



SCWA Legislative Update

February 13, 2023



Federal Trade Commission Issues a Notice of Proposed Rulemaking for the Non-Compete Clause Rule

On January 9, 2023, the Federal Trade Commission (“Commission”) published a notice of proposed rulemaking for the Non-Compete Clause Rule.

The proposed rule would, among other things, prohibit an employer to:

- enter into or attempt to enter into a non-compete clause with a worker
- maintain with a worker a non-compete clause
- to represent to a worker under certain circumstances that the worker is subject to a non-compete clause.

Comments are due on March 20, 2023.

Read the notice at [Regulations.gov](https://www.regulations.gov)

- Submit comments online at <https://www.regulations.gov>, by following the instructions on the web-based form.
- Mail: Comments may be mailed to Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite 1 CC-5610 (Annex C), Washington, DC 20580. Write “Non-Compete Clause Rulemaking, Matter No. P201200” on your comment.

Advocacy contact: Jennifer A. Smith at Jennifer.Smith@sba.gov.



USCIS Proposes Increases In Business Immigration Fees

On January 4, 2023, the United States Citizenship and Immigration Services (USCIS) proposed a rule increasing fees for employers who petition for workers and sponsor them for permanent residence.

USCIS also proposes a new program fee of \$600 per visa to be paid by businesses for both temporary and permanent visa categories to fund the U.S. asylum program.

Proposed Fee Increases Include:

- H-1B Visas (Skilled/Specialty Occupation Workers)- Fee Increases of \$920 - \$1,135 per visa (200-247 percent). This includes a \$215 H-1B registration fee, up from the original \$10 fee.
- H-2A Visas (Agricultural Guest Workers) and H-2B Visas (Non-Agricultural Guest Workers)- Fee Increases of \$670-\$1230 per visa (146-267 percent).
- L-1 visas (Temporary intracompany transferees)- Fee increase of \$1,525 (332 percent).
- Immigrant Petitions-Fee Increase of \$615 (88 percent).

Advocacy is seeking feedback on the small businesses affected, compliance costs from this rule, and regulatory alternatives that would minimize the impact of this rule for small entities.

Written comments are due to USCIS by March 6, 2023.

Read and submit comments on the proposed rule.

