

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
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GOVERNMENT AFFAIRS

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TO THE MEMBERS OF THE U.S. SENATE:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting and defending America's free enterprise system, **strongly opposes Senate amendment 1284**, expected to be offered by Senators Sanders, Grassley and Harkin, to S. 744, the "Border Security, Economic Opportunity, and Immigration Modernization Act." This amendment would bar any employer who has given a WARN Act notice regarding a large scale layoff from using any work-authorized visa status to hire a foreign national, and require that the employer terminate the visa status of any foreign worker in the U.S. for that company within 60 days after giving such notice.

Companies should not be hampered in their efforts to create jobs for Americans here in the U.S. by having the ripple effects of business decisions in one product line or business restrict their access to choosing the right skill sets and right people for jobs in another product line or business. Unfortunately, this amendment would do just this.

The amendment would cause harm to America's job creators by restricting a U.S. company's ability to be responsive to a changing market place. For example, a few years ago, a large, well-known U.S. company had a major layoff relating to a discontinued product line at the same time it was undergoing the biggest R&D effort in the company's history. As part of the R&D investment, some H-1B professionals were hired, whose graduate STEM studies in the U.S. focused on research that made them key to this company's efforts. Under this amendment, this U.S. company's multi-billion R&D efforts would have been adversely – and unnecessarily – harmed.

In short, by making broad presumptions about large scale layoffs as being disqualifying for work-authorized visa sponsorship, this amendment would hinder the ability of companies to restructure and reinvent their business to be competitive in the national and international marketplace.

The Chamber strongly opposes this amendment. **The Chamber may consider including votes on, or in relation to, the Sanders amendment in our *How They Voted* scorecard.**

Sincerely,



R. Bruce Josten