

Congress of the United States
House of Representatives
Washington, DC 20515-1405

January 13, 2023

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Dear Commissioner Khan,

I do share your frustrations with the lack of competition in many sectors of our economy, although I might have a different rationale for its causes. However, I would like to express my concerns and raise an issue of constitutionality of the proposed Non-Compete Clause Rule to ban all non-compete clauses and preempt state law.

The government does have a function to provide a proper legal framework to prevent coercion, including to address unreasonable in duration and scope agreements due to non-equal bargaining powers, there could be some legitimate reasons for reasonable restrictions. A blanket approach should not be applied. Also, these contracts have been generally governed by states for a very long time. As a former state senator, I personally authored legislation to address egregious contract terms in some physician non-compete agreements.

I appreciate your efforts, especially in the area of hospital monopoly, which had a significant adverse effect on price and value of medical care in the state of Indiana, which I represent. I truly believe an issue of such vast economic and political significance should have explicit congressional authorization and would be glad to discuss as a member of the House Judiciary Committee and Antitrust Subcommittee.

Sincerely,

A handwritten signature in black ink that reads "Victoria Spartz". The signature is written in a cursive, flowing style.

Victoria Spartz
Member of Congress (IN-05)