

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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NATIONAL ASSOCIATION OF )  
MANUFACTURERS )  
733 10th St., NW )  
Suite 700 )  
Washington, DC 20001, )

CHAMBER OF COMMERCE OF THE )  
UNITED STATES OF AMERICA )  
1615 H St., NW )  
Washington, DC 20062, )

BUSINESS ROUNDTABLE )  
300 New Jersey Ave., NW )  
Suite 800 )  
Washington, DC 20001, )

Plaintiffs, )

vs. )

UNITED STATES SECURITIES AND )  
EXCHANGE COMMISSION )  
100 F St., NE )  
Washington, DC 20549, )

Defendant, )

AMNESTY INTERNATIONAL OF THE )  
USA )  
5 Penn Plaza )  
16th Floor )  
New York, NY 10001, )

AMNESTY INTERNATIONAL LTD. )  
1 Easton Street, )  
London WC1X 0DW )  
United Kingdom, )

Intervenors-Defendants. )

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No. 1:13-cv-00635-KBJ

## JOINT STATUS REPORT

On August 22, 2012, the Securities and Exchange Commission (“SEC” or “Commission”) adopted Rule 13p-1 and Form SD, *Conflict Minerals*, 77 Fed. Reg. 56,274 (Sept. 12, 2012) (“the Rule”), promulgated pursuant to Section 1502 of the Dodd-Frank Act, 15 U.S.C. § 78m(p). Plaintiffs sought review of the Rule. In April 2014 the United States Court of Appeals for the District of Columbia Circuit held that Section 1502 and the Rule violated the First Amendment “to the extent the statute and the rule require regulated entities to report to the Commission and to state on their website that any of their products ‘have not been found to be “DRC conflict free.’” See *Nat’l Ass’n of Mfrs. v. SEC*, 748 F.3d 359, 373 (D.C. Cir. 2014). It otherwise affirmed this Court’s judgment, which had upheld the rule in full. The Court of Appeals issued a new opinion on panel rehearing in August 2015, see *Nat’l Ass’n of Mfrs. v. SEC*, 800 F.3d 518 (D.C. Cir. 2015), that adhered to its constitutional holding and remanded to this Court for further proceedings consistent with the Court of Appeals’ rulings.

The parties now submit this Joint Status Report as directed by the Court’s Order of February 10, 2017. The parties respectfully represent that no further proceedings are necessary and request that the Court enter a final judgment in accordance with the decisions by the Court of Appeals.

## DISCUSSION

The Court of Appeals remanded to this Court for any proceedings necessary to give effect to the Court of Appeals’ decisions. The parties now agree that no such proceedings are necessary. The Court of Appeals’ decisions resolved the plaintiffs’ claim in this case that the relevant portion of the Rule as currently formulated (and the statute to the extent that it compels that portion of the Rule) violates the First Amendment; no additional proceedings

are necessary to assess the validity of the Rule and statute. Accordingly, final judgment in accordance with the Court of Appeals' decisions is appropriate.

**CONCLUSION**

For the foregoing reasons, the parties respectfully request that this Court enter a final judgment in accordance with the decisions of the Court of Appeals.

Dated: March 10, 2017

Respectfully submitted,

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s/ Peter D. Keisler

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of March, 2017, I caused the foregoing Joint Status Report to be filed with the Clerk of Court for the United States District Court for the District of Columbia using the CM/ECF system. Service was accomplished on all parties via the Court's CM/ECF system.

s/ Peter D. Keisler

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Peter D. Keisler