

## PARTICIPANT GUIDE



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Endeavor Business  
Media, LLC

# Human Trafficking and the Impact on Commercial Driver's Licenses



National  
Traffic Law  
Center

The National Traffic Law Center (NTLC), a program of the National District Attorneys Association (NDAA), has created an education tool for prosecutors, law enforcement and other traffic safety professionals titled: “Human Trafficking and the Impact on Commercial Driver’s Licenses.” This training module is designed to educate prosecutors and other traffic safety professionals on the Federal “No Trafficking on Our Roads Act” (NHTRA) which was signed into law on January 1, 2018 by President Donald J. Trump. As a result of NHTRA, the Federal Motor Carrier Safety Administration (FMCSA) announced a final rule that imposes a lifetime ban on drivers who are convicted of a severe form of human trafficking in a commercial motor vehicle (CMV) from operating a CMV. This rule was signed into law on July 23, 2019. Under this rule, states have until September 23, 2022 to comply with this mandate. FMCSA allowed a three-year period to allow states sufficient time to seek legislation, update their regulations, and make the appropriate information technology changes to apply the lifetime ban.

FMCSA’s new rule revised the list of offenses permanently disqualifying individuals from operating a CMV for which a commercial driver’s license or commercial learner’s permit is required.\* The mandatory lifetime disqualification without the possibility of reinstatement will apply to those who engage in the use of a commercial motor vehicle for sex or labor trafficking. Other aspects of these sanctions are also discussed in detail throughout the module as are numerous definitions of terminology used throughout NHTRA.

This participant guide provides participants with a copy of the PowerPoint with space for note taking on each slide. There is a resources page at the end of this guide.

## **Support**

The National Traffic Law Center is available for assistance with any aspect of this learning tool and can also be used as a resource for this topic. Please contact NTLC Program Coordinator Metria Hernandez: [mhernandez@ndaajustice.org](mailto:mhernandez@ndaajustice.org), for assistance. Other commercial driver’s license information is available on the NTLC section of the NDAA website: <https://ndaa.org/programs/ntlc/commercial-drivers-license/>.

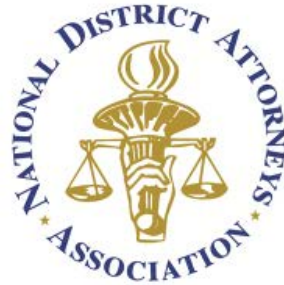
## **Funding**

The National District Attorneys Association (NDAA) created this training module through financial support and assistance from the United States Department of Transportation, Federal Motor Carriers Administration (FMCSA), under grant number FM-CDL-0353-19-01-00. NDAA is not part of the U.S. Government, the U.S. Department of Transportation (DOT), or the FMCSA. Therefore, NDAA does not represent the official position or policies of the FMCSA, the U.S. DOT, or the U.S. government.

Particular points of view, opinions or legal interpretations expressed in the primer are those of the authors and do not necessarily represent the official position, policies or opinions of the National District Attorneys Association.

\*Lifetime Disqualification: [49 U.S.C. 31310](#) (d)(2)

Slide 1



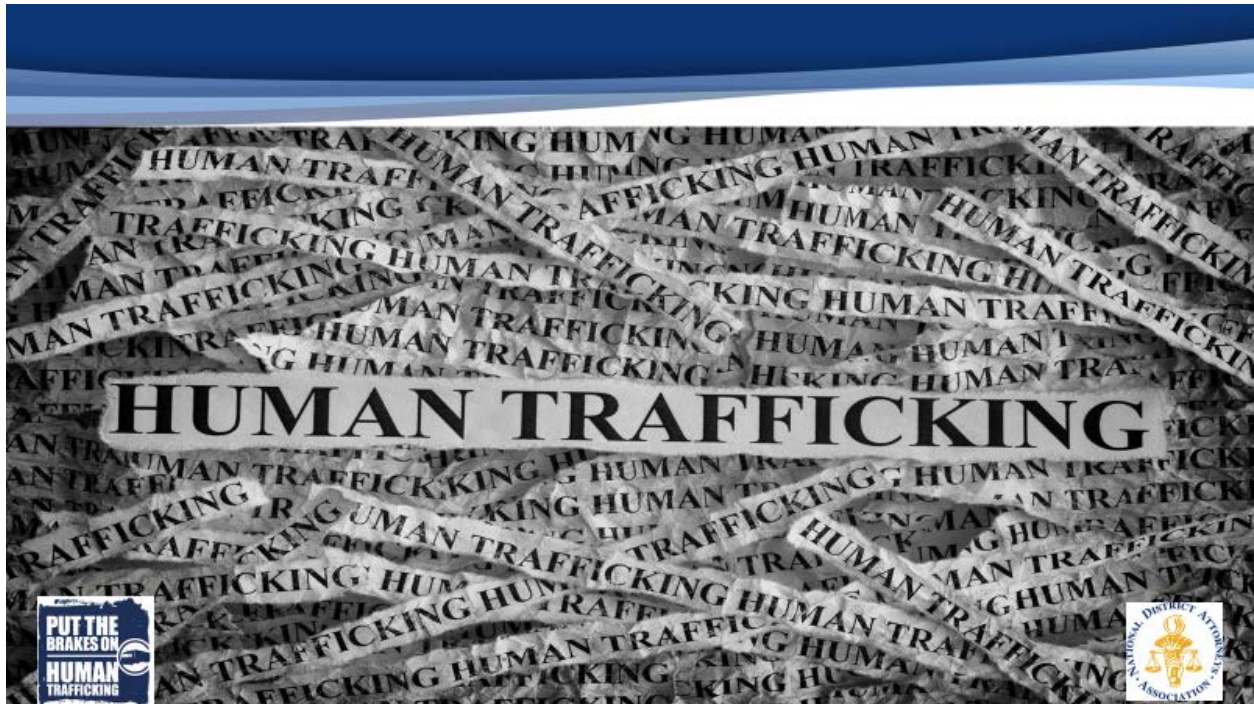
## Human Trafficking and the Impact on Commercial Driver's Licenses

National District Attorneys Association

Notes:

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## Slide 2



- **Human Trafficking:** The illegal recruitment, transportation, transfer, harboring, or receipt of a person, esp. one from another country, with the intent to hold the person captive or exploit the person for labor, services, or body parts. Human-trafficking offenses include forced prostitution, forced marriages, sweat-shop labor, slavery, and harvesting organs from unwilling donors.
  - Black's Law Dictionary (11<sup>th</sup> ed. 2019)
- **Human Trafficking:** the action or practice of illegally transporting people from one country or area to another, typically for the purposes of forced labor or sexual exploitation.
  - Lexico definition (powered by Oxford)  
[https://www.lexico.com/definition/human\\_trafficking](https://www.lexico.com/definition/human_trafficking)
- **Human Trafficking:** organized criminal activity in which human beings are treated as possessions to be controlled and exploited (as by being forced into prostitution or involuntary labor)
  - Merriam-Webster definition (<https://www.merriam-webster.com/dictionary/human%20trafficking>)

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## Slide 3

Human trafficking is a form of modern-day slavery that involves the use of force, fraud, or coercion to obtain labor or a commercial sex act; and the commercial sexual exploitation of children under any circumstances.

<https://www.fmcsa.dot.gov/commercial-drivers-license/human-trafficking>



<https://www.fmcsa.dot.gov/commercial-drivers-license/human-trafficking>

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Slide 4



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**



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Slide 5



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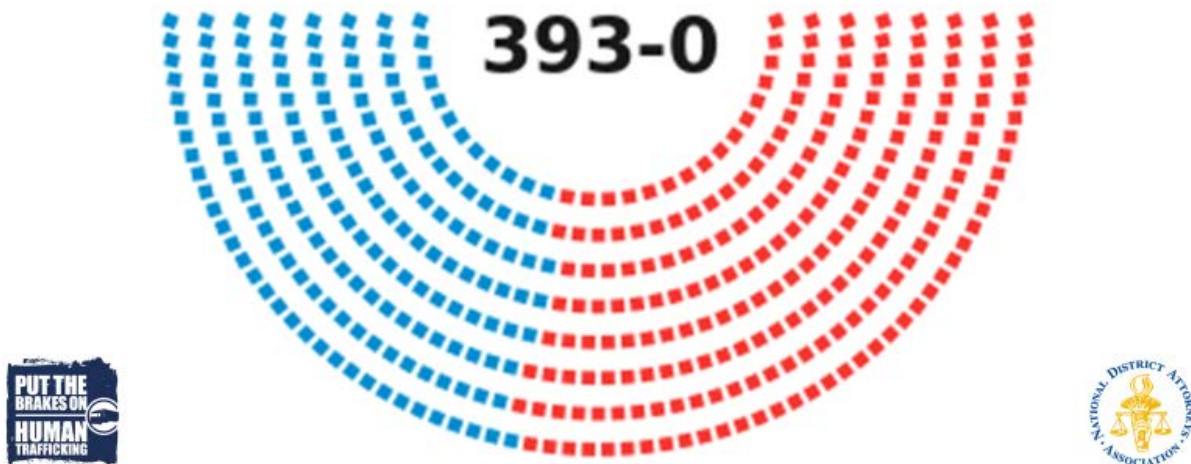
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## Slide 6

## No Human Trafficking on Our Roads Act



In an effort to continue combatting human trafficking, the United States House of Representatives unanimously passed this act on December 21, 2017. President Donald J. Trump signed the act into law on January 1, 2018.

Under this act, a driver who is convicted of utilizing a commercial motor vehicle for “*severe forms of human trafficking*” would have their commercial driving privileges revoked for life with no possibility of reinstatement. This not only means commercial driver’s license or commercial learner’s permit holders would have their licenses disqualified for life, *but any person convicted of human trafficking in a commercial motor vehicle.*

Severe forms of human trafficking are defined in 22 U.S.C. 7102 (11) and include sex trafficking and labor trafficking, which will be discussed later in the course.

The final rule was published in the federal register on July 23, 2019 with an effective date of September 23, 2019.

- [49 U.S.C. 31310 \(d\)\(2\)](#)

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Slide 7

## Lifetime Disqualification

### “Severe Form” of Human Trafficking “Using a CMV”

49 U.S.C. 31310 (d)(2)  
49 C.F.R. § 383.51



Regulation –

(d) Lifetime Disqualification Without Reinstatement. —

(1) Controlled substance violations. —The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(2) Human trafficking violations. —The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

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## Slide 8



- Trafficking and CDL Holders
- Trafficking Victims Protection Act (TVPA)
- Trafficking Victims Protection Reauthorization Act (TVPRA)
- Types of trafficking defined
- License ramifications
- State adoptions of 49 U.S.C. 31310 (d)(2)
- Victim Identification
- Investigation
- Law Enforcement
- Trafficking Indicators
- Prosecuting the Case
- Victim and Witness Preparation
- Evidence Presentation
- Discussion Points
- Resources

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## Slide 9



The Trafficking Victims Protection Act of 2000 (TVPA) and its subsequent reauthorizations define human trafficking as:

- 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
- 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 (22 U.S.C. § 7102 (9)).

<https://www.justice.gov/humantrafficking>

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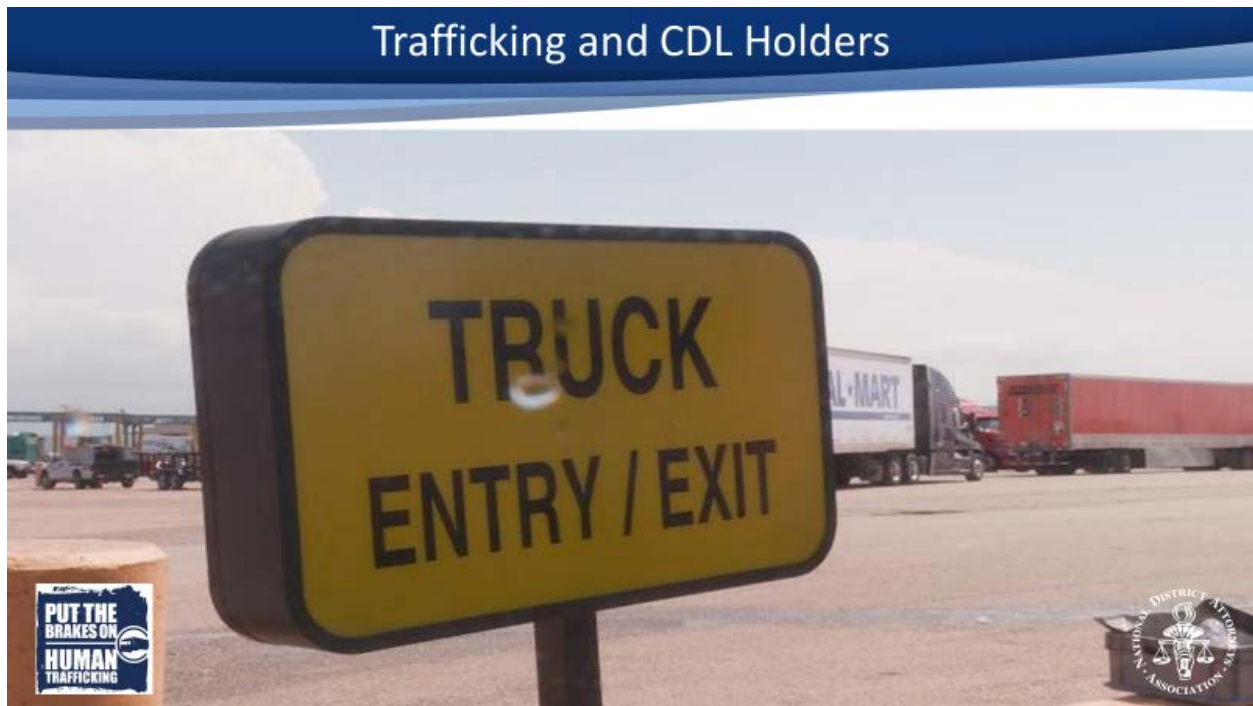
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## Slide 10



As of May 2020, the below states have signed into law some form of trafficking training legislation as a requirement to obtaining a commercial driver's license:

- Alabama
- Arkansas
- Colorado
- Illinois
- Kansas
- Maryland
- Ohio
- Oklahoma
- Texas
- Virginia
- Washington
- Wisconsin

This list was obtained from: <https://truckersagainsttrafficking.org/human-trafficking-laws/>.

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Slide 11

## Truck Stops



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## Slide 12



Trafficking Victims Protection Act (TVPA): First established in 2000. Reauthorized in 2003, 2005, 2008, 2013, 2015, and 2018. 2020 marks 20 years of TVPA being signed into law.

Purpose: the U.S. Government was equipped with new tools and resources to mount a comprehensive and coordinated campaign to eliminate modern forms of slavery domestically and internationally.

<https://www.justice.gov/humantrafficking/key-legislation>

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Slide 13

## Trafficking Victims Protection Reauthorization Act (TVPRA)



Reauthorization Acts: <https://www.justice.gov/humantrafficking/key-legislation>

<https://www.defense.gov/Explore/Features/story/Article/2052349/dod-marks-20th-anniversary-of-trafficking-victims-protection-act/>

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Slide 14

## Lifetime Disqualification

### “Severe Form” of Human Trafficking “Using a CMV”

[49 U.S.C. 31310](#) (d)(2)

49 C.F.R. § 383.51



After FMCSA signed the official notice of the rule, the lifetime disqualification was added to the United States Code at 49 U.S.C, 31310 (d) (2). Once codified, FMCSA, through its rule making process, updated the CFR 49 § 383.51, specifically, the major offense table to include this new disqualification.

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## Slide 15



<b>Trafficking vs. Smuggling</b>	
<p><b>Human Trafficking</b> is defined as:</p> <ul style="list-style-type: none"> <li>• 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; <i>or</i></li> <li>• 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.</li> </ul>	<p><b>Human Smuggling</b> is defined as the importation of people into the United States involving deliberate evasion of immigration laws. This offense includes bringing illegal aliens into the United States as well as the unlawful transportation and harboring of aliens already in the United States.</p> <div style="border: 1px solid blue; padding: 5px; margin-top: 10px;"> <p>These are <i>not</i> interchangeable terms</p> <ul style="list-style-type: none"> <li>• <b>Smuggling</b> is transportation-based</li> <li>• <b>Trafficking</b> is exploitation-based</li> </ul> </div>
	 <p>Report Suspicious Activity:  <b>1-866-DHS-2-ICE</b> (1-866-347-2423)  <a href="http://www.dhs.gov/bluecampaign">www.dhs.gov/bluecampaign</a></p>
	

There is a difference between trafficking and smuggling, which is illustrated on this slide.

Under the “No Trafficking On Our Roads” Act, lifetime disqualification for CDL or CLP holders is only for a conviction of Human Trafficking with a commercial motor vehicle. The type of trafficking that falls under this section are sex trafficking and labor trafficking. A conviction for smuggling would not trigger this disqualification. **Remember: Smuggling is transportation based. Trafficking is exploitation-based.**

People-Smuggling: The crime of helping a person enter a country illegally in return for a fee.

- Black’s Law Dictionary (11<sup>th</sup> ed. 2019)

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Slide 16



The term "sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act. 22 USC §7102 (12).

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Slide 17

## Labor Trafficking



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 (22 U.S.C § 7102 (11)).

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## Slide 18

## What happens to a Commercial Driver's License?

If a driver operates a motor vehicle and is convicted of:	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a first conviction or refusal to be tested while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials as defined in § 383.5, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for * * *
(10) Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11)	Life—not eligible for 10-year reinstatement	Not applicable	Life—not eligible for 10-year reinstatement	Life—not eligible for 10-year reinstatement	Not applicable.

49 C.F.R. § 383.51 Table 1 (Major Offenses)



49 CFR §383.51 is where you can find the four disqualification tables – Major Offenses, Serious Offenses, Railroad Crossing Offenses and Out of Service Orders. The lifetime disqualifications are housed in the major offenses table. Once the final notice was signed on July 23, 2019, the major offenses disqualification table was officially updated.

For violations of 49 U.S. Code § 31310 (d)(2), the disqualification is in the Table 1 (Major Offenses) number 10.

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## Slide 19

## What happens to a Commercial Driver's License?

If a driver operates a motor vehicle and is convicted of:	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a first conviction or refusal to be tested while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials as defined in § 383.5, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CLP or CDL and a CLP or CDL holder must be disqualified from operating a CMV for * * *	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV for * * *
(6) Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this table * * *	1 year	1 year	3 years	Life	Life.



49 C.F.R. § 383.51 Table 1 (Major Offenses)



Because only human trafficking in a commercial motor vehicle for severe forms of trafficking falls under the lifetime disqualification, any other felony human trafficking with a motor vehicle will fall under the one-year disqualification. A felony conviction for smuggling with a motor vehicle or a felony conviction for a severe form of human trafficking in a personal vehicle would yield a one-year disqualification.

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## Slide 20

## ACD CODE: U11

FMCSR	FMCSR Description	ACD Code	ACD Description
49 U.S.C §31310 (d) (2)	Using a CMV in the commission of a felony involving severe forms of trafficking in persons as defined in 22 USC 7102(9)	U11	Using a CMV in the commission of severe forms of trafficking in persons.



These codes are used by State Driving License Agencies (SDLAs) to identify the type of disqualification that should be imposed on a CDL as the result of a conviction. Having a uniform code allows states to seamlessly communicate with one another to ensure proper action regardless of whether the driver is in the state of issuance.

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## Slide 21

## State Laws



Although this act was signed into law in 2019, states have until September 23, of 2022 to comply with this mandate. FMCSA allowed a three-year period to allow states sufficient time to seek legislation, update their regulations, and make the appropriate information technology changes to apply the lifetime ban.

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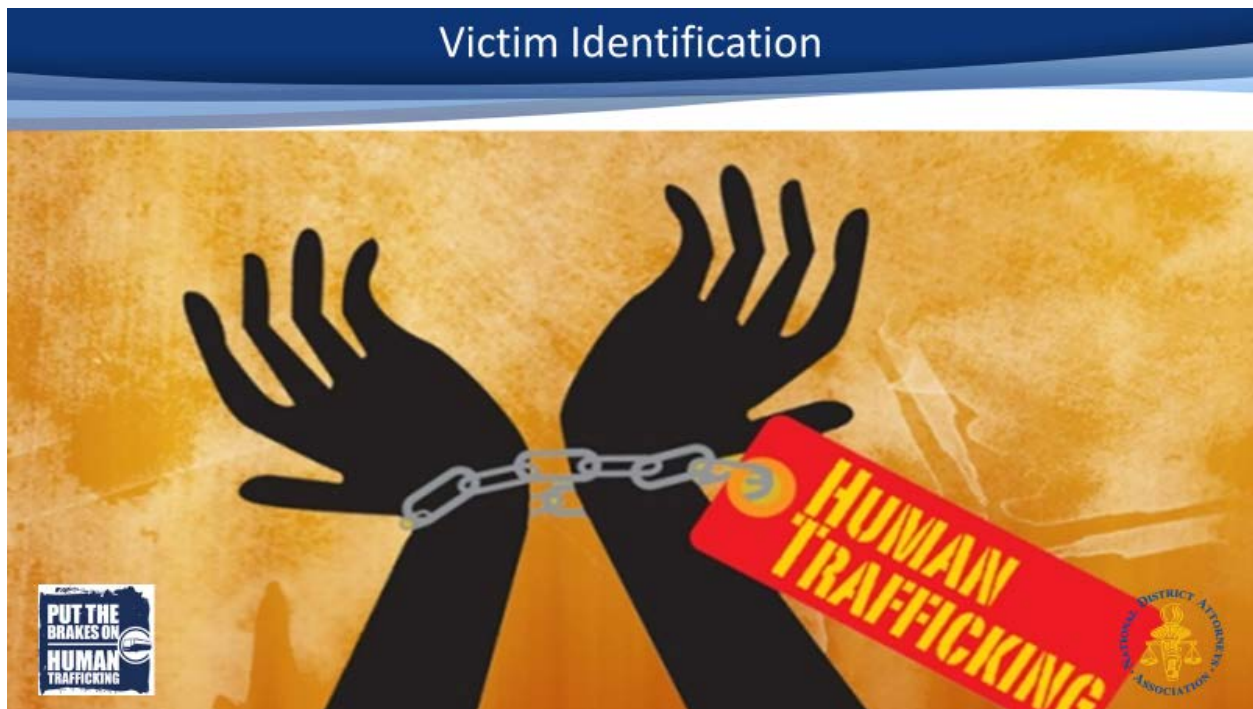
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## Slide 22



- Children:
- Homelessness:
- Emotional or Physical State:
- Social Behavior:
- Work Conditions and Immigration Status:

Notes:

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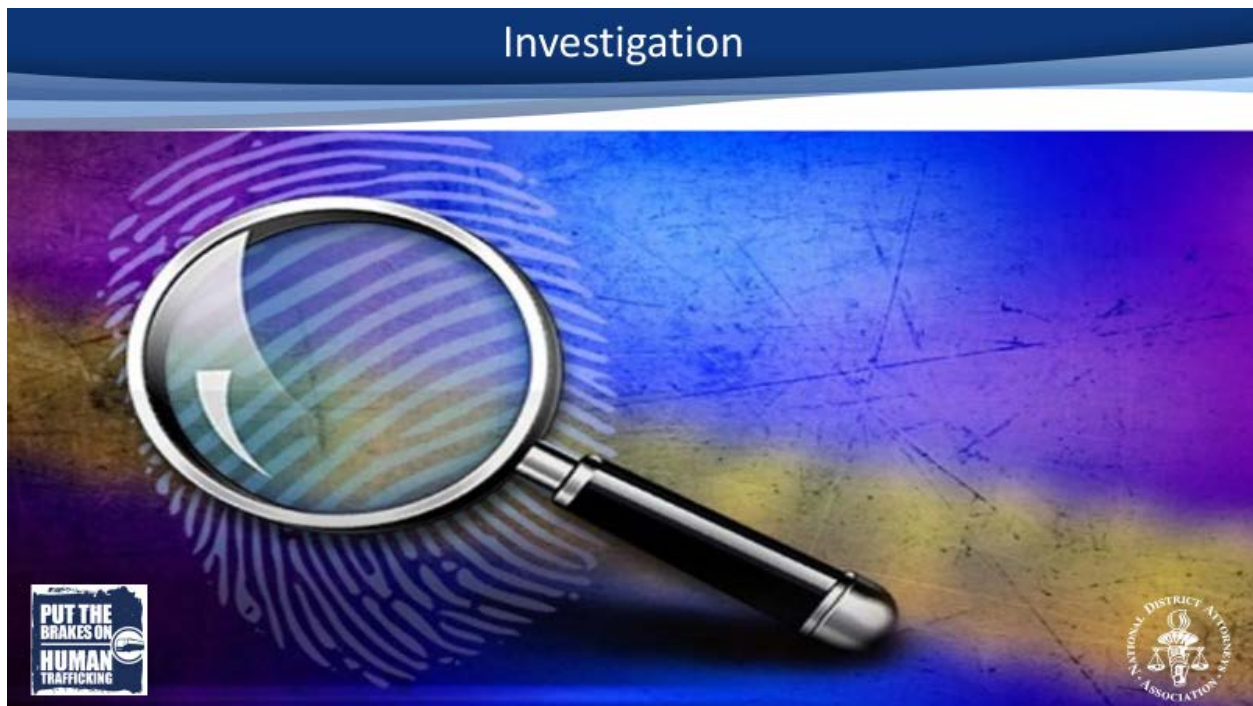
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## Slide 23



While investigating a trafficking case, the following may provide corroboration:

- Additional victims
- Hotel records
- Social media
- Advertisements
- Cell phone records (texts, calls, photos, etc.) and email
- Victim's medical records

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Slide 24

## Law Enforcement



Notes:

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Slide 25

## Trafficking Indicators

- ☐ Is the victim in possession of identification and travel documents; if not, who has control of the documents?
- ☐ Was the victim coached on what to say to law enforcement and immigration officials?
- ☐ Was the victim recruited for one purpose and forced to engage in some other job?
- ☐ Is the victim's salary being garnished to pay off a smuggling fee? (Paying off a smuggling fee alone is not considered trafficking.)
- ☐ Was the victim forced to perform sexual acts?
- ☐ Does the victim have freedom of movements?
- ☐ Has the victim or family been threatened with harm if the victim attempts to escape?
- ☐ Has the victim been threatened with deportation or law enforcement action?
- ☐ Has the victim been harmed or deprived of food, water, sleep, medical care, or other life necessities?
- ☐ Can the victim freely contact friends or family?
- ☐ Is the victim a juvenile engaged in commercial sex?
- ☐ Is the victim allowed to socialize or attend religious services?

Report Suspicious Activity: **1-866-DHS-2-ICE** (1-866-347-2423)

[www.dhs.gov/bluecampaign](http://www.dhs.gov/bluecampaign)

BC-IC1-xx 07/14



Notes:

[illegible]

Slide 26

## Prosecuting the Case



### Prosecutor's Role:

- Develop an understanding of the “players” in a human trafficking case – the victims, the traffickers, the “customers”
- Identify the possible challenges
- Immunity
- Charging Decisions

### Notes:

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Slide 27



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Slide 28

## Evidence Presentation



Notes:

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Slide 29

## Lifetime Disqualification

### “Severe Form” of Human Trafficking “Using a CMV”

[49 U.S.C. 31310](#) (d)(2)

49 C.F.R. § 383.51



(d) Lifetime Disqualification Without Reinstatement. —

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(2) Human trafficking violations. —The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

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Slide 30

## Discussion Points



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## Slide 31

## Get Involved











Report Human Trafficking

National Hotline: 1.888.3737.888 (Multi-Lingual)

Toll free 24/7

Human trafficking is modern-day slavery. Traffickers use force, fraud and coercion to control their victims. Any minor engaged in commercial sex is a victim of human trafficking. U.S. citizens can be trafficked within the United States. Trafficking can occur in many locations, including truck stops, restaurants, rest areas, brothels, strip clubs, private homes, etc.







- Resources:
  - National Human Trafficking Hotline: <https://humantraffickinghotline.org/>
  - Truckers Against Trafficking: <https://truckersagainsttrafficking.org/>
  - National Association of Truck Stop Operators: <https://www.natso.com/>
  - Busing on the Lookout: <https://truckersagainsttrafficking.org/bus-training/>
  - Business Ending Slavery and Trafficking: <https://www.bestalliance.org/>
  - Transportation Leaders Against Trafficking: <https://www.transportation.gov/TLAHT>
  - Commercial Vehicle Safety Alliance: <https://www.cvsa.org/>
  - The [National District Attorneys Association](#) and the [National Traffic Law Center](#) are also a resources.
  - Ways to report:
    - Trafficking In Persons (TIP) report
    - <https://www.ovcttac.gov/taskforceguide/eguide/>

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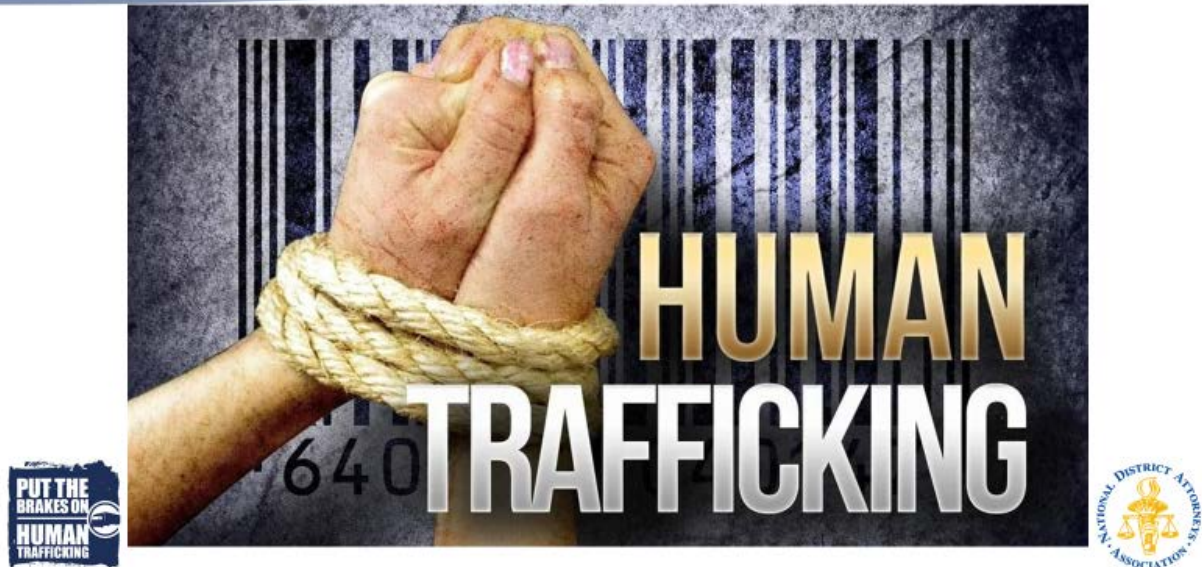
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Slide 32

## Q & A



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# RESOURCES

**Resources:**

- No Human Trafficking on Our Roads Act:
  - <https://www.congress.gov/bill/115th-congress/senate-bill/1532/text>
- Lifetime Disqualification for Human Trafficking Final Rule:
  - <https://www.govinfo.gov/content/pkg/FR-2019-07-23/pdf/2019-15611.pdf>
- Department of Justice Human Trafficking legislation:
  - <https://www.justice.gov/humantrafficking/key-legislation>
  - <https://www.justice.gov/humantrafficking/special-initiatives>
- Department of Transportation Advisory Committee on Human Trafficking July 2019 Report:
  - <https://www.transportation.gov/sites/dot.gov/files/docs/mission/administrations/offic-e-policy/343931/advisory-committee-human-trafficking-final-report.pdf>
- Trafficking Victims Protection Act (TVPA):
  - <https://www.state.gov/international-and-domestic-law/>
  - 20 Years: <https://www.defense.gov/Explore/Features/story/Article/2052349/dod-marks-20th-anniversary-of-trafficking-victims-protection-act/>
- Combating Human Trafficking in Commercial Motor Vehicles Act
  - <https://www.congress.gov/bill/115th-congress/senate-bill/1536/text>
- BEST Alliance Human Trafficking Indicators:
  - [https://www.bestalliance.org/uploads/5/0/0/4/50047795/human\\_trafficking\\_indicators.pdf](https://www.bestalliance.org/uploads/5/0/0/4/50047795/human_trafficking_indicators.pdf)
- National Strategy to Combat Human Trafficking:
  - <https://www.justice.gov/humantrafficking/page/file/922791/download>
- National District Attorneys Association Women Prosecutors Section National Human Trafficking Prosecution Best Practices Guide
  - <https://ndaa.org/wp-content/uploads/Human-Trafficking-White-Paper-Jan-2020.pdf>
- Attorney General's Trafficking In Persons Report
  - <https://www.justice.gov/humantrafficking/attorney-generals-trafficking-persons-report>
- Department of Homeland Security's Blue Campaign
  - <https://www.dhs.gov/blue-campaign>
- <https://www.dhs.gov/sites/default/files/publications/blue-campaign/materials/indicator-cards/bc-indicator-card-english.pdf>
- National Human Trafficking Hotline: <https://humantraffickinghotline.org/>
- Truckers Against Trafficking: <https://truckersagainsttrafficking.org/>
- National Association of Truck Stop Operators: <https://www.natso.com/>
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- Transportation Leaders Against Trafficking: <https://www.transportation.gov/TLAHT>
- Commercial Vehicle Safety Alliance: <https://www.cvsa.org/>





### Trafficking vs. Smuggling

**Human Trafficking** is defined as:

- 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*
- 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.

**Human Smuggling** is defined as the importation of people into the United States involving deliberate evasion of immigration laws. This offense includes bringing illegal aliens into the United States as well as the unlawful transportation and harboring of aliens already in the United States.

These are *not* interchangeable terms

- **Smuggling** is transportation-based
- **Trafficking** is exploitation-based



Report Suspicious Activity:

**1-866-DHS-2-ICE** (1-866-347-2423)

[www.dhs.gov/bluecampaign](http://www.dhs.gov/bluecampaign)

### Trafficking Indicators

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Is the victim in possession of identification and travel documents; if not, who has control of the documents?</li> <li><input type="checkbox"/> Was the victim coached on what to say to law enforcement and immigration officials?</li> <li><input type="checkbox"/> Was the victim recruited for one purpose and forced to engage in some other job?</li> <li><input type="checkbox"/> Is the victim's salary being garnished to pay off a smuggling fee? (Paying off a smuggling fee alone is not considered trafficking.)</li> <li><input type="checkbox"/> Was the victim forced to perform sexual acts?</li> <li><input type="checkbox"/> Does the victim have freedom of movements?</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Has the victim or family been threatened with harm if the victim attempts to escape?</li> <li><input type="checkbox"/> Has the victim been threatened with deportation or law enforcement action?</li> <li><input type="checkbox"/> Has the victim been harmed or deprived of food, water, sleep, medical care, or other life necessities?</li> <li><input type="checkbox"/> Can the victim freely contact friends or family?</li> <li><input type="checkbox"/> Is the victim a juvenile engaged in commercial sex?</li> <li><input type="checkbox"/> Is the victim allowed to socialize or attend religious services?</li> </ul> |
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Report Suspicious Activity: **1-866-DHS-2-ICE** (1-866-347-2423)

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