

March 31, 2023

The Honorable Chris Murphy
U.S. Senate
136 Hart Senate Office Building
Washington, DC 20510

The Honorable Todd Young
U.S. Senate
185 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tim Kaine
U.S. Senate
231 Russell Senate Office Building
Washington, DC 20510

The Honorable Kevin Cramer
U.S. Senate
313 Hart Senate Office Building
Washington, DC 20510

Dear Senators Murphy, Young, Kaine, and Cramer:

On behalf of the more than 84,000 members of the American College of Surgeons (ACS), I would like to express our strong support for the Workforce Mobility Act of 2023 (S. 221). By banning non-competes, except under limited circumstances, this legislation would help ensure that surgeons are free to practice where they choose.

Non-competes, including those in the healthcare sector, are common in employment contracts. Unfortunately, many employed surgeons are subject to contractual terms, which include a restrictive covenant enforceable upon their voluntary separation or involuntary dismissal from employment, with or without cause. Studies have found that non-competes are often used even when they are illegal or unenforceable, with a chilling effect on employee movement. A typical non-compete would bar physicians from practicing for a prescribed period of time within a defined geographic area or specific mile radius of the current employer. By prohibiting the use of non-compete agreements, the Workforce Mobility Act would provide surgeons the option to work for a competitor, start a private practice, or even practice in an underserved area, rather than be forced to move hundreds of miles or forgo a professional opportunity.

Thank you for your efforts and leadership on this important issue. We look forward to working with you to ensure the enactment of this important legislation.

Sincerely,



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