



Alliance to End Slavery and
Trafficking
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Suite 520
Washington, DC 20006
www.endslaveryandtrafficking.org

May 8, 2013

The Honorable Dianne Feinstein
331 Hart Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Feinstein:

On behalf of the Alliance to End Slavery and Trafficking (ATEST) and the undersigned organizations, we are writing to you today to express our strong support for *Subtitle F-Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad*, of Title III of S.744 Border Security, Economic Opportunity, and Immigration Modernization Act of 2013.

This legislation to strengthen regulation of foreign labor contractors is an essential element in the prevention of human trafficking and forced labor. Foreign labor contractors (or recruiters) are increasingly relied upon to facilitate the migration of labor from one country to another. While many foreign labor contractors behave ethically and lawfully, many others do not. Labor contractors are often complicit or directly involved in the trafficking of workers, exploiting U.S. nonimmigrant visa programs, such as the H2A, H2B, H1, and J1. These contractors, who operate in a climate of impunity, lure impoverished and desperate foreign workers to the United States, promising jobs described as plentiful and lucrative. They rely on coercive tactics, charging guestworkers fees that often force the workers to stay in abusive or exploitative working conditions under debt bondage or other forms of slavery. Foreign labor contractors often falsify documents, and deceive workers about their terms and conditions of work, increasing vulnerability to human trafficking.

Stricter oversight of labor contractors is needed to protect documented workers entering the United States legally from human trafficking and other abuses. Stronger legal safeguards will ensure the integrity of the American economy, which is undermined when unregulated actors conspire to fraudulently deceive workers about the terms and conditions of work. It will also help to fix some of the structural failures in U.S. visa programs that foreign labor recruiters now exploit (including within the H2A, H2B, H1, and J1 visa programs).

Subtitle F includes measures that would help to remedy many of these abuses. The bill requires increased transparency by and registration of foreign labor contractors/recruiters in order to prevent the charging of fees that result in situations of debt bondage or create vulnerability to other forms of human trafficking, forced labor and modern-day slavery. It also provides businesses and workers with helpful tools to identify and utilize legitimate

foreign labor recruiters. Specifically:

- Disclosure: Foreign labor contractors would be required to disclose to the worker full and complete information about the terms and conditions of work in the United States. Most importantly, no foreign labor contractor could charge a worker any fee related to recruiting activities. No foreign labor contractor may knowingly provide false or misleading information to workers.
- Registration: Foreign labor contractors would be required to obtain a certificate of registration (for a fee) from the Secretary of Labor. The Secretary would be required to maintain and update a list of all contractors indicating their compliance with this provision. Employers who use registered foreign labor contractors will have a safe harbor from liability.
- Enforcement: Foreign labor contractors would be subject to administrative, civil and criminal penalties for violations of this provision. Administrative remedies assist in covering the costs of the program.

In 2007 Representative George Miller (D-CA) introduced H.R.1763, the Indentured Servitude Abolition Act, which included similar labor contractor regulation provisions. The House of Representatives passed a version of that legislation as part of H.R. 3887, the Wilberforce Trafficking Victims Protection Reauthorization Act of 2007. In 2011 Representative Chris Smith (R-NJ) along with 16 other Republicans introduced H.R. 3589, the Trafficking Victims Protection Act of 2011. This bill as originally introduced included all of the ATEST recommended language related to foreign labor contractors. Enacting these provisions has therefore enjoyed truly bi-partisan support.

Therefore, for the reasons outlined, we strongly urge you to pass *Subtitle F* of Title III of S.744 as part of the immigration reform bill in order to prevent human trafficking and other abuses of workers recruited to work in the United States.

Thank you for your time and attention to this important matter. If you have any questions or need additional information, please do not hesitate to contact Melysa Sperber, ATEST Director, at msperber@humanityunited.org or (631) 374-0749.

Sincerely,

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

American Federation of Teachers (AFT)

Asian American Legal Defense and Education Fund (AALDEF)

Bakhita Initiative: U.S. Catholic Sisters United Against Human Trafficking

Benedictine Sisters of Chicago

Break the Chain Campaign

Mar Smith, PhD
Executive Director
Businesses Ending Slavery and Trafficking

Catholic Health East

Catholic Migrant Farmworker Network

Ruth Rosenbaum, TC, PhD
Executive Director
CREA: Center for Reflection, Education and Action
CREA House
72 Greenfield Street
Hartford, CT 06112

Central Missouri Stop Human Trafficking Coalition

Centro de los Derechos del Migrante, Inc.

Reid Maki
Coordinator
Child Labor Coalition

Coalition to Abolish Slavery & Trafficking (CAST)

Coalition of Immokalee Workers (CIW)

Shirley McClerklin-Motley, MSW, CSPP, ABD
Chair, Social Work Department
Coker College

Congregation of Sisters of St. Agnes
Fond du Lac, Wisconsin

Dominican Sisters of Blauvelt, NY – Social Justice Committee

Dominican Sisters of Blauvelt, NY- Immigration Circle of Justice

Dominican Sisters of Houston

The Dominican Sisters of Peace

Dominican Sisters Women's Committee - Blauvelt/Sparkill, NY

Erin Meyer

End Slavery Cincinnati

Florrie Burke, Consultant

Franciscan Action Network

Sr. Donna Graham, OSF
Office of Justice, Peace and Integrity of Creation
Franciscan Friars (OFM), St. John the Baptist Province

Free the Slaves

Freedom Network USA

Jeffery W. Perkins
Executive Director
Friends Fiduciary Corporation

Girls Educational and Mentoring Services (GEMS)

Courtney Schaad
Founder and President
Give Way to Freedom

Global Workers Justice Alliance

Cameron Conaway
The Good Men Project

GoodWeave USA

Rabbi Michael E. Feinberg
Executive Director
Greater New York Labor-Religion Coalition

Grey Nuns of the Sacred Heart Yardley, PA

HIAS (Hebrew Immigrant Aid Society)

International Initiative to End Child Labor (IIECL)

International Institute of Buffalo

International Justice Mission

Jewish Community Relations Council, Greater Boston

Jewish Labor Committee

LaborVoices, Inc.

Leadership Conference of Women Religious

The Leadership Council of the Sisters, Servants of the Immaculate Heart of Mary
Monroe, Michigan

Leadership Team of the Felician Sisters of North America

Leadership Team of the Franciscan Sisters of Peace
Haverstraw, NY

Leadership Team of the Sisters of Charity of Cincinnati, Ohio

Harvey Popolow
Executive Director
Magen Tzedek Commission

Made By Survivors, a project of T.E.N. Charities

Rabbi Maralee Gordon
McHenry County Jewish Congregation

Sally Greenberg
Executive Director
National Consumers League

National Domestic Workers Alliance

National Employment Law Project (NELP)

New Orleans Human Trafficking Working Group

Not For Sale Campaign

Oasis USA

p.h. balanced films

Partners Against Trafficking of Humans- Stark

Pax World Funds

Pennsylvania Council of Churches

Aquilina Soriano
Executive Director
Pilipino Workers Center

Polaris Project

Project IRENE

Reconstructionist Rabbinical College

Religious Sisters of Charity

Religious of the Sacred Heart of Mary, Western American Province

Sara Pomeroy
Founder, Executive Director
Richmond Justice Initiative

Safe Horizon

The School Sisters of Notre Dame AMSSND Province

Immigration Core Committee
School Sisters of Notre Dame, Central Pacific Province

Sinsinawa Dominicans

Sisters of Mercy
U.S. Province
1075 Bermuda Drive
Redlands, CA 92374

Sisters of Mercy of the Americas, Institute Justice Team

Sisters of Mercy West Midwest Justice Team
Omaha, Nebraska

Sister Louise O'Reilly, Leadership of the Sisters of Notre Dame de Namur of California

Sisters of St. Francis of the Holy Cross
3110 Nicolet Drive
Green Bay, WI 54311-7212

Sisters of St. Dominic, Congregation of the Most Holy Name, San Rafael

Sisters of St. Dominic of Blauvelt, NY

The Immigration Working Group
Sisters of St. Francis
Rochester, MN

The Human Trafficking Working Group
Sisters of St. Francis
Rochester, MN

Advocacy Committee for Justice and Peace of the Sisters of St. Francis of Philadelphia

Sisters of the Holy Cross, Notre Dame, IN

Mary Ann Buckley
Provincial
Society of the Holy Child Jesus, American Province

Margaret Doyle
Provincial Leadership Team Member
Society of the Holy Child Jesus, American Province

Sandra Lincoln
Provincial Leadership Team Member, Justice Coordinator
Society of the Holy Child Jesus, American Province

Solidarity Center

Elise Cleva
Social Justice Coordinator
St. Charles Church
Arlington, Virginia

STOP SLAVERY: Northern California Coalition of Catholic Sisters against Human Trafficking

T'ruah: The Rabbinic Call for Human Rights

Thai Community Development Center

The Rabbinical Assembly

The U.S. Fund for UNICEF

U.S. Committee for Refugees and Immigrants

United Synagogue of Conservative Judaism

Uri L'Tzedek: Orthodox Social Justice

Verité

Vital Voices Global Partnership

Worker Justice Center of New York

Stephan Bauman
President & CEO
World Relief

World Vision

A TEST is a diverse alliance of U.S.-based human rights organizations, acting with a shared agenda to end all forms of modern-day slavery and human trafficking domestically and globally. A TEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, International Justice Mission, Not For Sale, Polaris Project, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, and World Vision.