

Testimony of

The Honorable Saxby Chambliss

July 29, 2003

Statement for Chairman Saxby Chambliss
Immigration and Border Security Subcommittee Hearing
The L1 Visa and American Interests in the 21st Century Global Economy
Tuesday, July 29, 2003

I appreciate our panel of witnesses testifying today on The L1 Visa and American Interests in the 21st Century Global Economy. Congress created the L1 visa to allow international companies to move executives, managers, and other key personnel within the company and into the United States temporarily. A current concern is whether some companies are making an end-run around the visa process by bringing in professional workers on L1 visas who are not solely intra-company transferees. With media reports that some American workers have been displaced, calls for closing the so-called "L1 loophole" are increasing. Today we will hear from a full range of perspectives and will evaluate what actions can be taken, without potentially adverse consequences.

One particular issue is with companies who bring in workers not just to transfer them within the company, but also for outsourcing them to other companies. For example, an alleged problem arises when an offshore company obtains L1 visas to transfer foreign workers who have general professional skills that are shared broadly by U.S. workers. Once these L1 workers arrive in the U.S., they are outsourced to a third-party company, often to work with computer software that is widely available. When an outsourced L1 worker sits at a desk next to his U.S. counterpart doing the same work, a concern is whether the foreign worker really has the kind of "specialized knowledge" of his company's product that was anticipated by the statute, or whether this is a clever legal use of the L1 visa that evades the intent of Congress?

Some critics of the L1 visa have advocated legislation, and that may be appropriate, yet we must be careful not to impose overly burdensome requirements on U.S. businesses. Unnecessary restrictions often backfire by limiting flexibility, deterring investment, and hurting the very businesses that we agree already use the L1 as Congress intended. We need the best people in the world to come to the United States, to bring their skills and innovative ideas, and to support our business enterprises, and the L1 visa is an important tool to achieve these purposes.

I will introduce the witnesses individually as I recognize them for their opening statements. Due to the size of our panel, I would ask each witness to keep his or her testimony under five minutes.