

ALERT MEMORANDUM

FTC and DOJ Release Contingency Plans Ahead of Potential Government Shutdown

September 29, 2025

With a federal government shutdown possible as early as October 1st, 2025, companies should be aware of potential disruptions across U.S. antitrust enforcement. Contingency plans released by the Federal Trade Commission and the Antitrust Division of the Department of Justice indicate that while HSR filings will still be accepted, staffing will be limited and most conduct investigations and administrative litigation are likely to pause.

- The agencies will continue to accept HSR filings, but with a reduced staff and no availability for questions.
- Agencies may request parties in transactions with significant antitrust risk to pull and refile HSR notifications.
- Both agency contingency plans state they will proceed with investigations during the shutdown if a failure to challenge before closing would substantially impair its ability to secure effective relief later.
- All non-merger investigations will be suspended and all FTC administrative litigation will be stayed.
- Both agencies will seek to stay any active federal litigation. If a court denies a stay request, relevant staff will be permitted to continue working.
- All civil investigative demand (CID) and subpoena deadlines will be extended for the duration of the shutdown.

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