



December 4, 2023

The Honorable Lina Khan
Chairman
Federal Trade Commission
400 7th Street SW, 5th Floor, Suite 5610 (Annex B)
Washington, D.C. 20024

**RE: Request for Extension of Public Comment Period for FTC’s Proposed Rule on
“Trade Regulation Rule on Unfair or Deceptive Fees”**

Dear Chair Khan:

On behalf of the National Restaurant Association, we respectfully request that the Federal Trade Commission (FTC) extend the public comment period for its recent Notice of Proposed Rulemaking (NPRM), “Trade Regulation Rule on Unfair or Deceptive Fees” (16 CFR Part 464), issued on November 9, 2023. Given the breadth of the proposed rule, the number of questions the FTC posed about the industry, and the estimated compliance cost of \$3.5 billion, the Association requests the deadline for public comment be extended by an additional sixty days to Friday, March 8, 2024, to fully assess and respond to the potential impact of the proposal.

Founded in 1919, the National Restaurant Association is the leading business association for the restaurant and foodservice industry, which comprises nearly 1 million restaurant and foodservice outlets and a workforce of more than 15 million employees. Together with state restaurant associations in every state, the District of Columbia, and Puerto Rico, we are a network of professional organizations dedicated to serving every restaurant through advocacy, education, and food safety.

As you know, our industry was devastated by the COVID-19 pandemic – especially the small business owners of Main Street table service restaurants. More than 8 million restaurant employees were laid off or furloughed, and the industry collectively lost over \$290 billion in sales in the first year alone. While the pandemic may have subsided, a strong majority of restaurants say they face higher operating costs now than before 2020 due to a combination of continued tight labor market, supply chain disruptions, elevated food costs, and ever-increasing credit card swipe fees.

Given this challenging set of circumstances, the Association was surprised by the NPRM’s profound emphasis on the restaurant industry despite never being mentioned in its [Advanced Notice of Proposed Rulemaking](#) issued in November 2022. Considering the breadth, scope, and projected compliance costs of the NPRM, the National Restaurant Association urges the FTC to extend the comment period an additional 60 days. Doing so would ensure we can fully and confidently provide comprehensive comments to the Commission.

Thank you for your consideration of this matter.

A handwritten signature in black ink that reads "Sean Kennedy".

Sean Kennedy
Executive Vice President of Public Affairs