

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

R. BRUCE JOSTEN  
EXECUTIVE VICE PRESIDENT  
GOVERNMENT AFFAIRS

1615 H STREET, N.W.  
WASHINGTON, D.C. 20062-2000  
202/463-5310

June 23, 2010

TO THE MEMBERS OF THE UNITED STATES 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 every size, sector, and region, urges you to oppose S. 2804, the "Employ America Act," either as stand-alone legislation or as an amendment to other legislation.

The Chamber believes that S. 2804 would weaken U.S. competitiveness by prohibiting American business from hiring any foreign worker and forcing the termination of those already on payroll, if a mass layoff notice pursuant to the Worker Adjustment and Retraining Notification Act (WARN Act) is given.

The legislation does not take into consideration either the location of the mass layoff as compared to the location of where foreign workers are employed or the training and education of the individuals being laid-off as compared to that of the foreign worker.

Thus, if a manufacturer, which must downsize during an economic downturn, issues a WARN Act notification at an East Coast plant producing one of its products, but has promising research for a future product at a West Coast plant, which requires highly-trained engineers, some of whom have H-1B visas, it would still be forced to terminate those H-1B workers pursuant to this legislation. This outcome would be required even though the job functions and skill are not related or interchangeable.

Moreover, existing temporary worker programs have specific protections to prevent U.S. employers from hiring foreign workers when U.S. workers are available.

The Chamber urges you to oppose S. 2804, either as stand-alone legislation or as an amendment to other legislation.

Sincerely,



R. Bruce Josten