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Remarks: Aerospace Industries Association (AIA) is pleased to submit early input comments on the definition of Recruitment Fees.

Paragraph (2) of the definition of Recruitment Fees creates ambiguity regarding contractor responsibility. The phrases "remitted in connection with recruitment", "third party", and "but not limited to" are unnecessarily broad. Fees "remitted in connection with recruitment" to a "third party" could include payments by individuals who are not yet employed by the contractor, and could include payments made to individuals or organizations that are not in any way controlled by or related to the contractor. Additionally, the phrase "but not limited to" expands the listed categories without defining any parameters. As drafted, paragraph (2) would include and require contractor policing of employee payments for services such as resume writing, transportation to job fairs, and interview technique counseling, even if the payments were made in countries that are not where the employee is hired or employed. The definition of Recruitment Fees can be interpreted to include payments that are completely unrelated to contractor recruiting or hiring, and payments made without any contractor knowledge. The definition also creates a compliance requirement that contractors will be unable to enforce by including payments that the contractor could have no knowledge of.

AIA recommends that the phrases "remitted in connection with recruitment" and "but not limited to" be deleted from the definition of Recruitment Fees. AIA also recommends that the phrase "third party" should be amended to "third party acting on behalf of the employer". AIA suggests that paragraph (2) of the definition of Recruitment Fees be amended to read as follows:

"Any fee, charge, or cost may be a recruitment fee regardless of whether it is deducted from wages, paid back in wage or benefit concessions, paid back as a kickback, bribe or tribute, or collected by an employer or a third party acting on behalf of the employer, including agents, recruiters, staffing firms (including private employment and placement firms), subsidiaries/affiliates of the employer and any agent or employee of such entities."

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