

January 31, 2023

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex C)
Washington, DC 20580

Re: Notice of Proposed Rulemaking, Federal Trade Commission; Non-Compete Clause Rule; 88 Fed. Reg. 3482 (RIN: 3084-AB74) (January 19, 2023)

Dear Ms. Tabor:

The 100 undersigned organizations request that the Federal Trade Commission (“FTC”) extend the comment period to the above-referenced notice of proposed rulemaking (“NPRM”) for an additional 60 days. The regulated community should be given sufficient time to assess the potential consequences of the rulemaking and develop insightful comments for the Commission to consider.

This rulemaking, as the FTC itself acknowledges, will impact a significant portion of the economy. Given the breadth of the rule, a sufficient comment period is needed to ensure the regulated community can fully assess its effects.

Moreover, there are significant legal questions that must be addressed by commenters. Among the issues raised by the FTC action is whether the Commission has the legal authority to issue such a rulemaking, the rule’s potential preemption of the numerous state laws and regulations on this issue, and how such preemption will alter the regulated community’s legal obligations.

Considering the potential impact of this proposal, the undersigned organizations urge the FTC to extend the comment period an additional 60 days. Doing so would ensure the regulated community can fully and confidently provide comprehensive comments to the Commission. Thank you for your consideration of this matter.

Sincerely,

ACA International
Advanced Medical Technology Association
The Alternative Investment Management Association
American Bakers Association
American Council of Engineering Companies
American Financial Services Association
American Hospital Association
American Hotel and Lodging Association

American Investment Council
American Staffing Association
American Trucking Associations
The Asset Management Group of the Securities Industry and Financial Markets Association
Associated Builders and Contractors
Associated Builders and Contractors Michigan
Associated General Contractors of America
Associated Industries of Vermont
Association of Dental Support Organizations
Association of National Advertisers
Association of Washington Business
Business & Industry Association of New Hampshire
Business Roundtable
Computer & Communications Industry Association
Connecticut Business & Industry Association
Consumer Brands Association
Consumer Technology Association
Council of Insurance Agents & Brokers
Dayton Area Chamber of Commerce
Delaware Manufacturing Association
Delaware Retail Council
Delaware State Chamber of Commerce
Direct Selling Association
Electronic Transactions Association
Federation of American Hospitals
FIA Principal Traders Group
Florida Chamber of Commerce
FMI - The Food Industry Association
Greater North Dakota Chamber
HR Policy Association
Illinois Manufacturers' Association
Independent Community Bankers of America
Independent Electrical Contractors
Independent Insurance Agents & Brokers of America
Independent Lubricant Manufacturers Association
International Franchise Association
ITI - The Information Technology Industry Council
Kansas Chamber and Kansas Manufacturing Council
Lake State Railway Company
Littler Mendelson Workplace Policy Institute
Louisiana Association of Business and Industry
Managed Funds Association
MEMA, The Vehicle Suppliers Association
Metals Service Center Institute
Mississippi Manufacturers Association
Mortgage Bankers Association

National Association of Benefits and Insurance Professionals
National Association of Chemical Distributors
National Association of Convenience Stores
National Association of Insurance and Financial Advisors
National Association of Manufacturers
National Association of Mutual Insurance Companies
National Association of Wholesaler-Distributors
National Automobile Dealers Association
National Council of Chain Restaurants
National Federation of Independent Business
National Lumber & Building Material Dealers Association
National Mining Association
National Newspaper Association
National Pest Management Association
National Propane Gas Association
National Restaurant Association
National Retail Federation
National Roofing Contractors Association
National Tooling and Machining Association
National Waste & Recycling Association
NATSO, Representing America's Travel Plazas and Truckstops
Nebraska Chamber of Commerce & Industry
NetChoice
New Mexico Business Coalition
North Carolina Chamber
Oregon Business & Industry
Pennsylvania Chamber of Business and Industry
Pennsylvania Food Merchants Association
Precision Machined Products Association
Precision Metalforming Association
Reinsurance Association of America
Restaurant Law Center
Retail Industry Leaders Association
Rhode Island Manufacturers Association
Securities Industry and Financial Markets Association
Security Industry Association
SIGMA: America's Leading Fuel Marketers
Software & Information Industry Association
South Carolina Chamber of Commerce
Tennessee Chamber and Manufacturers Association
U.S. Chamber of Commerce
U.S. Tire Manufacturers Association
West Virginia Manufacturers Association
Wholesale & Specialty Insurance Association
Window Covering Manufacturers Association
Wisconsin Manufacturers & Commerce