 Comm'n Order* at 7 (citing *PhoneTele,* 664 F.2d at 737–38).

With regard to the Board's conduct at issue here, there is no conflict or inconsistency between the Board's obligations under the Dodd-Frank Act and its obligations under the antitrust laws; the Board may readily comply with both laws. The Dodd-Frank Act invites States (and not private actors such as the Board) to cooperate with federal authorities in regulating the real estate appraisal industry. The antitrust laws constrain the actions of private actors (such as the Board), but do not apply to states acting in their sovereign capacity.[11] It follows that, if the State of Louisiana wishes to use a regulatory board as its instrument for implementing Dodd-Frank responsibilities, it can avoid antitrust complications by complying with the requirements of the state action doctrine. This assures the resulting regulatory regime furthers the governmental interests of the State, and not the private interests of market participants.[12]

IV. The Proposed Order

The proposed Order remedies the Board's anticompetitive conduct by requiring rescission of Rule 31101 and prohibiting the Board from regulating or fixing appraisal fees in Louisiana.

Sections II and III of the proposed Order address the core of the Board's anticompetitive conduct. Paragraph II.A prohibits the Board from enforcing Rule 31101, or adopting or enforcing any other rule that sets, determines, or fixes compensation levels for appraisal services. Paragraph II.B prohibits the Board from raising, fixing, maintaining, or stabilizing compensation levels for appraisal services; requiring or encouraging an AMC to pay any specific fee or range of fees for appraisal services; or requiring or encouraging appraisers to request any specific fee or range of fees for appraisal services. Prohibited conduct includes adopting a fee schedule for appraisal services or requiring AMCs to pay fees consistent with a fee survey or schedule of appraisal fees. Paragraph II.C prohibits the Board from discriminating against any AMC based on the fees that the company pays for appraisal services except in the limited circumstance described below. Prohibited discrimination includes requesting information, conducting audits or investigations, or holding enforcement hearings based on the AMC's fees. The non-discrimination provision includes a proviso that permits the Board to take actions necessary to comply with specific written instructions it receives in conjunction with a compliance review by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, which monitors States' implementation of minimum requirements for registration and supervision of AMCs under the Dodd-Frank Act. A copy of these instructions must be provided to Commission staff no later than 15 days after receipt, together with a description of how the Board will comply with them. The proviso does not apply to or limit the broad prohibitions on interfering with price competition set forth in Paragraphs II.A and II.B of the proposed Order. Paragraph III.A requires the Board to rescind Rule 31101, and any enforcement order based on an alleged violation of Rule 31101, within 30 days of the issuance of the Order. Paragraph III.B requires the Board to notify the Commission within 60 days any time the Board adopts a new rule or amends an existing rule relating to compensation levels for appraisal services.

Section IV requires the Board to provide notice of the Order to the Board's members and employees, as well as each AMC licensed by the Board. Section V requires the Board to file with the Commission verified written compliance reports. Section VI requires the Board to notify the Commission in advance of changes in the Board's structure that would affect its compliance obligations. Section VII requires that the Board provide the Commission with access to certain information for the purpose of determining or securing compliance with the Order. Section VIII provides that the Order will terminate 20 years from the date it is issued.

The purpose of this Analysis to Aid Public Comment is to invite and facilitate public comment concerning the proposed Order. It does not constitute an official interpretation of the proposed Order or in any way modify its terms.

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2021–13139 Filed 6–21–21; 8:45 am]

BILLING CODE 6750–01–P

[11] *Parker* v. *Brown,* 317 U.S. 341, 350–51 (1943).

[12] *See N.C. Dental,* 574 U.S. at 505–12.

UNITED STATES AGENCY FOR GLOBAL MEDIA

Public Input for USAGM 2022–2026 Strategic Plan

AGENCY: United States Agency for Global Media.

ACTION: Request for comment.

SUMMARY: The United States Agency for Global Media (USAGM) requests public input to inform development of USAGM's Strategic Plan for fiscal years 2022–2026.

DATES: Submit comments by July 9, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Agency website: www.usagm.gov.* Follow the instructions for submitting comments at *www.usagm.gov/request-for-public-input-on-usagm-strategic-plan-2022–2026.*
- *Email: publicaffairs@usagm.gov.* Please include the phrase 'strategic plan' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Laurie Moy, Acting Director of Public Affairs, at *publicaffairs@usagm.gov* or (202) 920–2380.

SUPPLEMENTARY INFORMATION: The U.S. Agency for Global Media (USAGM) is an independent establishment that supervises U.S. international broadcasting under the U.S. Information and Educational Exchange Act of 1948, the U.S. International Broadcasting Act of 1994 (as amended), and other authorities. In accordance with the Government Performance and Results Modernization Act of 2010, USAGM is required to submit its Strategic Plan to Congress the year following the start of a presidential term.

USAGM is in the process of developing its Strategic Plan for fiscal years 2022–2026 and is consulting a wide range of stakeholders. USAGM welcomes public input into this process on the following questions:

- What are the biggest challenges facing USAGM and other publicly-funded international media over the next five years?
- What are the biggest opportunities for USAGM and other publicly-funded international media over the next five years?
- Do you have any advice for agency leaders on how to position USAGM to best fulfill its mission ''to inform, engage, and connect audiences around the world in support of freedom and democracy''?

Dated: June 16, 2021.

Daniel Rosenhotlz,

Attorney-Advisor, Policy Officer U.S. Agency for Global Media.

[FR Doc. 2021–13082 Filed 6–21–21; 8:45 am]

BILLING CODE 8610–01–P