



Alliance to End Slavery and
Trafficking
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June 25, 2013

The Honorable John Boehner
Speaker of the United States House of Representatives
1011 Longworth House Office Building
Washington, DC 20515

Dear Representative Boehner:

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. Specifically, we support the bill language that was approved by the U.S. Senate Committee on the Judiciary, and ask that you incorporate this Subtitle into the House immigration reform bill.

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 to the United States. 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).

As passed by the Senate Judiciary Committee, *Subtitle F* includes measures that would

help to remedy many of these abuses. The bill requires increased transparency through the 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 and forced labor. 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 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, which included provisions to regulate foreign labor contractors very similar to those in S.744. Enacting these provisions has therefore enjoyed truly bi-partisan support.

Therefore, for the reasons outlined, we strongly urge you to incorporate *Subtitle F* of Title III of S.744, as approved by the U.S. Senate Committee on the Judiciary, into the House 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 Teachers (AFT)

API Chaya (Seattle)

Breaking Free Inc.

Businesses Ending Slavery and Trafficking

Catholic Health East

Catholic Health Partners

Central Missouri Stop Human Trafficking Coalition
601 Business Loop 70 West #134-F
Columbia, MO 65203

Church Women United

Civil Society
Linda Miller, Executive Director
Saint Paul, MN

Coalition to Abolish Slavery and Trafficking (CAST)

Coalition of Immokalee Workers (CIW)

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

Crisis Center of Tampa Bay

Destination Freedom

Dominican Sisters of Sparkill, NY

Dominican Sisters of Houston

Florida Coalition Against Human Trafficking

Florrie Burke, Consultant

Free the Slaves

Georgia Women for a Change, Inc.

Global Workers Justice Alliance

Glory House of Miami

GoodWeave USA

Grey Nuns of the Sacred Heart Yardley, PA

Holy Spirit Missionary Sisters

Holy Union Sisters
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Immigrant Legal Advocacy Project

International Institute of Buffalo

International Justice Mission

Jewish Labor Committee Western Region

Kids in Need of Defense (KIND)

Lutheran Social Services of New England

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

Mercy Investment Services, Inc.

New Orleans Human Trafficking Working Group

No Human Trafficking
Jacqueline Zimowski, Executive Director

Not For Sale

Pilipino Workers Center of Southern California

Polaris Project

Religious Sisters of Charity

Responsible Sourcing Network

Restore NYC

Safe Horizon

Congregation Leadership, Sinsinawa Dominicans

Sisters of Charity of Nazareth Congregational Leadership

Sisters of Charity of Nazareth Western Province Leadership

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

Solidarity Center

Southern Poverty Law Center

St. Joseph Health System

T'ruah: The Rabbinic Call for Human Rights

Tapestri Inc.

Thai Community Development Center

The U.S. Fund for UNICEF

To Love Children Educational Foundation International (TLC)

The Tronie Foundation

Verité

Vital Voices Global Partnership

Washington Engage

Worker Justice Center of New York

World Vision

www.humantraffickingsearch.net

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, Not For Sale, Polaris Project, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, and World Vision.