



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 F STREET, N.E.
WASHINGTON, D.C. 20549

OFFICE OF THE
GENERAL COUNSEL

December 1, 2023

Lyle W. Cayce
Clerk of Court
U.S. Court of Appeals for the Fifth Circuit
Office of the Clerk
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130

Via ECF

Re: *Chamber of Com. of the USA v. SEC*, No. 23-60255

Dear Mr. Cayce,

Counsel for the Securities and Exchange Commission write to inform the Court of the status of the rule on review¹ in the above-mentioned case.

On October 31, 2023, the Court granted the petition for review and remanded the matter with direction to the Commission to correct the defects that the Court identified in the rule within 30 days of the Court's opinion. Dkt. 121.

On November 22, 2023, the Commission moved the Court to extend the 30-day remand period, explaining that "[s]ince the remand, the Commission's staff has worked diligently to ascertain the steps necessary to comply with the Court's remand order and has determined that doing so will require additional time." Dkt. 128 at 2.² Petitioners opposed the requested extension. Dkt. 136. On November 26, 2023, the Court denied the Commission's motion. Dkt. 141.

¹ *Share Repurchase Disclosure Modernization*, Rel. No. 34-97424 (May 3, 2023), 88 Fed. Reg. 36002 (June 1, 2023).

² To facilitate the requested relief, the Commission entered an order staying the effectiveness of the rule pending further Commission action. Dkt. 128 at 2.

Consistent with the statements in its November 22, 2023 filing, the Commission was not able “to correct the defects in the rule,” Dkt. 121, within 30 days of the Court’s opinion.

Sincerely,

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General Counsel

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Senior Appellate Counsel

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/s/ Ezekiel L. Hill
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cc: Counsel of record (via ECF)