



March 12, 2014

Representative John Kline, Chairman
Representative George Miller, Ranking Member
U.S. House of Representatives Committee on Education & the Workforce
2181 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Kline and Ranking Member Miller:

On behalf of the Alliance to End Slavery and Trafficking (ATEST), the International Labor Recruitment Working Group (ILRWG), and the undersigned 100+ organizations, we are writing to express our strong support for the “Fraudulent Overseas Recruitment and Trafficking Elimination Act of 2013” (FORTE) (H.R. 3344) as introduced by Representative Edward Royce (R-CA) and Representative Karen Bass (D-CA). We urge you to co-sponsor and pass H.R. 3344, a critical piece of legislation needed to prevent the severe exploitation of workers recruited abroad.

H.R. 3344’s 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 H-2A, H-2B, H-1, and J-1 programs. These contractors, who operate in a climate of impunity, lure vulnerable 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 legally entering the United States 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 deceive workers about the terms and conditions of work. It will also help to fix some of the structural failures in U.S. nonimmigrant visa programs that foreign labor recruiters now exploit.

H.R. 3344 includes measures that would help to remedy many of these abuses. The bill requires increased transparency by and registration of foreign labor contractors in order to prevent the recruitment-related fees that result in situations of debt bondage or create vulnerability to other forms of human trafficking, forced labor and modern slavery. Other recent laws and policies related to labor recruitment are predicated on the assumption that workers will not pay fees to

obtain these jobs. 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 honest information about the terms and conditions of work in the United States. Most importantly, there would be strict enforcement of the rule that no foreign labor contractor may 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 and the registration fee 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 contained very similar provisions related to foreign labor contractors. In 2013, the Senate passed *Subtitle F: Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad* and similar provisions in *Subtitle I* as part of S. 744 (Immigration Reform). Subtitles F and I contain many of the same provisions as in H.R. 3589. Enacting these provisions has therefore enjoyed truly bi-partisan support.

For the reasons outlined above, we strongly urge you to support and pass H.R. 3344 to prevent human trafficking, forced labor, 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,

Advocates for Basic Legal Equality

AFL-CIO

Alianza Nacional de Campesinas

American Federation of Teachers

American Federation of Teachers - Maryland

API Chaya

Asian Pacific Islander Legal Outreach

Break the Chain Campaign

Businesses Ending Slavery & Trafficking (BEST)

Catholic Health Partners

Central Missouri Stop Human Trafficking Coalition Board of Directors

Centro de los Derechos del Migrante, Inc.

Coalition Against Slavery and Trafficking

Coalition of Immokalee Workers

Conrad N. Hilton Fund for Sisters

Crisis Center of Tampa Bay

Damayan Migrant Workers Association

Department for Professional Employees, AFL-CIO

DFN

Dominican Sisters of Hope

ECPAT-USA

Equal Justice Center

Fair Employment Project

Faith Alliance of Brevard County

Farmworker Justice

Franciscan Friars (OFM), St. John the Baptist Province, JPIC Office

Franciscan Sisters of Little Falls Leadership

Free the Slaves

Freedom Network USA

Freedom Road Project Malibu

Friends Fiduciary Corporation

Georgia Women for a Change

Global Workers Justice Alliance

Greater Rochester Coalition for Immigration Justice

Grey Nuns of the Sacred Heart, Yardley, PA

Holy Union Sisters

Howard Delafield International

ICCR Human Trafficking Leadership Group

International Institute of Buffalo

International Justice Mission

International Labor Recruitment Working Group

International Presentation Association

Jewish Labor Committee

Jewish Labor Committee Western Region

Kids for College

Leadership Conference of Women Religious

Legal Aid Justice Center – Immigrant Advocacy Program (Virginia)

Lideres Campesinas

Maryknoll Fathers and Brothers

MATAHARI

Mercy Investment Services, Inc

Minnesota Coalition for Responsible Investment

Missionary Oblates of Mary Immaculate

Mosaic Family Services

National Domestic Workers Alliance

National Employment Law Project

National Network for Youth

Network for Peace through Dial

New Mexico Center on Law and Poverty

North Carolina Justice Center

Northwest Coalition for Responsible Investment

NOW National Organization for Women

Pennsylvania Council of Churches

Polaris Project

Presentation Sisters

Project IRENE

Province of St. Joseph, OFM Capuchin

Provincial Council, School Sisters of Notre Dame, Central Pacific Province

Public Justice Center

Reconstructionist Rabbinical College

Religious Sisters of Charity

Richmond Justice Initiative

Safe Horizon

SDS Hope House

Seattle Against Slavery

Service Employees International Union (SEIU)

Sinsinawa Dominican Sisters

Sister Patricia A Daly OP

Sisters of Charity of Nazareth Congregational Leadership

Sisters of Charity of Nazareth, Central and western Province Leadership Teams

Sisters of Mercy West Midwest Justice Team

Sisters of Notre Dame

Sisters of St. Dominic of Blauvelt, NY

Sisters of St. Dominic of Caldwell, NJ

Slavery Today

Society of the Holy Child Jesus, American Province Leadership Team

Sold No More

Solidarity Center

Southern Poverty Law Center

St. Joseph Health System

Sugar Law Center

T.E.N. Charities/Made by Survivors

Truah: The Rabbinic Call for Human Rights

Thai Community Development Center

The College at Brockport

The Gray Haven

Tri-State Coalition for Responsible Investment

U.S. Committee for Refugees and Immigrants

UNITE HERE International Union

United Church of Christ - Justice and Witness Ministries

United Farm Workers (UFW)

Ursuline Sisters of Tildonk, U.S. Province

Verité

VIDA Legal Assistance Inc.

Vital Voices Global Partnership

Wayne Action for Racial Equality

Worker Justice Center of New York

World Relief

World Vision

Xaverian Brothers

ATEST 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. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, International Justice Mission, Polaris Project, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, and World Vision.

The ILRWG, formed in October 2011, is the first coordinated effort to strategically address abuses in international labor recruitment across visa categories. The Working Group is comprised of organizations working in various industries and with workers with a wide variety of visa types. It seeks to end the systemic abuse of international workers who are recruited to the U.S., by collaborating across labor sectors to develop comprehensive policies and advocate for reforms, including increased enforcement of existing laws and increased transparency in the labor recruitment process. See <http://fairlaborrecruitment.wordpress.com/about-ilrwg/ilrwg-members/> for a list of full members and supporters.