



RAIL

MOVING AMERICA FORWARD

COMBATING Human trafficking – TRANSPORTATION LEGAL RESPONSES

TRANSPORTATION RESEARCH BOARD

101st ANNUAL MEETING

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U.S. Department of Transportation
Federal Railroad Administration

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Introduction

2018 – American Airlines customer service agent Denice Miracle spots 15 and 17 year old girls trying to board a plane in Sacramento for a multiple-leg trip to New York



What is human trafficking?

☐ Urgency

- Driven by poverty and profit – exploitation of vulnerable individuals
- Coercion and violence
- Significant financial incentives for traffickers

What is human trafficking?

U.S. Statistics - 2019:

- **22,326 Victims and survivors identified**
 - 14,597 – sex trafficking
 - 4,934 – labor trafficking
 - 1,048 – sex and labor trafficking
 - 1,747 – unspecified
- **11,500 trafficking situations identified**
- **4,384 traffickers identified**
- **1,912 suspicious businesses identified**
- **Caveat: Numbers are likely significantly undercounted**

<https://humantraffickinghotline.org/sites/default/files/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>



What is human trafficking?

- **13th Amendment to U.S. Constitution 1865: Prohibits slavery and involuntary servitude.**
- **Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106–386: Severe forms of human trafficking: 22 U.S.C. § 7102(11):**
 - (a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
 - (b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

What is human trafficking?

Federal criminal statutes: “Chapter 77 offenses” 18 U.S.C. ch. 77, Secs. 1581-1597:

- Prohibit debt servitude (§ 1581), involuntary servitude (§ 1584), and forced labor (§ 1589)
- Prohibit the use of force, the threat of force, or the threat of legal coercion to compel a person to work against their will (§ 1589)

Federal criminal statutes: “Chapter 77 offenses” 18 U.S.C. ch. 77, Secs. 1581-1597:

- Prohibit trafficking: Provisions added with enactment of Trafficking Victims Protection Act of 2000 make it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions which violate any of the offenses contained in Chapter 77 of Title 18 (§ 1590)

What is human trafficking?

Victims of Trafficking and Violence Protection Act, 22 U.S.C. ch. 78 framework: 4 P's*:

- **Protection (22 U.S.C. § 7105)**
- **Prevention (22 U.S.C. § 7104):** Grant programs for pilot programs, training, and reporting
- **Prosecution (22 U.S.C. § 7109):**
 - Enhancements to 18 U.S.C.
 - Created civil remedy for trafficking victims in federal district court
- **Partnership** – National Action Plan to Combat Human Trafficking and President's Interagency Task Force to Monitor and Combat Trafficking in Persons

What is human trafficking?

Smuggling migrants, without other factors, is NOT human trafficking:

- **[T]he procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.**
- UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime:

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/TransnationalOrganizedCrime.aspx>

What is human trafficking?

State laws:

- Trafficking is frequently used to conduct illegal activity, putting the trafficked individuals at risk and shielding the traffickers
- As of 2019, ten states had enacted some form of relief to allow persons whose criminal records were the result of activities they were trafficked to undertake to clear their records
 - <https://polarisproject.org/wp-content/uploads/2019/03/Grading-Criminal-Record-Relief-Laws-for-Survivors-of-Human-Trafficking.pdf>
- Generally applicable: false imprisonment, offenses against minors
- Posting requirements: PSAs at highway rest areas, bus stations, train stations, airports, truck stops, hotels and motels :
 - Example: Cal. Civ. Code 52.6 - Posting of Public Notices Regarding Slavery & Human Trafficking
 - https://www.transportation.gov/sites/dot.gov/files/pictures/HT_Awareness_Poster_Laws.pdf

How is transportation implicated?

Transportation is a key element of both smuggling and trafficking, BUT:

- Smuggling is transportation-based – transportation of persons is the focus;
- Trafficking is exploitation-based – transportation is the means to move people for exploitation in other contexts

How is transportation implicated?

Trafficking Victims Protection Reauthorization Act of 2013, Pub. L. No. 113-4:

- Focuses on elimination of human trafficking from the supply chain of goods

How is transportation implicated?

AVIATION:

FAA Extension, Safety, and Security Act of 2016, Pub. L. 114-190:

- Blue Lightning Initiative - DHS, CBP and aviation industry
- Flight attendant training

FAA Reauthorization Act (2018), Pub. L. 115-254:

- Training of customer-facing air carrier employees

Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, 115-425:

- Tracking air carrier training, tips, and notification

How is transportation implicated?

COMMERCIAL VEHICLES:

Combating Human Trafficking on Our Roads Act (2018), Pub. L. 115-106:

- Provides for lifetime CDL disqualification of drivers who violate Act

How is transportation implicated?

COMMERCIAL VEHICLES:

Combating Human Trafficking in Commercial Vehicles Act (2018), Pub. L. 115-99:

- Creates DOT-wide Advisory Committee on Human Trafficking
- Expands FMCSA Outreach & Educational Program and CDL Financial Assistance Program
- Final report, July 2019 – Combating Human Trafficking in the Transportation Sector:

<https://www.transportation.gov/sites/dot.gov/files/docs/mission/administrations/office-policy/343931/acht-final-report-section-508-compliant.pdf>

How is transportation implicated?

Report recommendations to all transportation organizations and stakeholders:

- Establish **comprehensive strategies** and policies, measure and share impact, develop partnerships, and support victims and survivors
- **Train** employees
- Engage in **public awareness** actions

DEPARTMENT OF TRANSPORTATION
ADVISORY COMMITTEE ON HUMAN TRAFFICKING

FINAL REPORT

JULY 2019

**COMBATING HUMAN TRAFFICKING
IN THE TRANSPORTATION SECTOR**

How is transportation implicated?

2021: Infrastructure Investment and Jobs Act, Pub. L. 117-58:

- Requires **triennial advisory committee report**, including CMV human trafficking violations
- Expands FMCSA's Motor Carrier Safety Assistance Program

How is transportation implicated?

USDOT: Transportation Leaders Against Human Trafficking partnership – est. 2012

- Representatives of aviation, bus, ports, rail, trucking, and other transportation stakeholder organizations
- Emphasis on employee training
- <https://www.transportation.gov/TLAHT>



How is transportation implicated?

USDOT: Transportation Leaders Against Human Trafficking – training

- **Requires all 55,000 USDOT employees receive triennial human trafficking training**
- **Training tailored to be industry-specific**

How is transportation implicated?

Industry-specific training

- Aviation – Blue Lightning Initiative:

<https://www.transportation.gov/administrations/office-policy/blue-lightning-initiative>

- Collaboration among USDOT, DHS, CBP
- 200,000 industry employees trained

- Public transit – FTA's Human Trafficking Awareness and Public Safety Initiative:

<https://www.transit.dot.gov/regulations-and-programs/safety/human-trafficking-awareness-and-public-safety-initiative>

- Amtrak: Over 20,000 employees trained

<https://police.amtrak.com/index.php/about/human-trafficking-awareness>

- Motor Carriers: Truckers Against Trafficking:

<https://truckersagainsttrafficking.org/>

- Conducts training for motor coach drivers – 120,000 employees trained
- Greyhound has trained all drivers



DOJ Programs

- Civil Rights Division's Human Trafficking Prosecution Unit – formed 2007
- Criminal Division
- United States Attorneys' Offices
- FBI
- Office of Justice Programs
- Office of Access to Justice

Essential individual and institutional responses

- **Identification relies on individual observation and reporting**
 - Victims rarely able to seek help
- **Learn to recognize the signs of human trafficking**
- **Call the national hotline to report:**

**NATIONAL
HUMAN
TRAFFICKING
HOTLINE**

1-888-373-7888

TEXT BEFREE TO 23373

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