

**Protocols and Policy Development Subcommittee,
DOT Advisory Committee on Human Trafficking
Draft Report 2.20.19**

1A. Introduction Problem Statement

The United States Government, state governments, law enforcement, non-governmental organizations (NGO) and the private sector have acknowledged the rise in incidents of human trafficking across our nation. Human trafficking dehumanizes its victims, causes devastating physical and mental health issues, and greatly impacts community (urban and rural) health and wellbeing.

There are many organizations, public, private and non-profit, committed to making every person within the transportation sector aware that they play a key role in combating human trafficking in all of its forms. Gaps in combating human trafficking exist due to inconsistent training, confusing reporting protocols, a lack of clear expectations for businesses and contractors, communication breakdowns, ineffective use of technology and laws that impede victims being able to start over again. Through improvements and working together, utilizing nationally accepted written policy and following specified protocols, we can turn the tide.

The purpose of this report is to attempt just that. We hope the policies and protocols proposed will embolden the transportation sector, public and private, to accept the responsibility of going beyond just enough, but doing more to *Be The Solution*.

1B. Definitions

American Bar Association – A national association of attorneys committed to improving the legal profession by eliminating bias and enhancing diversity.

ACHT - U.S. DOT advisory committee on Human Trafficking

BOTL – National program Busing on the Outlook – Training bus drivers in Human Trafficking awareness.

Civil Society Organization - a group of people which operates in the community, in a way that is distinct from both government and business.

DOT – Department of Transportation

DART – Dallas Area Rapid Transit, Dallas Texas

DCTA – Denton County Transportation Authority

ECPAT – A global network of organizations in over 90 countries that works to end the sexual exploitation of children.

GAP Analysis – Process identity gaps in a process or procedure that need to be filled.

Helen Keller – First deaf person to earn a Bachelor of Arts Degree – American Author, Lecturer and Political Activist.

HTAT – Human Trafficking Awareness Training

Human Trafficking – Exploiting a person for labor services or commercial sex through the use of force, fraud or coercion.

Industry – Non-government entities that are involved in the transportation business.

Interpol – International Police Organization

MCSAP – Motor Carrier Safety Assistance Program. Federal Grant Program Administered by the Federal Motor Carrier Safety Administration.

NCMEC – National Center for Missing and Exploited Children

NGO – Non-Government Organization

NCHRP – National Cooperative Highway Research Program

NHTRC – National Human Trafficking Resource Center.

Ohio Coalition – Ohio Anti Human Trafficking Coalition

Polaris – Nonprofit manages Human Trafficking hotline.

TLAHT – Transportation Leaders Against Human Trafficking

Truckers Against Trafficking (TAT) – Nonprofit organization that exists to educate, equip, empower and mobilize members of the trucking and bus industry to combat Human Trafficking.

THORN – International nonprofit organization that works to address the sexual exploitation of children.

Transportation Sector or Industry: A group that consists of several industries including air freight and logistics, airlines, marine, road and rail, and transportation infrastructure

1C. Scope

Human trafficking is a multi-billion-dollar enterprise that affects nearly every country in the international community. It has been recognized as the world's fastest growing crime and has been characterized as the

dark underside of globalization. Human trafficking manifests in a variety of contemporary slave-like practices: forced labor, debt servitude, the commercial sexual exploitation of adults induced through force, fraud, or coercion, or the commercial sexual exploitation of children under any circumstances. Victims of human trafficking are lured by false promises of employment, of educational opportunities, of a stable conflict-free environment, or even of a loving romantic relationship.

The exact scope of human trafficking is difficult to ascertain. As an enterprise, trafficking flourishes within illicit markets, making it inherently difficult to collect data regarding the crime or to measure it with precision. The U.S. State Department estimates that 14,500 to 17,500 persons are trafficked into the United States every year. This approximation does not include U.S. citizens believed to be trafficked domestically for forced sex or forced labor. Neither does it include the thousands of U.S. citizen minors victimized every year through commercial sexual exploitation. Globally, it is estimated that as many as 24.9 million men, women, and children are exploited in various forms of contemporary slave-like practices. Trafficking flourishes as a business as a result of the lucrative profits it generates—approximately \$150 billion annually worldwide.

For reason of both its pervasiveness and its profitability, human trafficking raises daunting challenges for the transportation industry. Movement is not a required element of trafficking (unlike smuggling, which by definition is a movement-based crime, and very specifically requires cross-border movement). However, the use of transportation and transportation networks nonetheless figures prominently in U.S. human trafficking enterprises, many of which cross municipal and state boundaries. Traffickers rely on the transportation industry in every phase of this segmented crime: for recruiting victims, for moving and controlling them, and for delivering them to the buyers who will complete the victims' exploitation in either commercial sex or forced labor ventures.

Conversely, trafficking victims likewise intersect with the transportation industry at crucial moments during their ordeals. Many victims, especially minors, are initially recruited in transportation hubs such as bus depots and train stations. Their subsequent isolation from family and support systems is often achieved by physically moving them—using a variety of transportation networks—long distances from home. In the course of their exploitation, many victims are taken by their traffickers on “circuits” through a host of cities or states, kept forever reliant on their traffickers and typically moved before they can establish relationships that might result in their rescue. Some are exploited in transportation venues such as truck stops. And when finally seizing opportunities to escape, many trafficking victims are left utterly dependent on transportation systems that they can access and afford. Much of the movement involved in human trafficking ventures “hides in plain sight.”

Ongoing research continues to identify the numerous stakeholders in the transportation industry that knowingly or unknowingly may be used by human trafficking enterprises. A recent U.S. study found that over 70% of the labor trafficking victims interviewed had first arrived to the United States by airplane. Another study determined that almost half of the trafficking victims interviewed had been moved in taxis or rental vehicles, a third had been moved by their traffickers in public buses, and the use of rideshare services such as Uber and Lyft by traffickers was greatly increasing. Labor trafficking victims exploited through sales crews or labor crews (the latter in construction, landscaping, forestry, commercial cleaning services, and home health care) were routinely moved in the course of their victimization from one job site to another.

Contemporary research has also underscored how important transportation networks are to trafficking victims seeking escape or rescue. Over a quarter of the survivors interviewed in one study noted that public and mass transportation systems were vital to their eventual escape. School bus drivers have proven crucial to facilitating the escape of a number of domestic servitude victims (house slaves, typically exploited as maids and nannies) whose only contact with the U.S. public was the 15 minutes they were allowed outside the house when putting children on school buses or retrieving them.

Other crucial “rescuers” have been airline stewardesses and counter attendants, alert taxi and rideshare drivers, and dedicated truckers and UPS and Fedex drivers. In addition to their roles as escape facilitators, transportation stakeholders also have the important potential to reduce the demand for trafficking, and for sex trafficking in particular. Taxi and rideshare drivers, inasmuch as they are often called upon to deliver victims or clients to venues of commercial sexual exploitation, have a particular role of deterrence to play. And because the transportation industry interfaces with so much of the U.S. public, its capabilities for public messaging regarding the social harms of human trafficking are also critically important.

Efforts by the transportation industry to combat contemporary forms of slavery are manifold and growing. Prospects for continued success depend heavily upon the implementation of policies and protocols that will institutionalize the core American values that reject the commodification and commercial exploitation of fellow humans. Evolving policies and protocols must promote zero tolerance for human trafficking at all levels, must continue to explore ways in which the transportation industry can be more responsive to victim needs, and must contribute to national efforts to diminish the demand for forced labor and for commercial sexual exploitation.

2. Background

Human Trafficking RESOURCES in the Transportation industry

1. **Strategies:** Multifaceted strategies to combat human trafficking within the transportation industry.

A. **By Mode**

Aviation

· [Houston Airport System](#)

Leading up to the Super Bowl in 2017, worked with Immigration and Customs enforcement to conduct training of employees at two airports and airline and tenant employees. Over 200 employees attended the training. Worked with nonprofits to develop exhibits and an [art installation](#) to raise awareness.

· [Delta Airlines](#)

Partnered with Polaris through a \$1M sponsorship, including supporting the National Human Trafficking Hotline; trained 80,000 employees to recognize signs of human trafficking; supports anti-trafficking legislation in the U.S. Allows customers to donate miles to Polaris through the SkyWish program (miles are used by survivors to seek a safe place, return home, or get medical or legal care).

· [Port of Seattle](#)

Comprehensive port-wide strategy to combat human trafficking through its facilities, including several ports and Seattle-Tacoma International Airport, and throughout the region. Strategy includes internal policies and procedures, public awareness and education, employee training, and community partnerships.

Bus and Motor Coach

· [Western Massachusetts Businesses Against Human Trafficking](#)

Coalition of hotels, transportation providers (including Peter Pan bus lines), and other companies. Member companies pledge to train their employees to recognize trafficking, to block access to websites that market trafficked people and to work with law enforcement and volunteer groups to help with victim and survivor services.

Law Enforcement

· [Iowa Motor Vehicle Enforcement](#)

Iowa DOT's Motor Vehicle Enforcement division worked with [Truckers Against Trafficking](#) and Iowa Attorney General's Office on a multi-faceted approach, including training law enforcement; using weigh stations, rest areas, and CDL renewal to raise awareness; posting awareness materials at truck stops and bus terminals; training as part of mandatory safety meetings for truck and bus companies; coordinating with school bus drivers through appropriate agency; and assisting in investigations.

- o Other states using the "Iowa MVE Model" include: CA, MI, OH, and WA; many other states have adopted in part.

- [Quad State Coalition](#)

Coalition of law enforcement at every level and management from the trucking/travel plaza industry in the states of Iowa, Nebraska, South Dakota and Minnesota, in partnership with Truckers Against Trafficking. Coalition began in 2015.

Maritime & Ports

- [Port of Seattle](#)

Comprehensive port-wide strategy to combat human trafficking through its facilities, including several ports and Seattle-Tacoma International Airport, and throughout the region. Strategy includes internal policies and procedures, public awareness and education, employee training, and community partnerships.

Rail

- None found (see description of Amtrak's training and public awareness resources below).

State DOTs

- [Minnesota DOT](#)

Launched human trafficking awareness initiative in 2017. Includes a resolution, educating employees, raising awareness for the traveling public, and tracking and collecting key data. Partners include Minnesota Human Trafficking Task Force, the Minnesota Department of Health, the Minnesota Department of Public Safety, and TLAHT.

- [Wisconsin DOT](#)

Education of the public using variable message signs and social media; trained Wisconsin DMV staff; added training to CDL manual.

- [Pennsylvania DOT](#)

Web-based training for all employees; distributes TAT wallet cards at all Driver License Centers; public service announcements on social media and TV (Motor Vehicle Network); partners with other transportation entities to spread awareness.

Transit

- [Greater Cleveland Regional Transit Authority](#)

Trained 2,100 employees (including 100 transit police) to recognize signs of human trafficking; used posters in transit stations and on vehicles to raise awareness; held four public education and awareness events at transit stations from 2013-2016.

- [LA Metro](#)

Trained 10,000 employees; used 3,000 bus and rail ads to raise awareness; developed public-facing [awareness website](#), including a training and quiz about recognizing the signs of human trafficking.

[South West Transit Association](#)

Provided awareness training for public transit employees, Board members and DOT employees through public transportation association meetings in the states of Arizona, Arkansas, California, Colorado, Kansas, Louisiana, New Mexico, North Carolina, Oklahoma, Texas; national transit association meetings – American Public Transportation Association (APTA), Community Transportation Association of America (CTAA) and the National Tribal Transit Conference.

Trucking

- [Truckers Against Trafficking](#)

Developed educational materials and industry training (for trucking, bus, and law enforcement); support coalition building and state-based initiatives.

B. Partnerships

Partnerships that include transportation stakeholders and have wide-ranging impact to combat human trafficking (not a comprehensive list of all partnerships).

- [End Human Trafficking ATL](#)

Partnership between City of Atlanta, Atlanta International Airport, and other local stakeholders. The initiative included policy roundtables in fall 2018 and a daylong Summit in January 2019. The Summit will include presentations by airport and government representatives, nonprofits, human trafficking survivors, and other community leaders.

- [Seattle Region Partners](#)

Port of Seattle, King County, City of Seattle, Sound Transit, Delta Airlines, and Alaska Airlines partnered on a unified public awareness campaign. Awareness signs with hotline information are posted at signs at airports, buses, trains, health clinics, libraries, law enforcement offices, public defender offices, community centers, and elsewhere throughout the region.

[North Texas Human Trafficking Transportation and Community Partners](#) This is a group of transportation providers, social service agencies and law enforcement agencies whose mission is to “Increase awareness of human trafficking and raise the consciousness of society by working collaboratively to educate the public and empower both survivors and the community.” They do this by utilizing individual resources of each partner. i.e. *Human Trafficking Awareness Bus Tour* provides civic leaders an up close and personal tour of the places in north Texas where reported cases of human trafficking and child exploitation is taking place. DART supplies the bus, Children At Risk provides the path of travel, while law enforcement and Mosaic provide outreach information tables along the path.

Transportation Providers: DART, DCTA, Fort Worth (T), El Paso, SWTA, Greyhound, Amtrak, MV, Irving Holdings, Inc. (Taxicab)

Social Services Agencies: Mosaic, Children at Risk, New Friends New Life, Dallas Women’s Foundation, Missing Kids Traffic 911, Traffic Stop, City Year, Jonathan’s Place, Men’s Advocacy Group

Law Enforcement: Dallas Police Department, DART Police Department

[Ohio Human Trafficking Commission](#) To combat this problem and end this horrendous abuse, Attorney General reconvened the Human Trafficking Commission in August of 2011. This built upon the former work of the Trafficking in Persons Study Commission convened under previous Attorney General Richard Cordray, which released a report and recommendations for how to combat this crime. The Commission includes elected and appointed officials, members of local, state, and federal law enforcement, public and private social agencies, religious groups, and schools who meet regularly to understand the extent of the problem in Ohio, find ways to help victims, and discover how to investigate and prosecute traffickers.

[Truckers Against Trafficking \(TAT\) Coalition Build](#). The goal of a TAT coalition build is to establish an effective and sustainable working relationship between key leaders in the trucking and busing industries and law enforcement statewide, in order to combat the crime of human trafficking. While TAT plays a substantial role in spearheading the initial coalition, and will always make its resources available, it is the Office of the Attorney General (or statewide task force) and the State Trucking Association (along with a handful of other agencies, potentially including the State Bus Association and/or State Pupil Transportation Association) who assume the lead moving forward, insofar as they are local agencies capable of galvanizing the necessary stakeholders on both sides. These efforts are intended to result in the coordination and implementation of effective strategies and actions, in partnership with one another that will close loopholes to traffickers who so easily exploit both victims and legitimate businesses for criminal gain. They have held coalition builds in approximately 28 states since 2012.

2. Government Initiatives

A. Task Forces - Federal

- [President's Interagency Task Force to Monitor and Combat Trafficking in Persons \(PITF\)](#)
The PITF is a cabinet-level entity created by the Trafficking Victims Protection Act (TVPA) of 2000, which consists of some 15 agencies across the federal government responsible for coordinating U.S. government-wide efforts to combat trafficking in persons. At each annual meeting, agencies report on progress made in various priority areas – victim services, rule of law, procurement and supply chains, and public awareness and outreach.

- [U.S. Department of Transportation \(DOT\)](#)
DOT's [Transportation Leaders Against Human Trafficking \(TLAHT\)](#) initiative was formed in 2012 for transportation and travel industry stakeholders to maximize the transportation industry collective impact on human trafficking. TLAHT's [focus areas](#) are leadership, training and education, policy development, public awareness, and information sharing and analysis. Partners [take action](#) to combat human trafficking by issuing leadership [statements](#), signing [pledges](#), developing reporting protocols, [training](#) their employees, and conducting [public awareness](#) campaigns.

Task Forces - State

State-level human trafficking task forces with State DOT and/or DMV participation.

- Arizona Human Trafficking Council
Includes Arizona DOT.

- [Colorado Human Trafficking Council](#)

Includes Colorado DOT and Colorado State Patrol.

- [Indiana Protection for Abused and Trafficked Persons Task Force](#)

Indiana DOT collaborated with IPATH to distribute materials to truck stops and rest areas.

- [Missouri Human Trafficking Task Force](#)

Includes Missouri DOT and Missouri Highway Patrol.

- [Oregon Trafficking Intervention Advisory Committee](#)

Includes Oregon DOT.

B. State Commercial Motor Vehicle Initiatives

State-level commercial motor vehicle related human trafficking prevention initiatives.

- [Arizona Attorney General Office](#)

The Attorney General’s Office donated the funds to pay for rescue stickers that will be placed on more than 25,000 semi-trucks traveling across the state. The stickers say “Do You Need Help?” and list the National Human Trafficking Hotline information. Partnership with Truckers Against Trafficking, Arizona Trucking Association, and others.

- [Georgia Department of Driver Services \(DDS\)](#)

Received a grant for \$312,576 from FMCSA in October 2018. Funding will be used to implement a multi-pronged strategy employing public awareness, education and training among the DDS’ commercial driver’s license (CDL) examiners, trucking companies, organizations and drivers.

- Texas Attorney General Office

Co-hosted 5 regional trucking/law enforcement coalition builds.

C. State Legislation

Transportation-related state legislation requiring commercial drivers to learn about human trafficking in order to obtain their licensing, and/or for the National Human Trafficking Hotline number to be posted to raise awareness among the traveling public. (URL links included when available).

STATE	TRAINING		POST HOTLINE INFORMATION AT				DATA COLLECTION
	CDL Training	Transit Employee Training	Airports	Bus Stations	Rest Areas	Train Stations	

Alabama			<u>x</u>	<u>x</u>		<u>x</u>		
Alaska								
Arizona								
Arkansas	<u>x</u>		<u>x</u>	<u>x</u>		<u>x</u>	<u>x</u>	
California		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	
Colorado	<u>x</u>							
Connecticut					<u>x</u>		<u>x</u>	
Delaware								
Florida			<u>x</u>		<u>x</u>	<u>x</u>		
Georgia			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	
Hawaii								
Idaho								
Illinois	<u>x</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	
Indiana								
Iowa								
Kansas	<u>x</u>							
Kentucky					<u>x</u>			

Louisiana					<u>X</u>		<u>X</u>	
Maine	<u>X</u>				<u>X</u>			
Maryland			X	<u>X</u>	<u>X</u>		<u>X</u>	
Massachusetts								
Michigan			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		
Minnesota								<u>X</u>
Mississippi								
Missouri			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
Montana					X			
Nebraska					<u>X</u>			
Nevada								
New Hampshire								
New Jersey								
New Mexico					<u>X</u>			
New York			<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>	
North Carolina								
North Dakota								

Ohio	<u>x</u>						<u>x</u>	
STATE	TRAINING		POST HOTLINE INFORMATION AT					DATA COLLECTION
	CDL Training	Transit Employee Training	Airports	Bus Stations	Rest Areas	Train Stations	Truck Stops	
Oklahoma	<u>x</u>							
Oregon								
Pennsylvania			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	
Rhode Island								
South Carolina			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	
South Dakota								
Tennessee								
Texas	<u>x</u>							
Utah								
Vermont								
Virginia							<u>x</u>	
Washington	x				<u>x</u>			
West Virginia								

Wisconsin				<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	
Wyoming								
District of Columbia				<u>x</u>		<u>x</u>		

Resources Consulted:

- U.S. Department of Transportation. Compendium of Human Trafficking Awareness Poster State Laws. 2014. https://www.transportation.gov/sites/dot.gov/files/pictures/HT_Awareness_Poster_Laws.pdf
- U.S. Department of Health and Human Services, Office on Trafficking in Persons. Efforts to Combat Human Trafficking: State & Territory Profiles. 2018. <https://www.acf.hhs.gov/otip/resource/profiles>
- Truckers Against Trafficking. State-Based Initiatives. <http://truckersagainsttrafficking.org/state-based-initiatives/>
- NATSO. Human Trafficking Awareness: Poster Obligations by State. https://www.natso.com/en_us/combatinghumantrafficking

D. Funding Opportunities

- [FMCSA Commercial Driver’ License Program Implementation \(CDLPI\)](#)
In FY2018 the grant program awarded approximately \$430,000 in grants supporting human trafficking education, outreach, and training. These grants were awarded to the Georgia Dept. of Driver Services and the Louisiana Dept. of Public Safety. Beginning in FY2019 FMCSA will prioritize grant applications that support the recognition, prevention, and reporting of human trafficking.
- [FTA research grants](#)
In FY2018, FTA’s Public Transportation Innovation Program grants included \$2 million for Innovations in Transit Public Safety projects to support the development of innovative projects to assist transit agencies with identifying and adopting specific measures to address public safety in transit systems, including measures to prevent human trafficking.
- [FTA Technical Assistance](#)
FTA is preparing a solicitation for proposals from nonprofit entities to develop technical assistance that will provide transit agencies with awareness and outreach materials for employees and riders of public transportation to increase transit safety.

E. Evolving Technologies

Evolving Technologies (in use in the U.S.)

- [The Spotlight tool](#), developed by Thorn, a non-profit group, that collects data from online sources advertising sex and makes this information available to law enforcement agencies:

- [The National Human Trafficking Resource Center \(NHTRC\)](#), operated by Polaris, a non-profit organization, offers a toll free hotline that can be accessed through email and online:
- NHTRC also developed a textline, through a partnership between Polaris and Thorn with Twilio and Salesforce Foundation, accessed by texting HELP to 233733 (BEFREE).
- [The National Center for Missing and Exploited Children](#) (NCMEC) operates a [CyberTipline](#):

Evolving Technologies (in use worldwide)

[INTERPOL](#) has developed comprehensive technology strategies, using I-24/7 secure global police communication system to connect law enforcement officers in all their member countries so they can share sensitive and urgent police information and access INTERPOL’s criminal data bases. & <https://www.interpol.int/INTERPOL-expertise/Data-exchange/I-link>

Additionally, the following tools are accessible to authorized users of INTERPOL’s [I-24/7](#):

- The Human Smuggling and Trafficking (HST) message provides a standardized format for reporting cases of trafficking between member countries and to INTERPOL’s database.
- Technical solutions known as MIND/FIND enable frontline law enforcement agencies (border police, immigration) to run checks against INTERPOL’s [database of stolen and lost travel documents](#) and receive an instant response.
- The International Contact Directory for People Smuggling Issues contains contact details for individuals responsible for people smuggling and illegal migration issues within INTERPOL National Central Bureaus around the world.
- INTERPOL’s [Notices and Diffusions](#) system enables global cooperation between its member countries in tracking criminals and suspects, as well as locating missing persons or collecting information. Especially relevant is the Green Notice – through which countries can warn other member states if a known child-sex offender is travelling to their territory or region.

F. Research Projects and Studies

[On Ramps, intersections and Exit Routes, A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking, 2018 report from Polaris](#) is a survivor-based research project that strives to know more about the business plans of human trafficking, to better prevent and disrupt the crime and help survivors find freedom.

[The National Cooperative Highway Research Program \(NCHRP\) 20-121 Research Project](#). The National Academies of Science, Engineering and Medicine has contracted a new research project that focuses on the ways that State DOT’s can contribute to the study, investigation and interdiction of human trafficking. State DOT’s recognize that many transportation professionals are not familiar with the problem of human trafficking, while those same professionals have the potential to assist in efforts to combat trafficking, aid victims, and support critical decision-making with personnel and technology. They need best practices, creative ideas and consent to act. This funded research partnership is a great first step to getting DOT’s what they need to help their internal and external partners.

A 2014 study entitled “[How Do Fortune 100 Corporates Address Potential Links to Human Rights Violations in a Global Integrated Economy](#)” by the American Bar Association, the McCain Institute, and Arizona State University found that 54% of Fortune 100 companies have publicly available policies about human trafficking. 66% had publicly available policies on forced labor.

3. Analysis and 4. Recommendations

Zero Tolerance Policies

Introduction: Company/agency policies against human trafficking and child exploitation are key to signal to employees and external stakeholders that the entity, whether a private sector business or government agency, is engaged and committed to the issue. While there is clear movement in the transportation sector towards developing and adopting policies on responding to human trafficking, there is still work to be done.

Gap Analysis: The transportation industry has taken steps to combat human trafficking, including adopting agency/corporate policies against human trafficking. Although some transportation entities have developed policies (i.e. the trucking and bussing industries), there is no holistic approach to adopt industry-wide as well as mode-specific policies.

Recommendations

1. Private companies/Non-Governmental Organizations (NGO) adopt zero tolerance policies against human trafficking that reflects the company's culture. Policy should:
 - Identify people within the organization that are required to follow the policy
 - Include the definition of human trafficking
 - Reference the company's resources to assist employees in identifying human trafficking
 - Outline the procedure for employees to follow if they witness human trafficking indicators.
2. Private companies/NGOs include zero tolerance clauses in contractual agreements with companies, agencies and other stakeholders.
3. Encourage state and local transportation agencies to adopt zero tolerance policies for human trafficking and include zero tolerance clauses in contractual agreements with companies, agencies and other stakeholders.

Reporting Protocols

Introduction: Zero-tolerance policies are not sufficient to ensure employees will have enough information to react to indicators of human trafficking. If left without a company reporting protocol, employees may feel confused or unsure of how to react to suspicious activity. To complement human trafficking policies, entities must also develop protocols for how employees are expected to respond to suspicious activity.

Gap Analysis:

1. There is no common industry accepted protocol for transportation agencies/corporations/stakeholders to adopt in response to human trafficking indicators in the transportation industry.
2. With many different ways (hotlines, emergency service numbers, local NGOs) to report cases of human trafficking, we lack true data on how many instances were reported in the transportation sector.

Recommendations

1. Encourage members of the private sector to coordinate with civil society organizations and local human trafficking service providers to assess their business structure and develop an employee reporting protocol when indicators of human trafficking are identified.
2. Encourage tiplines to analyze data on the number of human trafficking cases reported in each mode and produce an annual report on mode-specific trends.
3. Encourage transportation industry members (such as truck, rail and bus operators, airline attendants, and port employees) to report potential cases of human trafficking and commercial sexual exploitation of children that occur within their purview.

Assisting Victims/Survivors to Gain Employment

Introduction: Survivors of trafficking are often charged with crimes related to trafficking that prevent them from obtaining employment. The 2018 US Department of State’s Trafficking in Persons Report (<https://www.state.gov/documents/organization/283800.pdf>) discussed the negative impacts of criminal records on a survivor’s life. The report notes that survivors of sex trafficking may be unable to rent an apartment due to a prostitution conviction. They may have been forced by a gang to steal and sell drugs resulting in an arrest—rendering them unable to enroll in school, obtain gainful employment, or secure professional licenses. There is a movement across the United States for states to pass laws that offer a pathway for survivors to vacate criminal offenses they incurred during their time being trafficked.

(American Bar Association

https://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/SRP/practice-guide.pdf).

Further, many survivors do not possess proper legal identification documents due to their traffickers taking and/or destroying the documents to conceal who their victims are and exert further control over the survivor. Like their criminal record, not having proper identification poses one more challenge to a survivor re-establishing a normal life.

Gap Analysis: Current federal regulation excludes individuals from employment opportunities if they have a disqualifying criminal offense (for example CFR 49 Part 1542.209, Airport Security). Current requirements also make it difficult for survivors to obtain legal identification documents due to the materials needed to obtain such documentation. (Real ID Act of 2005, Pub.L. 109–13, 119 Stat. 302).

Recommendations

1. Enact legislation that requires appropriate federal, state and local agencies to review their laws, regulations and requirements regarding disqualifying criminal offenses and consider circumstances under which a waiver may be granted to a victim/survivor of human trafficking for certain crimes committed while they were being trafficked.
 - a. The legislation should allow individual agencies to create a waiver process and identify the criminal offenses they are willing to consider for the employment waiver.
 - b. The legislation should call for the creation of a multi-stakeholder taskforce with participation of legislators, private sector companies, federal, state, and local agencies, and survivor-informed service providers to outline the waiver process.
2. Support the American Bar Association’s efforts to enact state legislation that vacates human trafficking related convictions from survivor’s records.
3. Enact legislation that requires appropriate federal agencies to review regulations and policies and modify as necessary to assist and facilitate survivors in re-establishing proper legal identification documents.

Training and Resources

Overview: One size cannot fit all. Mode-specific training to combat human trafficking is crucial, as those being educated need to understand examples of human trafficking within the context of a familiar mode environment and then be prepared to respond appropriately to human trafficking indicators. Truckers Against Trafficking (TAT) expanded their mandate to develop mode-specific trafficking awareness training for transit and school bus operators (Buses on the Lookout (BOTL)).

Gap Analysis: While some modes have significant tools and resources (trucking and airline) others lack needed tools and resources (ground transportation, local DOTs).

Recommendations

1. Through legislation provide funding for:
 - a. Development of comprehensive transportation industry as well as mode-specific human trafficking training. Training will address awareness and reporting options, be mode-specific and may include virtual, mobile training. Training should be updated regularly and be used to train new employee as well as existing employees. Training should be updated on a regular basis to reflect evolving tactics and modes of operation of traffickers, evolving responses and promising practices in combating trafficking, and recent legislative changes.
 - b. Conducting human trafficking awareness training (HTAT) for transportation agencies at the federal, state and local level as well as for contractors and industry stakeholders.
 - c. Trade associations to develop mode-specific, centralized, online information and resources for combating human trafficking. The Associations will provide information and links to existing resources as well as develop new needed resources. Examples of such resources include:
 - i. An overview of the various forms of trafficking: forced labor, sex trafficking, child sex trafficking.
 - ii. Federal laws related to human trafficking.
 - iii. Information on how trafficking intersects with the specific mode/industry
 - iv. Examples of agency/industry leadership to combat human trafficking
 - v. Agency and industry education and training materials
 - vi. Existing agency and industry policies, as well as mode-specific model policies
 - vii. Existing and model mode specific agency and industry pledges, strategic plans, performance measures, PSAs, innovations, best practices and research.
- viii. Links to other mode-specific sites.
 1. USDOT should consider creating an interactive transportation stakeholder website, including a list of transportation stakeholders that have zero tolerance policies and training.
 2. USDOT should consider establishing a model system/process for transportation industry employers to report their training activities to the Transportation Leaders Against Human Trafficking (TLAHT).
 3. USDOT should consider establishing an awards program to recognize human trafficking efforts within the transportation industry (see examples of other industry awards programs in the references section).
 4. Division of Business and Professionals and state Attorneys General: What recommendations are there for supporting the Fed and State AG's office - Ohio example. Include a way for some of the storytelling from the AG's office due to successful prosecutions are happening.
 5. Encourage the private sector to continue highlighting best practices through awards and recognition (see ECPAT's awards Program).

6. Expand the Trafficking Victim Protection Act's language (modeled after ECPAT-USA's Code of Conduct for the travel industry) to give preference to hotels with policies and training to combat human trafficking.
7. Encourage private sector business to show preference during employee travel to companies in the transportation sector that have policies and training to combat human trafficking and child exploitation.
8. Encourage NGOs to survey and analyze state laws requiring the transportation industry to combat human trafficking and update regularly.

Evolving Technologies

Overview: In the U.S., a variety of public and private organizations are working to develop and leverage technological solutions to combat human trafficking, some privately funded foundations and some with government support.

Gap Analysis: Worldwide, countries, agencies and organizations are developing and utilizing variety of technologies and reporting mechanisms to combat human trafficking. However, multiple reporting technologies and agencies leads to confusion, and data is lost or misdirected. This criminal activity is using very sophisticated methods to accomplish their end game. There needs to be a way to access the devices and the information being used.

Recommendations

1. Encourage leading transportation research institutions to analyze existing technologies and how they intersect with the transportation industry, and develop a clearinghouse for recommended/successful technologies. (Examples: AI, Face recognition - in airports/train stations, large transit agencies, GPS tracking, heat sensing devices, tag recognition). (See Resources section)
2. Encourage leading transportation research institutions to develop a platform for analyzing big data. Engage companies such as Google, Apple, Microsoft and other large multinational technology companies to assist in this development, data mining, and monitoring.

Public-Private Partnerships

Overview: Helen Keller once said, "Alone we can do so little; together we can do so much." The issue of human trafficking and child exploitation, if taken alone, can be daunting. But by working in tandem with the NGO's, the private sector, government agencies, and industry stakeholders, we can create cross-sector solutions and collaboration that leverage the full range of talent, ingenuity, and commitment to action through creative partnerships.

Partnerships provide the capacity to achieve what may not otherwise be achieved. Effective partnerships draw together different organizations with complementary and reinforcing strengths, allowing each partner to focus on its central capacities and assets to produce outcomes with greater impact than can be achieved independently. As awareness has increased about human trafficking, so has the desire to do more to make lasting changes across the country and in all sectors.

Gap Analysis: The intersection of human trafficking and the transportation industry is an emerging issue as awareness increases. The 2018 eye opening report from Polaris, *On Ramps, Intersections and Exit Routes*, illustrates through data and interviews, the intersections between the patterns of trafficking behaviors and public, private and government entities in the transportation sector. By igniting and

strengthening public and private partnerships through awareness, training, technology, and opportunities to collaborate on creative problem-solving, we will begin to shut off access to the supply chain of vulnerable people – children, women, men – while shutting down demand of services. To solve this horrific problem, we must first recognize private and public enterprise is being used to perpetrate. We are all a part of the problem. But we can all be part of the solution, together. More research is needed regarding best practices. Opportunities to collaborate and share ideas are needed to create game-changing solutions.

Recommendations

1. Conduct comprehensive research of current public-private partnerships and make recommendations to enhance multi stakeholder approaches to combat human trafficking in the transportation industry. Make legislative and administrative changes to implement priority recommendations.
2. Establish model performance measures to measure growth of awareness within the transportation sector.

Federal Funding for Programs and Projects to Combat Human Trafficking

Overview: Combating human trafficking will require an *all hands on deck* approach for the transportation industry. Although federal funds may be used for some activities related to combating human trafficking, this eligibility/flexibility should be added to additional appropriate funding sources for all modes of transportation.

Gap Analysis: Currently, there are only two areas of funding available to the transportation sector. The Combating Human Trafficking in Commercial Vehicles Act requires USDOT to authorize that certain Federal Motor Carrier Safety Administration (FMCSA) grant monies be used for human trafficking prevention, and expanding educations and outreach programs. The Federal Transit Administration's Human Trafficking Awareness and Prevention Program, provides \$2 million for research and \$2 million for technical assistance related to combating human trafficking. The FMCSA Commercial Driver' License Program Implementation (CDLPI), provides grants to support human trafficking education, outreach, and training. Other modes of transportation, at their discretion, should have the same flexibility to use federal funding for activities related to combating human trafficking.

Recommendations

- Enact legislation to add eligibilities to federal transportation funding for all modes for activities related to combating human trafficking. (Reference the Combating Human Trafficking in Commercial Vehicles Act (S.1536)). Activities may include infrastructure and operational improvements as well as training and educational initiatives for transportation employees and the public.

State Human Trafficking Efforts

Overview: Federal, State and local government must work together on eradicating human trafficking. Governors have the opportunity to influence sweeping changes across their state.

Gap Analysis: Although there has been movement on the federal level, focusing efforts at the state level will provide a more comprehensive avenue for success.

Recommendations:

State Governors Offices have the ability to convene key decision makers across their states. This subcommittee recommends that State Governors:

- Gather “key” stakeholders to form a Human Trafficking Commissions (see examples from Ohio, Iowa etc).
- Require all CDL holders receive annual human trafficking training offered by a state approved training provider
- Formulate a workforce development opportunity in the transportation industry for victims of human trafficking

5. Appendices

SC Members

Chair:

Kristen Joyner, Executive Director, South West Transit Association (SWTA)

Vice Chair:

Shannon Eggleston, Program Director, Environment at the American Association of State Highways and Transportation Officials (AASHTO)

Members:

Saba Abashawl, Chief External Affairs Officer, City of Houston, Houston Airport System

Terry Coonan, Executive Director, Florida State University Center for the Advancement of Human Rights and Associate Professor, Florida State University

Sherri Garner Brumbaugh, President & CEO, Garner Trucking and Vice-Chair, American Truck Association

Michelle Guelbart, Director of Private Sector Engagement, ECPAT-USA

David Lorenzen, Chief, Iowa Motor Vehicle Enforcement, Iowa DOT

Eric Schinfeld, Senior Manager, Federal and International Government Relations, Port of Seattle

Eric Smith, Vice President & Chief Commercial Officer, Hendry Marine Industries, Inc.

References

Throughout the document

Sample Protocols, Policies and Comprehensive Strategy Materials

1. **Tourism Child-Protection Code of Conduct**, from ECPAT-USA a set of comprehensive guidelines that helps travel companies implement policies and programs to address human trafficking and child exploitation. The Code helps companies understand how the issue intersects with their industry and gives structure for companies to develop policies and protocols. Due to their advocacy efforts most major hotel chains based in the United States are members of The Code and have comprehensive policies to address the issue. Airlines have begun to follow suit. Members of The Code including Marriott International, Wyndham Hotels & Resorts, Hilton, Hyatt International, Delta Air Lines, and American Airlines. Importantly, companies must report to ECPAT-USA about their engagement on the issue, which ensures there is oversight on their engagement. Other modes of transit can use The Code as a model to comprehensively engage on the issue.
2. **RFP and contract language from ECPAT-USA**
<https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/5c1bea220e2e72ab2b42d446/1545333289541/ECPAT+USA+Sample+Anti-Trafficking+Policies.pdf>
3. [Verite's Help Wanted Fair Hiring Toolkit](#), which give companies policy guidance to support responsible recruitment on supply chains:

4. **ECPAT’s Code of Conduct**, which is a set of guidelines that helps travel companies put in place policies and protocols to comprehensively address human trafficking and child exploitation: www.ecpatusa.org/code The steps are as follows:
 - Establish a policy and procedures against sexual exploitation of children.
 - Train employees in children's rights, the prevention of sexual exploitation and how to report suspected cases.
 - Include a clause in contracts throughout the value chain stating a common repudiation and zero tolerance policy of sexual exploitation of children.
 - Provide information to travelers on children's rights, the prevention of sexual exploitation of children and how to report suspected cases.
 - Support, collaborate and engage stakeholders in the prevention of sexual exploitation of children.
 - Report annually on their implementation of Code related activities.

4. **BEST Practices**, which is a list of best practices that help companies prevent sex trafficking and sex buying within its operations: <https://www.bestalliance.org/internal-policies-and-practices.html>

5. **The UN Guiding Principles**: Adopting protocols on human rights issues is not new. In 2011, the United Nations launched the Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework. The UN Guiding Principles are an internationally accepted guide that offers governments and businesses an outline for how they can protect human rights. Human trafficking is a violation of human rights, therefore businesses and governments should look to the UN Guiding Principles as a framework to ensure they productively combat the problem.

The Guiding Principles outline the importance of states (or governments) in creating an environment where human rights are protected and violations are remedied. States must protect human rights, through policies, legislation, and regulation. They must ensure businesses in their jurisdictions are acting responsibly. In addition, States must ensure businesses with government contracts are protecting human rights. Private sector policies and protocols are also a key focus of the UN Guiding Principles. Companies must work internally to respect, avoiding infringing upon, and address human rights impacts. They must do their due diligence to prevent human rights violations. In addition, the UN Guiding Principles recommends that companies also ensure their supply chains and partner supply chains protect human rights. The UN Guiding Principles ask companies to make policy commitments that respect human rights. This includes through policy statements that are approved at senior levels and are shared with external stakeholders and suppliers.

6. **United Nations Sustainable Development Goals (SDGs)** The UN Sustainable Development Goals are a guide ensure a just and secure future. They help NGO’s, governments, and stakeholders strategically target issues throughout their operations. In 2016, US Fund for UNICEF outlined the SDGs that mention human trafficking.

- SDG 5: Achieve gender equality and empower all women and girls Calls for countries to “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.”
- **SDG 8:** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all Calls for countries to “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”
- SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levelsCalls for countries to “End abuse, exploitation, trafficking and all forms of violence against and torture of children.” In response, companies have used the SDGs to develop policies and protocols in order to help them meet these targets.

7. **TipLines** The three most prominent hotlines in the United States are the Department of Homeland Security’s Tip Line¹, the National Human Trafficking Hotline², and National Center for Missing and Exploited Children’s CyberTipline³. These numbers can be integrated into human trafficking response protocols, when appropriate. In addition, many private and public transportation companies including calling emergency service numbers in cases of emergencies. <https://www.dhs.gov/blue-campaign/identify-victim>, <https://polarisproject.org/get-assistance/national-human-trafficking-hotline>, <http://www.missingkids.com/gethelpnow/cybertipline>

8. **Sample Protocol by ECPAT-USA:**

A sample protocol can include the following:

Frontline Protocol--

1. Assess the situation and if indicators are present: radio/call/report suspicious situations to dispatch or management.
2. Make note of: Date and time of suspected incident, description of those involved – include tattoos, physical identifiers, hair color, approximate age, etc, any names or nicknames overheard, summary of the situation that prompted the report, vehicle information – overall description and details such as license plate number
3. Employees should NEVER get directly involved in a suspected trafficking situation.

Management Protocol--

1. Become well-versed in signs of human trafficking. Refer to this information when an employee expresses suspicions.
2. If an employee reports a suspicious situation, review the indicators that the employee witnessed-- if you believe there are sufficient indicators involved in the situation, notify the proper officials. Emphasize your support to employees reporting their suspicions to make them feel comfortable.
3. Remember, there may be a wholly innocent explanation for behavior that appears suspicious in nature. For this reason, no single indicator should be the sole basis for escalating a report.

4. When appropriate, establish local law enforcement contacts trained in the issue of human trafficking.
5. Report incident to NHTH

Text of Relevant UN Guiding Principles:

- [15 a & b] (a) A policy commitment to meet their responsibility to respect human rights; (b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
- [16] As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (a) Is approved at the most senior level of the business enterprise; (b) Is informed by relevant internal and/or external expertise; (c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services; (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties; (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.
- [19] In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes, and take appropriate action.
 - (a) Effective integration requires that:
 - (i) Responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise;
 - (ii) Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts.
- [20] In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should: (a) Be based on appropriate qualitative and quantitative indicators; (b) Draw on feedback from both internal and external sources, including affected stakeholders.

9. *Legislation:*

Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018
 Section 112: PRIORITY FOR ACCOMMODATION IN PLACES WITH CERTAIN POLICIES RELATING TO CHILD SEXUAL EXPLOITATION.

(a) In General.--Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“Sec. 5712. Priority for accommodation in places with certain policies relating to child sexual exploitation.

“(a) In General.--For the purpose of making payments under this chapter for lodging expenses, each agency shall ensure, to the extent practicable, that commercial-lodging room nights in the United States for employees of that agency are booked in a preferred place of accommodation.

“(b) Eligibility as a Preferred Place of Accommodation.--A hotel, motel, or another place of public accommodation shall be considered a preferred place of accommodation if it--

“(1) enforces a zero-tolerance policy regarding the sexual exploitation of children exploitation of children (as described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))) developed by the Administrator of General Services under subsection (c)(1), or

a similar zero-tolerance policy developed by the place of accommodation, which shall be demonstrated by--

“(A) attesting through the General Services Administration's website of the use of such zero-tolerance policy Administration's website of the use of such zero-tolerance policy;

“(B) posting such policy in a nonpublic space within the place of accommodation that is accessible by all employees; or place of accommodation that is accessible by all employees; or

“(C) including such policy in the employee handbook;

“(2) has procedures in place for employees to identify and report any such exploitation to the appropriate law enforcement authorities and hotel management report any such exploitation to the appropriate law enforcement authorities and hotel management;

“(3) posts the informational materials developed under subsection (c)(3) in an appropriate nonpublic space within the place of accommodation that is accessible by all employees subsection (c)(3) in an appropriate nonpublic space within the place of accommodation that is accessible by all employees;

“(4) requires each employee who is physically located at the place of accommodation and is likely to interact with guests, including security, front desk, housekeeping, room service, and bell staff, to complete the training described in subsection the place of accommodation and is likely to interact with guests, including security, front desk, housekeeping, room service, and bell staff, to complete the training described in subsection (c)(2), (c)(3), or (d), which shall--

“(A) take place--

“(i) not later than 180 days after the starting date of the employee; or

“(ii) in the case of an employee starting employment before the effective date of this section, not later than 180days after the date of the enactment of this section;

“(B) include training on--

“(i) the identification of possible cases of sexual exploitation of children; and

“(ii) procedures to report suspected abuse to the appropriate authorities;

“(5) includes a notice to all independent contractors in any agreement negotiated or renewed on or after the date of the enactment of this section that states ‘Federal law prohibits the trafficking of humans under the Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.)’;

“(6) ensures that the place of accommodation does not retaliate against employees for reporting suspected cases of such exploitation if reported according to the protocol identified in the employee training; and

“(7) keeps records, to the extent permissible by law and on an individual hotel property basis, of each suspected case of such exploitation that is reported to accommodation management or law enforcement, including the date and approximate time of such report, and the name of the accommodation manager or law enforcement agency to which the report was made.

“(c) GSA Requirements.--The Administrator of General Services shall--

“(1) develop, and make available on the General Services Administration publicly accessible website, a zero-tolerance policy for places of accommodation regarding the sexual exploitation of children (as described in section 103(9)(A) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))), including informational materials regarding such policy that could be posted in places of accommodation in nonpublic spaces;

10. *FAA Reauthorization* SEC. 408. TRAINING ON HUMAN TRAFFICKING FOR CERTAIN STAFF.

(a) In General.—[Chapter 447](#) of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

“§ 44738. Training on human trafficking for certain staff

“In addition to other training requirements, each air carrier shall provide training to ticket counter agents, gate agents, and other air carrier workers whose jobs require regular interaction with passengers on recognizing and responding to potential human trafficking victims.”.

11. Examples of Awards Programs in Other Industries

- EPA’s SmartWay program helps companies advance supply chain sustainability by measuring, benchmarking, and improving freight transportation efficiency.
- LEED, or Leadership in Energy and Environmental Design, is the most widely used green building rating system in the world. Available for virtually all building, community and home project types, LEED provides a framework to create healthy, highly efficient and cost-saving green buildings. LEED certification is a globally recognized symbol of sustainability achievement.

12. Waiver or employment and security clearance for victims/survivors

Existing Restrictions in CFR 49 Part 1542.209

- §1542.209 Fingerprint-based criminal history records checks (CHRC).
- (a) Scope. The following persons are within the scope of this section—
 - (1) Each airport operator and airport user.
 - (2) Each individual currently having unescorted access to a SIDA, and each individual with authority to authorize others to have unescorted access to a SIDA (referred to as unescorted access authority).
 - (3) Each individual seeking unescorted access authority.
 - (4) Each airport user and aircraft operator making a certification to an airport operator pursuant to paragraph (n) of this section, or 14 CFR 108.31(n) in effect prior to November 14, 2001 (see 14 CFR Parts 60 to 139 revised as of January 1, 2001).
- An airport user, for the purposes of this section only, is any person other than an aircraft operator subject to §1544.229 of this chapter making a certification under this section.
- (b) Individuals seeking unescorted access authority. Except as provided in paragraph (m) of this section, each airport operator must ensure that no individual is granted unescorted access authority unless the individual has undergone a fingerprint-based CHRC that does not disclose that he or she has a disqualifying criminal offense, as described in paragraph (d) of this section.
- (c) Individuals who have not had a CHRC. (1) Except as provided in paragraph (m) of this section, each airport operator must ensure that after December 6, 2002, no individual retains unescorted access authority, unless the airport operator has obtained and submitted a fingerprint under this part.

- (2) When a CHRC discloses a disqualifying criminal offense for which the conviction or finding of not guilty by reason of insanity was on or after December 6, 1991, the airport operator must immediately suspend that individual's authority.
- (d) Disqualifying criminal offenses. An individual has a disqualifying criminal offense if the individual has been convicted, or found not guilty of by reason of insanity, of any of the disqualifying crimes listed in this paragraph (d) in any jurisdiction during the 10 years before the date of the individual's application for unescorted access authority, or while the individual has unescorted access authority. The disqualifying criminal offenses are as follows—
 - (1) Forgery of certificates, false marking of aircraft, and other aircraft registration violation; 49 U.S.C. 46306.
 - (2) Interference with air navigation; 49 U.S.C. 46308.
 - (3) Improper transportation of a hazardous material; 49 U.S.C. 46312.
 - (4) Aircraft piracy; 49 U.S.C. 46502.
 - (5) Interference with flight crew members or flight attendants; 49 U.S.C. 46504.
 - (6) Commission of certain crimes aboard aircraft in flight; 49 U.S.C. 46506.
 - (7) Carrying a weapon or explosive aboard aircraft; 49 U.S.C. 46505.
 - (8) Conveying false information and threats; 49 U.S.C. 46507.
 - (9) Aircraft piracy outside the special aircraft jurisdiction of the United States; 49 U.S.C. 46502(b).
 - (10) Lighting violations involving transporting controlled substances; 49 U.S.C. 46315.
 - (11) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements; 49 U.S.C. 46314.
 - (12) Destruction of an aircraft or aircraft facility; 18 U.S.C. 32.
 - (13) Murder.
 - (14) Assault with intent to murder.
 - (15) Espionage.
 - (16) Sedition.
 - (17) Kidnapping or hostage taking.
 - (18) Treason.
 - (19) Rape or aggravated sexual abuse.
 - (20) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.
 - (21) Extortion.
 - (22) Armed or felony unarmed robbery.
 - (23) Distribution of, or intent to distribute, a controlled substance.
 - (24) Felony arson.
 - (25) Felony involving a threat.
 - (26) Felony involving—
 - (i) Willful destruction of property;
 - (ii) Importation or manufacture of a controlled substance;
 - (iii) Burglary;
 - (iv) Theft;
 - (v) Dishonesty, fraud, or misrepresentation;
 - (vi) Possession or distribution of stolen property;
 - (vii) Aggravated assault;
 - (viii) Bribery; or

- (ix) Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year.
- (27) Violence at international airports; 18 U.S.C. 37.
- (28) Conspiracy or attempt to commit any of the criminal acts listed in this paragraph (d).