

H.R. 3344 (FORTE Act) Section-by-Section Summary

Sec. 1. Short Title. The Fraudulent Overseas Recruitment and Trafficking Elimination (FORTE) Act of 2013.

Sec. 2. Definitions. Defines terms used in the Act.

Sec. 3. Ensuring that Foreign Assistance Does Not Contribute to Trafficking. Requires the State Department and USAID to make reasonable efforts (such as through appropriate supply chain monitoring) to ensure that foreign assistance programs do not contribute to human trafficking and slavery.

Sec. 4. Transparency in Foreign Recruiting. Requires foreign labor recruiters to provide written information (in English and the worker's language) at the time of recruitment, including:

- the identity and addresses of both the recruiter and the employer;
- terms and conditions of employment (including hours, compensation, place, type of work, and any penalties for terminating employment);
- an itemized list of any costs, expenses, or deductions to be charged to the worker;
- a signed copy of the employment contract;
- the type, length, cost, and renewal terms of the worker's visa;
- an explanation that significant changes cannot be made to the original contract without adequate notice and the voluntary consent of the worker, or it violates the law;
- a description of anti-trafficking protections under U.S. law and contact information for the national trafficking hotline; and
- information regarding any job training to be provided or required.

Sec. 5. Recruitment fees. Prohibits foreign labor recruiters from charging foreign workers any recruitment fees.

Sec. 6. Registration. Requires third-party foreign labor recruiters to register with the Department of Labor (DOL), and requires DOL to charge fees sufficient to cover the cost of registration activities under the Act. Requires employers to annually identify any foreign labor recruiters they use. Requires foreign labor recruiters to identify any subcontractors or agents they use for foreign recruiting. Authorizes the promulgation of regulations to create an efficient electronic application process and registry that includes information on foreign labor recruiters, and secures consent by registrants to jurisdiction and service of process in case of legal action by aggrieved workers. Specifies grounds for refusing or revoking registration. Allows the Department to require registered recruiters to post a bond in an amount sufficient to protect recruited workers.

Sec. 7. Maintenance and Posting of lists. Requires the Department of Labor to maintain lists of registered foreign labor recruiters and information about their location, recruitment, and visa usage, and make such lists publicly available on the Internet.

Sec. 8. Obligations of United States Consular Officers. Certain types of visas cannot be issued until the consular officer has (1) provided to the applicant a copy of the anti-trafficking informational pamphlet required by the 2008 Trafficking Victims Protection Reauthorization Act in the applicant's language, and (2) placed in the visa file the recruiter disclosures required by section 4, as well as a notation of whether the recruiter is registered under section 6.

Sec. 9. Responsibilities of the Secretary of State. Requires the State Department to (a) post the lists of registered foreign labor recruiters on U.S. Embassy and consulate websites, in local languages; and (b) designate and publicly provide contact information for personnel at each U.S. diplomatic mission who are responsible for receiving information about violations and conveying it to the Department of Labor for potential use in a complaint or investigation.

Sec. 10. Enforcement provisions. Creates a process for the Department of Labor (DOL) to receive complaints, investigate, and enforce this Act. A “safe harbor” provision protects from liability employers who use properly registered foreign labor contractors and do not deliberately ignore known violations. Workers harmed by a violation by an employer or recruiter may file a complaint with DOL and, if DOL does not render a decision within 120 days, may file a lawsuit in U.S. federal district court. DOL may impose fines for violations and/or file civil lawsuits to seek remedial action and/or damages for workers. Requires employers who use foreign labor recruiters to only use properly registered recruiters. Prohibits retaliation against whistleblowers.

Sec. 11. Rule of construction. Makes clear that this Act does not preempt or alter any other rights or remedies available under any other Federal or State law.

Sec. 12. Regulations. Authorizes the promulgation of regulations to implement this Act.