

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

CHAMBER OF COMMERCE OF THE UNITED
STATES OF AMERICA, et al.,

Plaintiffs/Appellees,

v.

FEDERAL TRADE COMMISSION, et al.

Defendants/Appellants.

No. 26-40094

STATUS REPORT

Pursuant to this Court’s May 26, 2026, Order, the government respectfully submits the following status report.

1. This case concerns the pre-merger reporting requirements governing certain large transactions. *See* 15 U.S.C. § 18a(d). In 2024, the Federal Trade Commission published a final rule updating those reporting requirements. *See Premerger Notification; Reporting and Waiting Period Requirements*, 89 Fed. Reg. 89,216 (Nov. 12, 2024). After plaintiffs challenged the rule, the district court entered summary judgment in their favor and vacated the rule.

Soon after the Commission appealed, it published a request for information that sought “public comment on the effectiveness of the Hart-Scott-Rodino Antitrust Improvements Act (‘HSR Act’)’s premerger reporting requirement.” FTC, *Request for Public Comment Regarding Making Improvements to the Premerger Notification and Report Form*,

https://www.ftc.gov/system/files/ftc_gov/pdf/2026.03.25-HSR-RFI.pdf (Mar. 25, 2026) [RFI]. The Commission explained that “[r]egardless of the outcome” of this appeal, “the Commission is considering engaging in a new rulemaking process.” *Id.* On the government’s motion, this Court placed the appeal in abeyance through December 31, 2026, and directed the government to file status reports every 60 days.

2. The public comment period for the RFI closed on May 26, 2026. The Commission received 55 responsive comments. The Commission is currently evaluating those comments as it determines whether to proceed with a rulemaking.

3. The government will continue to update the Court with status reports at least every 60 days.

Respectfully submitted,

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/s/ Steven H. Hazel

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September 22, 2026

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 233 words, according to the count of Microsoft Word.

/s/ Steven H. Hazel
STEVEN H. HAZEL