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## Keeping Watch from Liftoff to Landing: A Call for Increased Public Education on the Intersection of Human Trafficking and Commercial Air Travel

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**KEEPING WATCH FROM LIFTOFF TO LANDING: A CALL  
FOR INCREASED PUBLIC EDUCATION ON THE  
INTERSECTION OF HUMAN TRAFFICKING AND  
COMMERCIAL AIR TRAVEL**

GRETCHEN MAHONEY\*

**ABSTRACT**

Over the past two decades, multilateral organizations and the U.S. government have fought tirelessly to eradicate human trafficking. Drafting and passing protocols, resolutions, and statutes, these entities attempted to gain the upper hand by collecting and sharing data, bolstering victim services, and training agency officials, law enforcement officers, prosecutors, and judges on the hallmarks of trafficking circumstances. While these efforts delivered results and are cause for celebration, data shows that human trafficking remains deeply established and operative across the world even with these thorough steps.

A crucial venue for exposing and disrupting trafficking operations is the transportation industry. Traffickers exploit commercial transport systems for both recruiting and moving their victims. Often, the best, and maybe only, opportunity to save victims from their traffickers arises as they travel.

This Comment explains how traffickers utilize commercial air travel to further their operations and lays out the U.S. government's statutory responses to human trafficking in the context of commercial aviation. In light of data showing that trafficking persists in the United States, this Comment suggests that the

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U.S. government should fill a gap in the statutory framework in this area. While federal statutes provide for thorough training of agency officials, law enforcement officers, and airline personnel who often engage with passengers, there is relatively little focus on formally educating the traveling public about the signs of trafficking and reporting methods. This Comment sets forth five proposals for how the U.S. government can further educate the traveling public on recognizing and quickly reporting possible trafficking incidents. These measures will create a more vigilant traveling public that is better equipped to report human trafficking to highly trained personnel who can monitor potential trafficking circumstances quickly and take appropriate actions. By actively bringing the traveling public on board, the U.S. government can more effectively undermine trafficking operations that utilize commercial airlines.

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## I. INTRODUCTION: HUMAN TRAFFICKING—A GLOBAL CRISIS

### A. A WORLDWIDE EMERGENCY

**T**RAFFICKING IN HUMAN BEINGS for sex, labor, or both deprives people across the world of their fundamental human rights.<sup>1</sup> The Trafficking in Persons Report (TIP Report)<sup>2</sup> is published annually by the U.S. Department of State in accordance with the Victims of Trafficking and Violence Protection Act (TVPA). The 2020 TIP Report includes accounts from trafficking survivors spanning the globe.<sup>3</sup> Many of their stories involve the intersection between trafficking operations and transportation systems, including commercial air travel.<sup>4</sup> Below are a few examples.

<sup>1</sup> See generally U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., TRAFFICKING IN PERSONS REPORT 16, 25, 29, 33, 36, 43 (2020) [hereinafter 2020 TRAFFICKING IN PERSONS REPORT], <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf> [<https://perma.cc/3UUM-YZ4Z>].

<sup>2</sup> Nat'l Underground R.R. Freedom Ctr., *U.S. Dep't of State Trafficking in Persons Report Heroes: About*, TIP REPORT HEROES, <http://www.tipheroes.org/about/> [<https://perma.cc/NW9B-2ZQB>].

<sup>3</sup> 2020 TRAFFICKING IN PERSONS REPORT, *supra* note 1, at 5.

<sup>4</sup> *Id.* at 16, 29, 33, 36.

A “recruiter”—really a trafficker—convinced Maria, a native of a northern island in the Philippines, to travel to the United States to work in an elderly care facility in southern California.<sup>5</sup> When Maria arrived, her trafficker confiscated her passport and held her hostage in the United States until she paid off a previously undisclosed fee of more than \$10,000.<sup>6</sup> Maria’s trafficker forced her to work off the alleged debt for a few dollars per hour for eighteen hours per day.<sup>7</sup> Luckily, a neighbor of the care facility where Maria worked noticed that her hours were unusually long, that she never had a day off, and that she looked forlorn.<sup>8</sup> Thanks to this neighbor’s intervention, Maria connected with law enforcement, escaped her circumstances, and became a survivors’ group leader.<sup>9</sup>

Sofia, from rural Romania, flew to Italy with her new fiancé.<sup>10</sup> After arriving there, her fiancé handed her an itemized list of every expense he incurred in courting her and told her she had to pay back these costs by engaging in commercial sexual activity.<sup>11</sup> Sofia’s trafficker physically assaulted her, threatened her, and destroyed her personal property to force her into compliance.<sup>12</sup> Thankfully, Sofia escaped back to Romania and accessed support at a trafficking survivors’ shelter.<sup>13</sup>

Huy, originally from Ho Chi Minh City, Vietnam, became vulnerable after his parents passed away.<sup>14</sup> Trying to survive on his own at seventeen, he sold lottery tickets in the city and slept on the street.<sup>15</sup> One night, traffickers kidnapped him, transported him to China, and held him in a windowless warehouse where they beat and tortured him.<sup>16</sup> After imprisoning Huy for three months, his traffickers smuggled him into the United Kingdom and forced him to work in an illegal cannabis garden.<sup>17</sup> In a strenuous effort, he escaped his traffickers by jumping from a

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<sup>5</sup> *Id.* at 36.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 16.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *See id.* at 33.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

second-story window and “running until he found a train station.”<sup>18</sup>

Patience, from Nigeria, was the sole caregiver to her six siblings after her parents died.<sup>19</sup> A “recruiter” deceived her into traveling to Ghana for alleged better work opportunities.<sup>20</sup> When she arrived in Ghana, her trafficker demanded a \$1,500 payment to reimburse him for arranging her travel.<sup>21</sup> He turned Patience over to a woman who took her to a local “fetish priest,” who performed a ritual formally obligating her to pay the trafficker’s fee.<sup>22</sup> Patience’s trafficker forced her into commercial sex to repay her debt.<sup>23</sup> To maintain her compliance, her trafficker convinced Patience that the priest would place a lethal curse on her if she refused to obey.<sup>24</sup>

Each victim’s circumstances represent a single pixel in a much larger picture.<sup>25</sup> According to the 2020 TIP Report’s global law enforcement data, these victims were just four out of the 118,932 trafficking victims identified in 2019, 13,875 of whom were victims of labor trafficking specifically.<sup>26</sup> Their traffickers—through deception, coercion, kidnapping, and torture—either lured or forcibly transported them across national borders, and then subjected them to forced labor.<sup>27</sup> To accomplish this, the traffickers exploited various transportation methods, including commercial air travel.<sup>28</sup> Based on the 2021 TIP Report’s data, the trafficking crisis persists.<sup>29</sup> There were 109,216 trafficking victims identified in 2020, including 14,448 labor trafficking victims, and just 9,876 prosecutions and 5,271 convictions secured across the globe.<sup>30</sup>

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 29.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *See id.* at 43.

<sup>26</sup> *Id.*

<sup>27</sup> *See id.* at 16, 29, 33, 36.

<sup>28</sup> *Id.*

<sup>29</sup> *See* U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., TRAFFICKING IN PERSONS REPORT 60 (2021) [hereinafter 2021 TRAFFICKING IN PERSONS REPORT], [https://www.state.gov/wp-content/uploads/2021/07/TIP\\_Report\\_Final\\_20210701.pdf](https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf) [<https://perma.cc/2NNL-4DL6>].

<sup>30</sup> *Id.*

## B. THE INTERNATIONAL COMMUNITY'S RESPONSE

Faced with eliminating a criminal issue that covers the globe—which often involves victims moving across national borders and intersects with transportation systems—several multilateral organizations have drafted and passed conventions, protocols, and resolutions.<sup>31</sup>

In 2000, the United Nations (U.N.) General Assembly adopted the Convention Against Transnational Organized Crime and the Protocols Thereto,<sup>32</sup> including the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.<sup>33</sup> This Protocol entered into force on December 25, 2003.<sup>34</sup> The U.N. General Assembly also adopted Resolution 61/180 in 2007, which established the Inter-Agency Coordination Group against Trafficking in Persons (ICAT).<sup>35</sup> ICAT's purpose is "to improve coordination among U.N. agencies and other relevant international organizations to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons."<sup>36</sup> At its sixty-eighth session in December 2013, the U.N. General Assembly adopted a resolution entitled Improving the Coordination of Efforts Against Trafficking in Persons.<sup>37</sup>

The U.N. also appointed a series of Special Rapporteurs who investigate and report on various trafficking components.<sup>38</sup> In

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<sup>31</sup> *Id.* at 623–26.

<sup>32</sup> See generally U.N. OFF. ON DRUGS & CRIME, UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO (2004), <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> [<https://perma.cc/S2XF-ACP4>].

<sup>33</sup> *Id.* at 41–51.

<sup>34</sup> *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto: Background Information*, U.N. OFF. ON DRUGS & CRIME, <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> [<https://perma.cc/H5M2-M6CE>].

<sup>35</sup> *About Us*, THE INTER-AGENCY COORDINATION GROUP AGAINST TRAFFICKING IN PERSONS, <https://icat.un.org/about> [<https://perma.cc/V328-8C7N>].

<sup>36</sup> *Id.*

<sup>37</sup> G.A. Res. 68/192, Improving the Coordination of Efforts Against Trafficking in Persons (Dec. 18, 2013), [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_68\\_192.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_68_192.pdf) [<https://perma.cc/AC56-JQYG>].

<sup>38</sup> *About the Mandate*, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R, <https://www.ohchr.org/EN/Issues/Children/Pages/Mandate.aspx> [<https://perma.cc/F2HJ-9XZG>]; *Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences*, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R, <https://www.ohchr.org/en/issues/slavery/srslavery/pages/srslaveryindex.aspx> [<https://perma.cc/DYR7-B99S>]; *Special Rapporteur on Trafficking in Persons, Especially Women*

1990, the U.N. Commission on Human Rights adopted Resolution 1990/68, which called for an appointment of a U.N. Special Rapporteur on the sale of children, child prostitution, and child pornography.<sup>39</sup> The Special Rapporteur investigates child exploitation worldwide and submits reports to the U.N.'s General Assembly and Commission of Human Rights.<sup>40</sup> "In March 2020, the [U.N.] Human Rights Council appointed Mr. Tomoya Obokata as Special Rapporteur on contemporary forms of slavery, including its causes and consequences."<sup>41</sup> In July 2020, the U.N. Human Rights Council passed Resolution 44/4, which calls for three more years of work by the Special Rapporteur on trafficking in persons, especially women and children.<sup>42</sup> This Rapporteur (1) "[t]akes action on violations committed against trafficked persons and on situations in which there has been a failure to protect their human rights;" (2) visits countries to assess the trafficking circumstances; and (3) reports to the U.N. Human Rights Council and General Assembly.<sup>43</sup>

The International Labor Organization (ILO) and the African Union (AU) have also taken measures to stop human trafficking.<sup>44</sup> The ILO adopted the Convention on Forced Labour, which went into effect in 1932, and the Protocol of 2014, which supplemented the Convention on Forced Labour and went into effect in 2016.<sup>45</sup> The ILO also adopted the Convention on the Abolition of Forced Labour (1957), the Convention on the Elimination of the Worst Forms of Child Labour (1999), and the Domestic Workers Convention, which went into effect in

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*and Children*, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R, <https://www.ohchr.org/en/issues/trafficking/pages/traffickingindex.aspx> [<https://perma.cc/KVM5-QYV7>].

<sup>39</sup> *About the Mandate*, *supra* note 38.

<sup>40</sup> *Id.*

<sup>41</sup> *Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences*, *supra* note 38.

<sup>42</sup> *Special Rapporteur on Trafficking in Persons, Especially Women and Children*, *supra* note 38.

<sup>43</sup> *Id.*

<sup>44</sup> 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 623.

<sup>45</sup> *Id.*; Int'l Labour Org. [ILO], *C029 - Forced Labour Convention, 1930 (No. 29)*, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029) [<https://perma.cc/UJ2J-BBDB>]; Int'l Labour Org. [ILO], *P029 - Protocol of 2014 to the Forced Labour Convention, 1930*, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:P029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029) [<https://perma.cc/YC4W-RAV9>].

2013.<sup>46</sup> The AU has adopted the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006) and the AU Commission Initiative Against Trafficking Campaign.<sup>47</sup>

Individual nations have also adopted measures to combat human trafficking.<sup>48</sup> An in-depth, country-by-country look into the fight against trafficking is available in the 2021 TIP Report's country narratives.<sup>49</sup>

### C. COMMERCIAL AIR TRAVEL: ONE PIECE OF THE PUZZLE

Though the measures taken by multilateral organizations to combat human trafficking are praiseworthy, the 2021 TIP Report's data reveals that trafficking persists and that the fight to end its human rights abuses is ongoing.<sup>50</sup> A vital part of the fight is securing and monitoring the transportation systems which may intersect with trafficking operations.<sup>51</sup>

According to a July 2018 publication by Polaris, a nongovernmental organization (NGO) that has operated the U.S. National Human Trafficking Hotlines since 2007, "almost every type of human trafficking does wind up intersecting with transportation systems at some point, depending on the business model."<sup>52</sup> The publication, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* (the "Polaris Roadmap Report"), reveals that traffickers may use the transportation industry to recruit unsuspecting victims or as part of the regular operation of their businesses.<sup>53</sup> At the recruiting stage, victims are often unaware of the trap they have entered because their traffickers have convinced them that they

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<sup>46</sup> 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 623; Int'l Labour Org. [ILO], *C189 - Domestic Workers Convention, 2011 (No. 189)*, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C189](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189) [<https://perma.cc/4JN9-VPYF>].

<sup>47</sup> 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 623.

<sup>48</sup> *See id.* at 76–619 (summarizing individual nation's adoptions to fight against human trafficking).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 60 (global law enforcement data).

<sup>51</sup> *See* POLARIS PROJECT, ON-RAMPS, INTERSECTIONS, AND EXIT ROUTES: A ROADMAP FOR SYSTEMS AND INDUSTRIES TO PREVENT AND DISRUPT HUMAN TRAFFICKING 83–84 (2018) [hereinafter POLARIS ROADMAP REPORT], <https://polaris-project.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking.pdf> [<https://perma.cc/LA9G-CLWN>].

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 86, 90.

are traveling to begin a new job, go on vacation, or begin a new relationship.<sup>54</sup> Because the victims themselves do not see the danger they are in, identifying them and offering help is challenging—this makes understanding how traffickers use the transportation industry for recruitment crucial.<sup>55</sup> At later stages of the trafficking cycle, traffickers use transportation systems to move victims to locations where the traffickers will force the victims into further servitude.<sup>56</sup>

Among the transportation systems traffickers use is commercial air transport.<sup>57</sup> According to the Polaris Roadmap Report's data—derived from Polaris's survivor surveys, focus groups, and external research—traffickers have used the airline industry in at least fourteen types of trafficking operations.<sup>58</sup> A 2014 Urban Institute report indicated that seventy-one percent of surveyed labor trafficking victims arrived in the United States by plane before being trafficked.<sup>59</sup> According to the Polaris Roadmap Report, traffickers continue to recruit victims from the hundreds of thousands of migrant workers who fly to the United States each year looking for jobs.<sup>60</sup>

Polaris's survivor survey and focus group data revealed that some trafficking operations also utilize the airline industry to transport victims already ensnared in their criminal enterprises.<sup>61</sup> Traffickers most often book air travel the day of and pay cash for tickets whenever possible.<sup>62</sup> Additionally, traffickers planning to advertise their victims in new cities usually travel with them, while victims "being delivered directly to a buyer" often travel alone.<sup>63</sup> One sex trafficking victim, interviewed in a focus group, explained that she was "pre-booked" for "dates" with buyers in cities across the United States and flew from city to city alone for week-long stints of forced commercial sex.<sup>64</sup>

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<sup>54</sup> *Id.* at 86.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at 90.

<sup>57</sup> *Id.* at 83.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.* at 89.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at 95–96.

<sup>62</sup> *Id.* at 96.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

#### D. OVERVIEW OF THIS COMMENT

The preceding Sections underscored the scope of the human trafficking problem, multilateral organizations' responses to trafficking crimes, and the role that commercial air travel can play in trafficking operations. Part II will lay out some of the U.S. government's responses to human trafficking and discuss the primary area for improvement in the fight against trafficking: public awareness and education. Part III will set forth proposed actions for increasing public awareness about human trafficking in the context of commercial air travel. The U.S. government may take three of these action steps under existing statutory provisions. The other two proposals suggest that Congress create new statutory requirements aimed at public awareness. Finally, Part IV will conclude by briefly reviewing the key issues covered in this Comment and suggesting possible avenues for future research on the intersection of human trafficking and transportation systems.

### II. THE U.S. GOVERNMENT'S RESPONSES TO HUMAN TRAFFICKING

#### A. JOINING THE GLOBAL FIGHT

On December 13, 2000, about a month after the U.N. General Assembly adopted the Convention against Transnational Organized Crime and the Protocols Thereto, the United States joined as a signatory.<sup>65</sup> Five years later, on November 3, 2005, the U.S. Senate ratified the Convention, giving it the force of law in the United States.<sup>66</sup> In addition, the TVPA includes international components.<sup>67</sup> First, § 7103 mandates that the President of the United States establish an Interagency Task Force to Monitor and Combat Trafficking (Task Force), whose members are appointed by the President.<sup>68</sup> The Task Force must include the Secretary of State; the Administrator of the United States Agency for International Development; the Director of National Intelligence; the Attorney General; the Secretaries of Labor, Health and Human Services, Defense, Homeland Security, Edu-

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<sup>65</sup> United Nations Convention Against Transnational Organized Crime, Nov. 15, 2000, 2225 U.N.T.S. 209., [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&clang=enn](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=enn) [<https://perma.cc/5FXC-WGHN>].

<sup>66</sup> *See id.*

<sup>67</sup> *See generally* 22 U.S.C. ch. 78.

<sup>68</sup> *Id.* § 7103(a)-(b).

ation, Commerce, and Treasury; the United States Trade Representative; and “such other officials as may be designated by the President.”<sup>69</sup> The Secretary of State chairs the Task Force.<sup>70</sup>

Among the Task Force’s responsibilities is to “[m]easure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking.”<sup>71</sup> Under § 7106, governments in countries where “victims of severe forms of trafficking” begin their journeys, travel through, or arrive must comply with minimum standards to eliminate trafficking.<sup>72</sup>

To fulfill its mandate under § 7103(d) and provide information on countries whose governments fail to meet the minimum standards of § 7106(a), the Secretary of State must submit a TIP Report to Congress by June 30 each year.<sup>73</sup> Based on the data contained in each year’s TIP Report, the Secretary of State creates and presents compliance action plans to governments that fail to meet the § 7106 minimum standards.<sup>74</sup> In circumstances when a government does not comply with the § 7106 minimum standards and is not making “significant efforts” to comply, the President has the authority to restrict assistance to those nations.<sup>75</sup>

With the TVPA provisions listed above, the U.S. government takes a global focus to the issue of human trafficking, seeking to hold all nations accountable for both complicity in trafficking crimes and failures to stop this “contemporary manifestation of slavery.”<sup>76</sup>

## B. STATUTES

In addition to the sections focused on global data collection and accountability, the TVPA addresses other facets of the trafficking issue, including trafficker prosecution and victim support.<sup>77</sup> The TVPA also provides that the Department of Health

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<sup>69</sup> *Id.* § 7103(b).

<sup>70</sup> *Id.* § 7103(c).

<sup>71</sup> *Id.* § 7103(d)(2).

<sup>72</sup> *Id.* § 7106(a)(1)–(4).

<sup>73</sup> *Id.* § 7107(b)(1).

<sup>74</sup> *See id.* § 7107(b)(4)(A).

<sup>75</sup> *See id.* § 7107(d)(1)–(2).

<sup>76</sup> *Id.* § 7101(a); *see supra* notes 65–76 and accompanying text.

<sup>77</sup> *See* 22 U.S.C. §§ 7105, 7109.

and Human Services (HHS), via grants made by the Secretary, fund a national communication system that helps trafficking victims get in touch with victim service providers.<sup>78</sup> The National Human Trafficking Hotlines, the national communication system, is currently operated by Polaris, and its telephone number must be posted in “a visible place” in all federal buildings.<sup>79</sup> Further, the TVPA includes a subsection on public awareness of human trafficking, focusing on the education of school teachers and their students.<sup>80</sup> Section III.A below discusses this subsection of the TVPA and the HHS,<sup>81</sup> which is partly responsible for carrying it out.

34 U.S.C. ch. 207 is also dedicated to the fight against human trafficking.<sup>82</sup> With a specifically domestic focus, this chapter contains provisions for expanding victim assistance programs and outreach to trafficking survivors, grants for assistance providers, and training for law enforcement, federal prosecutors, and judges.<sup>83</sup>

6 U.S.C. ch. 1, which houses provisions relating to the Homeland Security Organization, also includes important measures to combat human trafficking.<sup>84</sup> Section 242 sets out a statutory command for the Department of Homeland Security (DHS) to take a significant role in U.S. efforts against human trafficking.<sup>85</sup> It establishes the “Blue Campaign” program, led by a Director appointed by the Secretary of Homeland Security.<sup>86</sup> The program seeks to unify the DHS’s fight against trafficking and provide “guidance and training” to DHS personnel on various important concepts.<sup>87</sup> The concepts include identifying trafficking situations;<sup>88</sup> collecting information that can be used to identify suspected or convicted traffickers;<sup>89</sup> sharing information

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<sup>78</sup> *Id.* § 7105(b)(1)(B)(II).

<sup>79</sup> *Id.*; *National Hotline Overview*, NAT’L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/national-hotline-overview#:~:text=since%202007%2C%20the%20Trafficking%20Hotline,other%20private%20donors%20and%20supporters> [https://perma.cc/99EC-HDNQ].

<sup>80</sup> 22 U.S.C. § 7104(b)(2)(B).

<sup>81</sup> *Id.*

<sup>82</sup> *See generally* 34 U.S.C. §§ 20701–20711.

<sup>83</sup> *Id.* §§ 20702, 20708, 20709(c).

<sup>84</sup> *See* 6 U.S.C. §§ 242, 642, 645.

<sup>85</sup> *See id.* § 242(c).

<sup>86</sup> *Id.* § 242(b).

<sup>87</sup> *Id.* § 242(c), (e).

<sup>88</sup> *Id.* § 242(e)(1).

<sup>89</sup> *Id.* § 242(e)(2).

among all types of law enforcement agencies;<sup>90</sup> identifying victims at airport security checkpoints;<sup>91</sup> disseminating informational resources to the public;<sup>92</sup> furthering public awareness through partnerships with state and local governments, NGOs, and private entities;<sup>93</sup> and “any other activities the Secretary determines necessary to carry out the Blue Campaign.”<sup>94</sup>

In addition, §§ 642 and 645 detail training for DHS employees, specifically Transportation Security Administration (TSA) and U.S. Customs and Border Protection (CBP) personnel.<sup>95</sup> The training program includes, among other components, methods for identifying a trafficking situation, approaching a trafficking victim without alerting the trafficker, and a victim screening protocol.<sup>96</sup> Sections III.B and III.C below discuss 6 U.S.C. § 242 and the DHS<sup>97</sup> in more detail.

### C. SPECIFIC MEASURES TAKEN IN THE CONTEXT OF COMMERCIAL AIR TRAVEL

Where commercial air travel is concerned, Title 49 of the United States Code comes into play.<sup>98</sup> Subtitle VII, Subpart III deals with various topics connected with aviation safety.<sup>99</sup> Chapter 447, entitled “Safety Regulation,” includes several sections directly relating to the fight against human trafficking.<sup>100</sup> Section 44702 gives the Federal Aviation Administration (FAA) Administrator the authority to issue air carrier operating certificates.<sup>101</sup> The FAA Administrator “shall issue” an air carrier operating certificate to an applicant when the FAA Administrator finds the applicant is “equipped and able to operate safely.”<sup>102</sup>

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<sup>90</sup> *Id.* § 242(e)(3).

<sup>91</sup> *Id.* § 242(e)(4).

<sup>92</sup> *Id.* § 242(e)(6).

<sup>93</sup> *Id.* § 242(e)(7).

<sup>94</sup> *Id.* § 242(e)(8).

<sup>95</sup> *Id.* §§ 642, 645.

<sup>96</sup> *Id.* §§ 642(b)(1)–(2), 645(b).

<sup>97</sup> *U.S. Department of Homeland Security*, U.S. DEP’T HOMELAND SEC. (Dec. 5, 2019), [https://www.dhs.gov/sites/default/files/publications/19\\_1205\\_dhs-organizational-chart.pdf](https://www.dhs.gov/sites/default/files/publications/19_1205_dhs-organizational-chart.pdf) [<https://perma.cc/7R4D-57HB>]. For greater understanding of the DHS’s structure and subcomponents, see *About DHS*, U.S. DEP’T HOMELAND SEC., <https://www.dhs.gov/about-dhs> [<https://perma.cc/QK2R-6G8H>] (July 13, 2021).

<sup>98</sup> 49 U.S.C. § 40101 et seq.

<sup>99</sup> *Id.* § 44101 et seq.

<sup>100</sup> *See id.* §§ 44702, 44705, 44734, 44738.

<sup>101</sup> *Id.* § 44702(a).

<sup>102</sup> *Id.* § 44705.

Once the FAA Administrator issues an air carrier operating certificate to an applicant, the now-certified air carrier faces two requirements related to curbing human trafficking.<sup>103</sup> The first, § 44734, requires that certified air carriers train flight attendants annually in “recognizing and responding to potential human trafficking victims.”<sup>104</sup> The FAA Reauthorization Act of 2018 amended Title 49 by adding § 44738, which sets out the second requirement: “[E]ach 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.”<sup>105</sup>

Additionally, domestic air carriers looking to contract with the federal government must submit certain trafficking-related information to the General Services Administration’s Administrator, the Secretary of Transportation, the TSA Administrator, the Secretary of Labor, and the CBP Commissioner.<sup>106</sup> Annually, these carriers must report information on the number of employees trained in detecting trafficking situations, the number of possible victims staff and passengers have reported, and whether the air carrier contacted law enforcement or the National Human Trafficking Hotlines with each report of a possible victim.<sup>107</sup>

#### D. AN AREA FOR INCREASED FOCUS: PUBLIC EDUCATION AND AWARENESS

The statutes listed above look to stamp out human trafficking from many angles. As a body of law on this urgent issue, the statutes bolster victim assistance and outreach through funding and personnel training and ensure that law enforcement officers, prosecutors, and judges are prepared to handle trafficking cases at all stages.<sup>108</sup> Further, the statutes catalyze data collection and reporting on important metrics, which helps the federal government understand the scope of the trafficking problem at home and abroad.<sup>109</sup>

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<sup>103</sup> See *id.* §§ 44734(a)(4), 44738.

<sup>104</sup> *Id.* § 44734(a)(4).

<sup>105</sup> *Id.* § 44738; see FAA Reauthorization Act of 2018, Pub. L. No. 115-254, § 408, 132 Stat. 3186, 3330.

<sup>106</sup> 49 U.S.C. § 40118(g).

<sup>107</sup> *Id.*

<sup>108</sup> See generally 22 U.S.C. ch. 78; 34 U.S.C. ch. 207; 6 U.S.C. §§ 242, 642, 645; 49 U.S.C. ch. 447.

<sup>109</sup> See *supra* notes 71–73 and accompanying text.

While the TVPA provides funding for educating teachers and students on human trafficking, and the Blue Campaign requires training for DHS employees on how to disseminate informational materials to the public, the statutory provisions listed in Section II.B above are primarily focused on data collection and personnel training.<sup>110</sup> The U.S. government has its bases well-covered on these fronts, but if it wants to keep the traffickers scoreless, it needs to engage another key player—the general public—more fully.

Several data sources illustrate that, even in light of the U.S. government’s laudable efforts to fight trafficking,<sup>111</sup> the trafficking crisis has persisted in the United States over time. First, the TIP Reports from 2017–2021 show that in the area labeled “Western Hemisphere,” including the United States, the number of trafficking victims identified has exceeded 6,500 every year since 2010.<sup>112</sup> In 2012 and 2013, the number of victims identified exceeded 7,000; in 2014 and 2016, the number exceeded 8,000; and in 2011 and 2015, the number exceeded 9,000.<sup>113</sup> Every year from 2017–2020, the number of victims identified has surpassed 10,000, topping out at 12,352 in 2019.<sup>114</sup> “Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in

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<sup>110</sup> See *supra* notes 80–94 and accompanying text; see generally 22 U.S.C. ch. 78; 2020 TRAFFICKING IN PERSONS REPORT, *supra* note 1, at 515–23.

<sup>111</sup> See discussion *infra* Sections II.A–II.C.

<sup>112</sup> U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., TRAFFICKING IN PERSONS REPORT 52 (2017) [hereinafter 2017 TRAFFICKING IN PERSONS REPORT], <https://www.state.gov/wp-content/uploads/2019/02/271339.pdf> [<https://perma.cc/8LE8-F4TN>]; U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., TRAFFICKING IN PERSONS REPORT 60 (2018) [hereinafter 2018 TRAFFICKING IN PERSONS REPORT], <https://www.state.gov/wp-content/uploads/2019/01/282798.pdf> [<https://perma.cc/KVR5-H4ME>]; U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., TRAFFICKING IN PERSONS REPORT 54 (2019) [hereinafter 2019 TRAFFICKING IN PERSONS REPORT], <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf> [<https://perma.cc/2463-9M2F>]; 2020 TRAFFICKING IN PERSONS REPORT, *supra* note 1, at 61; 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 73.

<sup>113</sup> 2017 TRAFFICKING IN PERSONS REPORT, *supra* note 112, at 52; 2018 TRAFFICKING IN PERSONS REPORT, *supra* note 112, at 60; 2019 TRAFFICKING IN PERSONS REPORT, *supra* note 112, at 54; 2020 TRAFFICKING IN PERSONS REPORT, *supra* note 1, at 61; 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 73.

<sup>114</sup> 2018 TRAFFICKING IN PERSONS REPORT, *supra* note 112, at 60; 2019 TRAFFICKING IN PERSONS REPORT, *supra* note 112, at 54; 2020 TRAFFICKING IN PERSONS REPORT, *supra* note 1, at 61; 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 73.

national reporting structures.”<sup>115</sup> The number of victims identified, then, is just a figure for the trafficking victims the State Department manages to learn about—in any given year and for any of the aforementioned reasons, the actual number of victims could be higher.<sup>116</sup>

Polaris’s data from the National Human Trafficking Hotlines also underscores that the trafficking problem in the United States is fiercely persistent because Polaris receives multiple trafficking reports from all fifty states and Washington, D.C. every year.<sup>117</sup> Further, in 2014, Polaris received 24,062 contacts, either by call, email, or text message, and identified 5,042 trafficking cases.<sup>118</sup> In 2015, it received 24,757 contacts and identified 5,544 cases.<sup>119</sup> In 2016, Polaris identified 7,572 cases.<sup>120</sup> In 2017, it received 34,177 contacts and identified 8,759 cases, and in 2018, it identified 10,949 trafficking cases among 41,088 contacts.<sup>121</sup> In 2019, Polaris identified 11,500 trafficking cases.<sup>122</sup> Additionally, the number of victims and survivors who have reported their own circumstances has risen steadily, with a nineteen percent jump from 2018 to 2019.<sup>123</sup> The increases in overall contacts, cases identified, and victim self-reporting are wonderful causes for optimism—the National Human Trafficking Resource

<sup>115</sup> 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 73.

<sup>116</sup> *See id.* (“The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State.”).

<sup>117</sup> Polaris Project, *Polaris Project: Human Trafficking Statistics*, HUMAN TRAFFICKING SEARCH (2016), [https://humantraffickingsearch.org/resource/polaris-project-human-trafficking-statistics/?gclid=CJ0KCCQiA4L2BBhCvARIsAO0SBdZVR968M8L8\\_4WpnZgIkeZpSzBjT8MaF52A\\_ofQhWnkwyPxKdFGNqArGAeALw\\_wcB](https://humantraffickingsearch.org/resource/polaris-project-human-trafficking-statistics/?gclid=CJ0KCCQiA4L2BBhCvARIsAO0SBdZVR968M8L8_4WpnZgIkeZpSzBjT8MaF52A_ofQhWnkwyPxKdFGNqArGAeALw_wcB) [https://perma.cc/XG9L-Z3EX].

<sup>118</sup> POLARIS, 2014 STATISTICS, <https://polarisproject.org/wp-content/uploads/2019/09/2014Statistics.pdf> [https://perma.cc/ETM8-JK32].

<sup>119</sup> POLARIS, 2015 STATISTICS, <https://polarisproject.org/wp-content/uploads/2019/09/2015-Statistics.pdf> [https://perma.cc/4EYZ-ATYQ].

<sup>120</sup> POLARIS, 2016 STATISTICS FROM THE NATIONAL HUMAN TRAFFICKING HOTLINE AND BEFREE TEXTLINE, <https://polarisproject.org/wp-content/uploads/2019/09/2016-Statistics.pdf> [https://perma.cc/Z4NT-983B].

<sup>121</sup> POLARIS, 2017 STATISTICS FROM THE NATIONAL HUMAN TRAFFICKING HOTLINE AND BEFREE TEXTLINE, <https://polarisproject.org/wp-content/uploads/2019/09/2017NHThStats-1.pdf> [https://perma.cc/LXG6-6GSD]; POLARIS, 2018 STATISTICS FROM THE NATIONAL HUMAN TRAFFICKING HOTLINE, [https://polarisproject.org/wp-content/uploads/2019/09/Polaris\\_National\\_Hotline\\_2018\\_Statistics\\_Fact\\_Sheet.pdf](https://polarisproject.org/wp-content/uploads/2019/09/Polaris_National_Hotline_2018_Statistics_Fact_Sheet.pdf) [https://perma.cc/9AMN-B5CJ].

<sup>122</sup> POLARIS, 2019 DATA REPORT, <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf> [https://perma.cc/TC5X-KPX2].

<sup>123</sup> *Id.*

Center is becoming a more widely used and effective tool over time.<sup>124</sup> However, as more people report possible trafficking circumstances and more trafficking cases are identified, it becomes more clear that the trafficking crisis continues and is deeply established and wide-ranging in the United States.<sup>125</sup>

Finally, Human Trafficking Data (HTD), an online database of federal human trafficking cases created by Dr. Vanessa Bouché of Texas Christian University, has documented federal trafficking prosecutions in nearly every state.<sup>126</sup> The project has documented the most cases in California (117), Florida (102), and New York (71).<sup>127</sup> Interestingly, these states are home to what Polaris's Roadmap Report refers to as “[s]elect layover cities” (Miami, San Francisco, and New York City), where victims often stop before their traffickers lure them to their final destinations.<sup>128</sup>

This data underscores that the trafficking crisis in the United States is stubbornly ongoing, even in the face of comprehensive statutory efforts to stop it.<sup>129</sup> The data shows that the U.S. government should continue attacking human trafficking with its existing statutory and regulatory programs and that it can do more.<sup>130</sup> One method for adding to the United States forces against human trafficking is more actively engaging the general public—educating citizens on possible signs of trafficking and appropriate reporting protocols. As part of its education, the public must learn about the intersection between trafficking and transportation systems. As the preceding Sections emphasize, the transportation industry, including commercial air travel, is deeply integrated into the human trafficking machine.<sup>131</sup> Taking additional measures to educate the public on the signs of human trafficking and victimhood, the roles transportation systems play in trafficking operations, and safely reporting possible trafficking incidents will bolster the fight against traffickers. A traveling public that is increasingly vigilant and better equipped

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<sup>124</sup> See *supra* notes 117–123 and accompanying text.

<sup>125</sup> See *supra* notes 117–123 and accompanying text.

<sup>126</sup> See Vanessa Bouché, *Welcome to Human Trafficking Data*, HUM. TRAFFICKING DATA, <http://www.humantraffickingdata.org/> [<https://perma.cc/UR33-CPJ8>].

<sup>127</sup> *Id.*

<sup>128</sup> POLARIS ROADMAP REPORT, *supra* note 51, at 89.

<sup>129</sup> See *supra* notes 77–107 and accompanying text; see also *supra* notes 112–128 and accompanying text.

<sup>130</sup> See *supra* notes 77–107 and accompanying text; see also *supra* notes 112–128 and accompanying text.

<sup>131</sup> See *supra* notes 52–64 and accompanying text.

to report will safely engage law enforcement more often. This means that law enforcement officers and federal officials will be able to use the training they receive under existing statutes to its fullest potential (appropriately screening potential victims, intervening where necessary, and connecting victims and survivors with service providers).<sup>132</sup>

Part III will suggest five steps the U.S. government can take to build on its existing public education measures, highlight the ways traffickers utilize commercial air travel, and give travelers more tools to report possible trafficking incidents safely.

### III. FIVE STEPS THE U.S. GOVERNMENT SHOULD TAKE TO EDUCATE THE PUBLIC ABOUT TRAFFICKING IN THE CONTEXT OF COMMERCIAL AIR TRAVEL

#### A. THE OFFICE ON TRAFFICKING IN PERSONS SHOULD USE THE TVPA TO EDUCATE TEACHERS AND STUDENTS ABOUT HOW TRAFFICKERS USE TRANSPORTATION SYSTEMS

Section 7104 of the TVPA (entitled “Prevention of Trafficking”) calls for increasing public awareness about human trafficking.<sup>133</sup> It mandates that:

The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.<sup>134</sup>

The statute then recognizes federal grants as the mechanism for accomplishing this goal.<sup>135</sup> Section 7104 authorizes the Secretary of HHS, consulting with the Secretaries of Education and Labor, to award grants to educational agencies at the local level.<sup>136</sup> “[I]n partnership with a nonprofit, nongovernmental agency,” each grantee must “establish, expand, and support programs” designed to educate both school staff and students about human trafficking.<sup>137</sup>

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<sup>132</sup> See *supra* notes 83, 87–95 and accompanying text.

<sup>133</sup> See 22 U.S.C. § 7104(b).

<sup>134</sup> *Id.* § 7104(b)(1).

<sup>135</sup> *Id.* § 7104(b)(2).

<sup>136</sup> *Id.* § 7104(b)(2)(B).

<sup>137</sup> *Id.*

Section 7104(b)(2)(C) then lays out the items for which the grantees must use their funds.<sup>138</sup> First is education about (1) how to avoid becoming a trafficking victim,<sup>139</sup> (2) signs and indicators that someone is a potential trafficking victim,<sup>140</sup> (3) “options and procedures” for helping potential victims access victim services,<sup>141</sup> and (4) the applicable state and federal reporting requirements and procedures.<sup>142</sup> Second, grantees must put funds toward plans to keep staff and students who report possible trafficking circumstances safe.<sup>143</sup> Grantees must develop and implement the plans with the help of local law enforcement agencies.<sup>144</sup>

In accordance with this statutory scheme, the Secretary of Health and Human Services, acting through the Office on Trafficking in Persons (OTIP), awards these educational grants.<sup>145</sup> OTIP is a subsection of the Office of Administration for Children and Families, a subsection of the HHS.<sup>146</sup> OTIP created the Human Trafficking Youth Prevention Education (HTYPE) Demonstration Program, which directly accomplishes the TVPA’s public education scheme.<sup>147</sup> The program grants funds to “local educational agencies” (LEAs), which must use the money to develop “skills-based human trafficking training and education for school staff and students.”<sup>148</sup> The LEAs work with nonprofits and NGOs to develop their educational programs and create Human Trafficking School Safety Protocols (HTSSPs) with the support of local law enforcement.<sup>149</sup>

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<sup>138</sup> *Id.* § 7104(b)(2)(C).

<sup>139</sup> *Id.* § 7104(b)(2)(C)(i)(I).

<sup>140</sup> *Id.* § 7104(b)(2)(C)(i)(II).

<sup>141</sup> *Id.* § 7104(b)(2)(C)(i)(III).

<sup>142</sup> *Id.* § 7104(b)(2)(C)(i)(IV).

<sup>143</sup> *Id.* § 7104(b)(2)(C)(ii).

<sup>144</sup> *Id.*

<sup>145</sup> *Grants*, U.S. DEP’T OF HEALTH & HUM. SERVS. OFF. ON TRAFFICKING IN PERSONS, <https://www.acf.hhs.gov/otip/grants> [<https://perma.cc/YW74-F9SC>] (Sept. 28, 2020).

<sup>146</sup> *See id.*; *see also* 34 U.S.C. ch. 207.

<sup>147</sup> *Funding Announcements from OTIP*, U.S. DEP’T OF HEALTH & HUM. SERVS. OFF. ON TRAFFICKING IN PERSONS (May 19, 2020), <https://www.acf.hhs.gov/otip/news/funding-otip-trafficking> [<https://perma.cc/8HFV-GTAL>].

<sup>148</sup> *Human Trafficking Youth Prevention Education (HTYPE) Demonstration Program: Information and Data*, U.S. DEP’T OF HEALTH & HUM. SERVS. OFF. ON TRAFFICKING IN PERSONS (Oct. 21, 2020), <https://www.acf.hhs.gov/otip/grant-funding/htype-human-trafficking-youth-prevention-education-demonstration-program> [<https://perma.cc/LMQ5-TV6P>].

<sup>149</sup> *Id.*

As LEAs develop their education and HTSSP programs, OTIP requires them to engage in specific activities continuously.<sup>150</sup> First, LEAs must educate school staff so that they are equipped to identify possible trafficking circumstances, identify students at high risk of becoming victims, report their concerns, and respond to “student disclosures” about trafficking situations.<sup>151</sup> Second, LEAs must educate students on the risk factors of becoming a trafficking victim.<sup>152</sup> Next, LEAs must train “qualified” employees to teach and implement the education program throughout their school districts.<sup>153</sup> Finally, LEAs must develop their HTSSPs, which must facilitate reporting procedures, notifying parents or guardians, and “referring students to supportive, person-centered, trauma-informed, culturally responsive, and linguistically appropriate services.”<sup>154</sup>

The HTYPE Demonstration Program and its requirements are a fantastic step for engaging a large public sector in the fight against human trafficking. The program is especially laudable for giving children, some of the most vulnerable members of the public, the knowledge and skills necessary to protect themselves.<sup>155</sup> The program’s four requirements “build resilience to labor trafficking and sex trafficking” by (1) increasing staff members’ and students’ “knowledge and skills,” (2) sharpening students’ “perception of risk,” (3) sharing education across entire school districts, and (4) defining and implementing procedures for reporting and connecting victims with victim services.<sup>156</sup>

To bolster this already powerful program, OTIP, acting for the Secretary of HHS and pursuant to 22 U.S.C. § 7104, should add a fifth requirement to the program. OTIP should require LEAs that receive funds under the HTYPE Demonstration Program to account for transportation systems’ role in trafficking operations. OTIP should require LEAs to educate staff and students on how traffickers use cars, buses, trains, and planes to recruit and transport victims. This component of the educational program will (1) attune staff to any signs of students in trafficking circumstances, based on the ways they travel to and

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<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *See generally id.*

<sup>156</sup> *See id.*

from school and (2) help students and staff be more vigilant when traveling (whether for school-related purposes or in their personal time).

By requiring LEAs to include information about the intersection of trafficking and transport systems in HTYPE educational programs, OTIP can ensure that students and staff across the country are prepared to protect themselves and others not only at and around their schools but also as they travel. This increases their safety and helps create an increasingly savvy traveling public that can undermine trafficking operations that utilize transportation systems, including commercial air travel.

B. THE BLUE CAMPAIGN DIRECTOR SHOULD UTILIZE 6 U.S.C.  
§ 242 TO INCREASE TRAFFICKING INFORMATION IN U.S.  
AIRPORTS

6 U.S.C. § 242(b) officially establishes the Blue Campaign, which is led by a Director that the DHS Secretary appoints.<sup>157</sup> Section 242(d) states that “in accordance with subsection (e),” the DHS Secretary, through the Director, must guide and train DHS personnel in the fight against trafficking.<sup>158</sup> Subsection (e) (entitled “Guidance and Training”) sets forth the specific requirements included in this responsibility: “The Blue Campaign shall provide guidance and training to Department personnel and other Federal, State, tribal, and law enforcement personnel, as appropriate, regarding”<sup>159</sup> eight specific action steps.<sup>160</sup> Among these, the Blue Campaign must guide the TSA in developing methods for (1) training TSA employees to identify suspected trafficking victims and (2) serving as a “liaison and resource regarding human trafficking prevention to appropriate State, local, and private sector aviation workers and the traveling public.”<sup>161</sup> Subpart 242(e)(6)(B) adds that the Blue Campaign must train DHS and law enforcement personnel to use informational resources, “such as indicator cards, fact sheets, pamphlets, posters, brochures, and radio and television campaigns,” to “increase public awareness of human trafficking.”<sup>162</sup>

Under the authority that §§ 242(b), (d), (e)(5)(B), and (e)(6)(B) grant, the Director of the Blue Campaign should

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<sup>157</sup> 6 U.S.C. § 242(b).

<sup>158</sup> *Id.* § 242(d).

<sup>159</sup> *Id.* § 242(e).

<sup>160</sup> *Id.* § 242(e)(1)–(8).

<sup>161</sup> *Id.* § 242(e)(5).

<sup>162</sup> *Id.* § 242(e)(6)(B).

guide the TSA in establishing a minimum amount of informational material posted in every U.S. airport (as part of the TSA's role as liaison to the "traveling public").<sup>163</sup> Under subparts (e)(5)(B) and (e)(6)(B), TSA agents can be the ones responsible for posting these materials and keeping them up to date.<sup>164</sup>

A Kentucky state statute provides a starting place for what the informational minimum should be.<sup>165</sup> The statute reads:

An airport shall post in all of its publicly accessible restrooms a printed sign in English and Spanish at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be . . . (b) Posted in a prominent place easily seen by patrons.<sup>166</sup>

This provision is helpful as a starting place in three ways. First, just like 22 U.S.C. § 7105, it specifically mandates that the phone number for the National Human Trafficking Resource Center (Resource Center) be posted where members of the public can see it.<sup>167</sup> Both statutes' emphasis on posting this phone number is consistent with the vital role the National Human Trafficking Hotlines play in connecting victims with the help they need.<sup>168</sup> In light of the Resource Center's importance, the TSA should undoubtedly include its phone number in the baseline human trafficking awareness materials its agents post in U.S. airports. Secondly, the Kentucky statute identifies public restrooms as the location where the Resource Center's phone number must be posted.<sup>169</sup> All members of the "traveling public," which the TSA must liaise with under the Blue Campaign,<sup>170</sup> are free to enter airports' public restrooms. At the very least, TSA agents should post informational materials in airports' public restrooms and all other areas that are freely accessible to all members of the public. Beyond restrooms, these could include airport entrances and exits, parking facilities, ticket counters, baggage claims, security checkpoint lines, and gates. The Kentucky statute also provides helpful guidelines for sizing posters and text and print-

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<sup>163</sup> See *id.* § 242(b), (d), (e)(5)(B), (e)(6)(B).

<sup>164</sup> See *id.* § 242(e)(5)(B), (e)(6)(B).

<sup>165</sup> See KY. REV. STAT. ANN. § 183.075 (LexisNexis 2021).

<sup>166</sup> *Id.* § 183.075(2), (b).

<sup>167</sup> *Id.*; 22 U.S.C. § 7105(b)(1)(B)(ii).

<sup>168</sup> See 22 U.S.C. § 7105(b)(1)(B)(ii); KY. REV. STAT. ANN. § 183.075(2), (b).

<sup>169</sup> KY. REV. STAT. ANN. § 183.075(2).

<sup>170</sup> 6 U.S.C. § 242(e)(5)(B).

ing informational resources in more than one language.<sup>171</sup> Posting materials in more than one language and in sizes that capture people's attention maximizes the educational impact trafficking information can have.

The baseline informational materials should include more than the National Human Trafficking Resource Center phone number. Luckily, the DHS has created a Blue Campaign Document Library rich with informational resources available online and free of charge.<sup>172</sup> The Blue Campaign Director can guide the TSA to the sources that will best facilitate educating travelers on the go. A few good examples are the "Human Trafficking 101" information sheet, which is available in ten languages,<sup>173</sup> the "What is Human Trafficking?" infographic,<sup>174</sup> and the "Victim Awareness Poster Series," which is designed to help trafficking victims identify their own circumstances.<sup>175</sup> The "I Speak" poster is another critical resource for use in airports, where travelers may be from outside the United States, not proficient in English, or both.<sup>176</sup> This poster contains over sixty languages and allows potential victims to identify their native languages for law enforcement officials, who can then connect the victims with the Homeland Security Investigations Tipline, whose staff of operators can speak over 300 languages and dialects.<sup>177</sup>

The "Victim Awareness" and "I Speak" posters can be particularly useful resources for saving potential victims who do not realize traffickers are recruiting them.<sup>178</sup> These posters, printed in several languages, can help unsuspecting victims learn about how traffickers lure their targets into labor and sex trafficking

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<sup>171</sup> KY. REV. STAT. ANN. § 183.075(2).

<sup>172</sup> *Blue Campaign: Document Library*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/blue-campaign/library> [<https://perma.cc/Z6B3-27ZE>].

<sup>173</sup> *Human Trafficking 101 Information Sheet*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/blue-campaign/materials/human-trafficking-101> [<https://perma.cc/3KP5-JP9Z>] (June 30, 2020).

<sup>174</sup> *What is Human Trafficking?*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/sites/default/files/images/blue-campaign/infographic/what-is-human-trafficking-infographic-english.pdf> [<https://perma.cc/PVZ4-8WCG>].

<sup>175</sup> *Blue Campaign: Victim Awareness Poster Series*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/publication/victim-awareness-poster-series> [<https://perma.cc/MD4Q-JELJ>].

<sup>176</sup> See *"I Speak" Poster*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/blue-campaign/materials/posters-ispeak> [<https://perma.cc/VH8Y-QBHP>] (Feb. 12, 2021).

<sup>177</sup> *Id.*

<sup>178</sup> See POLARIS ROADMAP REPORT, *supra* note 51, at 86.

operations.<sup>179</sup> According to the Polaris Roadmap Report, resources like these could be crucial in “layover cities” like Miami, San Francisco, Atlanta, and New York City, where many potential victims traveling by airplane stop on the way to their final destinations.<sup>180</sup> If these materials are in clear view and available in a potential victims’ own language, they may be able to realize they are being trafficked and seek help.<sup>181</sup>

To fulfill the requirement to guide and train DHS personnel in the fight against trafficking, to adequately guide DHS personnel (including TSA employees) in educating the public, and to help the TSA develop methods to serve as trafficking information liaison to the “traveling public,” the Blue Campaign Director should work with the TSA to ensure every airport in the United States features a minimum amount of human trafficking information.<sup>182</sup> This informational minimum should include documents from the Blue Campaign Library,<sup>183</sup> allowing travelers to learn quickly and conveniently. The documents should be large enough to draw attention, and TSA agents should post them in all areas accessible to the general public.<sup>184</sup> They should be posted in multiple languages, especially in common layover cities, and include the phone number for the Resource Center.<sup>185</sup>

By guiding and training the TSA and its employees to establish this minimum level of trafficking information in airports, the Blue Campaign Director can utilize 6 U.S.C. § 242 to maximize the traveling public’s awareness of human trafficking, thereby adding a more vigilant citizen population to the force against traffickers and their use of commercial airlines.

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<sup>179</sup> *See id.*

<sup>180</sup> *Id.* at 89.

<sup>181</sup> *See id.*

<sup>182</sup> *See* 6 U.S.C. § 242(d), (e)(5)(B), (e)(6)(B).

<sup>183</sup> U.S. DEP’T OF HOMELAND SEC., *supra* note 172.

<sup>184</sup> *See* 22 U.S.C. § 7105(b)(1)(B)(ii); KY. REV. STAT. ANN. § 183.075(2), (b) (LexisNexis 2021).

<sup>185</sup> *See* 22 U.S.C. § 7105(b)(1)(B)(ii); KY. REV. STAT. ANN. § 183.075(2), (b); POLARIS ROADMAP REPORT, *supra* note 51, at 89.

C. THE BLUE CAMPAIGN DIRECTOR SHOULD ADD BLUE  
CAMPAIGN PARTNERS AND ENCOURAGE PARTNERS TO  
EDUCATE THE TRAVELING PUBLIC ON  
TRAFFICKING

As set out in Section III.A, 6 U.S.C. § 242(b) establishes the Blue Campaign and § 242(d) charges its Director with guiding and training DHS and other law enforcement personnel to combat human trafficking.<sup>186</sup> Furthermore, § 242(e) goes into greater detail on various areas in which the director must develop and execute guidance and training.<sup>187</sup> One of these training areas, set forth by § 242(e)(7), is “leveraging partnerships with State and local governmental, nongovernmental, and private sector organizations to raise public awareness of human trafficking.”<sup>188</sup>

Under this statutory authority, and within the context of commercial air travel, the Blue Campaign Director should work with the DHS Office of Partnership and Engagement<sup>189</sup> to increase the number of Blue Campaign partners—particularly airlines and airport vendors.

*1. Airport Vendors*

To prevent trafficking in the context of commercial air travel, the Blue Campaign Director should cultivate partnerships with common airport vendors like restaurant chains. These entities could be valuable to the fight against trafficking in several ways, from training employees who work in airport storefronts to sharing trafficking-related information with the traveling public. With the Blue Campaign Document Library, awareness videos, and newsletter available to Blue Campaign partners, airport vendor companies could significantly educate the traveling public at little cost.<sup>190</sup> Additionally, by bringing in airport vendor companies (especially large restaurant chains) as Blue Campaign partners, DHS gains teammates whose influence and potential to educate the public extends far beyond the contexts of commercial air travel and transportation.

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<sup>186</sup> 6 U.S.C. § 242(b), (d).

<sup>187</sup> *Id.* § 242(e).

<sup>188</sup> *Id.* § 242(e)(7).

<sup>189</sup> See *Office of Partnership and Engagement*, U.S. DEP’T OF HOMELAND SEC., <https://www.dhs.gov/partnership-engagement> [https://perma.cc/2YU5-QBSV] (Oct. 6, 2021).

<sup>190</sup> See *Blue Campaign: Work With Us*, U.S. DEP’T OF HOMELAND SEC., <https://www.dhs.gov/blue-campaign/partnerships> [https://perma.cc/LT95-NPQJ].

## 2. Airlines

One component of the Blue Campaign, led by the Department of Transportation (DOT) and CBP, is the Blue Lightning Initiative (BLI).<sup>191</sup> The BLI was created to provide air carriers with an easy way to comply with the requirements set out in 49 U.S.C. §§ 44734 and 44738.<sup>192</sup> These requirements include initial and annual training for flight attendants, gate agents, ticket counter agents, and other employees on recognizing and responding to potential trafficking circumstances.<sup>193</sup> The BLI is available, for free, to any U.S. airline and consists of a training module with four video segments—the entire training takes seventeen minutes for the relevant airline employees to complete.<sup>194</sup>

According to the DHS's BLI web page, over 100,000 employees in the aviation industry have been trained under the program.<sup>195</sup> Additionally, twenty-five U.S. airlines have partnered with DOT and CBP in adopting the BLI Training Module.<sup>196</sup> A few examples include Allegiant Air, Delta Air Lines, JetBlue Airways, and Spirit Airlines.<sup>197</sup> Other airlines, which utilize their own employee training programs to comply with the statutory requirements, have nevertheless joined the Blue Campaign as partners.<sup>198</sup> One of these is American Airlines, whose partnership DHS announced in a press release on January 23, 2020.<sup>199</sup>

Whether participating in the BLI or acting as Blue Campaign partners with separate employee training programs, these airlines have created a powerful force against trafficking.<sup>200</sup> For ex-

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<sup>191</sup> *Blue Campaign: Blue Lightning Initiative*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/blue-campaign/blue-lightning-initiative> [<https://perma.cc/MMX4-2XW5>].

<sup>192</sup> *See id.*; 49 U.S.C. §§ 44734, 44738.

<sup>193</sup> U.S. DEP'T OF HOMELAND SEC., *supra* note 191; 49 U.S.C. §§ 44734, 44738.

<sup>194</sup> *See* U.S. DEP'T OF HOMELAND SEC., *supra* note 191.

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

<sup>198</sup> *See* Press Release, U.S. Dep't of Homeland Sec., DHS Blue Campaign Announces Partnership with American Airlines (Jan. 23, 2020) [hereinafter Blue Campaign Partnership with American Airlines], <https://www.dhs.gov/news/2020/01/23/dhs-blue-campaign-announces-partnership-american-airlines> [<https://perma.cc/V3HE-URNU>]; Press Release, U.S. Dep't of Homeland Sec., DHS Blue Campaign Announces Partnership with United Airlines (Dec. 7, 2018), <https://www.dhs.gov/news/2018/12/07/dhs-blue-campaign-announces-partnership-united-airlines> [<https://perma.cc/V9EF-UYSR>].

<sup>199</sup> Blue Campaign Partnership with American Airlines, *supra* note 198.

<sup>200</sup> *See supra* notes 170–175 and accompanying text.

ample, in late summer 2017, American Airlines customer service agent Denice Miracle put her training into action and saved two teenage girls from a trafficking trap.<sup>201</sup> The two girls, aged fifteen and seventeen, attempted to check in with Miracle.<sup>202</sup> She immediately noticed their tickets were one-way, “multi-leg,” first-class tickets to New York, and the credit card used for the purchase was not in either of their names and was flagged as fraudulent.<sup>203</sup> Miracle recognized these signs as suspicious and alerted local law enforcement.<sup>204</sup> When law enforcement arrived and questioned the girls, they found out that a man named “Drey” had contacted the girls via Instagram and offered to fly the girls to New York for a modeling gig that would have paid \$2,000.<sup>205</sup> When law enforcement tried to contact the potential trafficker, his Instagram account no longer existed, and law enforcement could not reach him at the phone number the girls had used to contact him on their travel date.<sup>206</sup>

Alaska Airlines flight attendant Shelia Fedrick also put her training to use to save a trafficking victim.<sup>207</sup> Fedrick noticed a teenage girl traveling with a significantly older, better-dressed man.<sup>208</sup> She became suspicious of the sharp contrast between them, and when she tried to speak with them, the man “became defensive.”<sup>209</sup> Creatively, Fedrick decided to leave a note for the girl in the aircraft bathroom, and when the girl was able to get to the restroom, she wrote back, “I need help.”<sup>210</sup> Fedrick immediately relied on her training and alerted the pilot, who called ahead to the plane’s destination airport personnel.<sup>211</sup> Thanks to

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<sup>201</sup> Press Release, Am. Airlines Newsroom, Sacramento Agent’s Instinct Saves Children from Online Predator (Feb. 13, 2018), [https://s21.q4cdn.com/616071541/files/doc\\_news/Sacramento-agents-instinct-saves-children-from-online-predator.pdf](https://s21.q4cdn.com/616071541/files/doc_news/Sacramento-agents-instinct-saves-children-from-online-predator.pdf) [<https://perma.cc/9Q9M-9DQS>].

<sup>202</sup> *Id.*

<sup>203</sup> *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

<sup>207</sup> See Kalhan Rosenblatt, *Flight Attendants Train to Spot Human Trafficking: Airline Ambassadors Teaches Flight Attendants How to Spot the Signs of Human and Sex Trafficking*, NBC News (Feb. 4, 2017, 3:07 PM), <https://www.nbcnews.com/news/us-news/flight-attendants-train-spot-human-trafficking-n716181> [<https://perma.cc/9PTA-H7JJ>].

<sup>208</sup> *Id.*

<sup>209</sup> *Id.*

<sup>210</sup> *Id.*

<sup>211</sup> *See id.*

Fedrick's training and savvy thinking, law enforcement was waiting in the terminal when the plane landed.<sup>212</sup>

Success stories like these reveal that airlines' commitment to training their employees, either using the BLI training module or acting as Blue Campaign partners, is a powerful tool against traffickers and how they use commercial air travel to lure and transport victims.<sup>213</sup> For this reason, the Blue Campaign Director should seek to increase the number of airlines that join as Blue Campaign Partners, adopt the BLI Training Module, or both.

The Director and the BLI Training Module should also place greater emphasis on encouraging airlines to educate their passengers on the signs of human trafficking. Airlines' dedication to employee training has yielded crucial results<sup>214</sup>—why not harness that same commitment for public education? The DHS Document Library has plenty of free, online, informational resources, available in different languages, that airlines could incorporate into the passenger experience at a low cost.<sup>215</sup>

#### D. CONGRESS SHOULD REQUIRE CERTIFIED AIR CARRIERS TO DISSEMINATE TRAFFICKING INFORMATION TO PASSENGERS

In 2018, with the FAA Reauthorization Act, Congress added § 44738 to Title 49, Chapter 447 of the U.S. Code, which requires U.S. air carriers with operating certificates to train ticket agents, gate agents, and other employees who have regular interaction with passengers to recognize and respond to potential trafficking circumstances.<sup>216</sup> Acting in the same fashion, Congress should add another section to 49 U.S.C. ch. 447 that requires U.S. air carriers with operating certificates to incorporate key information on the signs of trafficking into the passenger experience. Doing so would be in line with the previous expansion of human trafficking awareness training accomplished in 2018.<sup>217</sup> In setting this new requirement, Congress should grant

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<sup>212</sup> *Id.*

<sup>213</sup> See POLARIS ROADMAP REPORT, *supra* note 51, at 89, 95–96 (discussing the ways traffickers use air travel).

<sup>214</sup> See *supra* notes 201–212 and accompanying text.

<sup>215</sup> See U.S. DEP'T OF HOMELAND SEC., *supra* note 172172.

<sup>216</sup> 49 U.S.C. § 44738; see also FAA Reauthorization Act of 2018, Pub. L. No. 115-254, § 408, 132 Stat. 3186, 3330.

<sup>217</sup> See 49 U.S.C. §§ 44734, 44738; see also FAA Reauthorization Act of 2018 § 408.

authority to the DOT and CBP to create an abridged version of the BLI Training Module<sup>218</sup> designed for passengers, which automatically satisfies the new statutory requirement if incorporated into the passenger experience. Congress should also provide that if airlines disseminate documents from the Blue Campaign Document Library<sup>219</sup> or present the Blue Campaign's existing awareness videos<sup>220</sup> to passengers, the airlines have fulfilled the requirement.

The new provision should leave airlines free to determine when and how to provide passengers with information on the signs of human trafficking. An airline could choose, for example, to require passengers to view the abridged BLI passenger video before completing their online ticket purchases. Or an airline could include brochures from the Blue Campaign Document Library at ticket counters and in the seat-back pockets on each aircraft.

To double down on requiring airlines to educate their passengers on the signs of human trafficking, Congress could also add a statutory provision to Chapter 447 that requires all new “person[s] desiring to operate as air carrier[s]” to submit a plan for passenger education in their application materials.<sup>221</sup> Under this hypothetical, new provision and § 44705, an applicant would not be able to obtain an operating certification without submitting a plan for educating passengers on key trafficking information.<sup>222</sup> Congress could provide that if an application states that the applicant intends to use documents from the Blue Campaign Library, the awareness videos on the Blue Campaign Website, or an abridged version of the BLI Training Module to educate its passengers, the applicant automatically satisfies the requirement.<sup>223</sup>

These statutory changes would ensure that all U.S. air carriers that currently have operating certificates, and those that will ap-

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<sup>218</sup> See U.S. DEP'T OF HOMELAND SEC., *supra* note 191.

<sup>219</sup> See U.S. DEP'T OF HOMELAND SEC., *supra* note 172.

<sup>220</sup> See *Blue Campaign: Awareness Videos*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/blue-campaign/videos> [<https://perma.cc/5WMN-83VK>].

<sup>221</sup> 49 U.S.C. § 44705 (“The Administrator of the Federal Aviation Administration shall issue an air carrier operating certificate to a person desiring to operate as an air carrier when the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part.”).

<sup>222</sup> See *id.*

<sup>223</sup> U.S. DEP'T OF HOMELAND SEC., *supra* note 172; U.S. DEP'T OF HOMELAND SEC., *supra* note 191.

ply for them in the future, have plans to provide passengers with information on how to recognize and report possible trafficking circumstances. By allowing certain pre-existing, widely available, free resources to fulfill these requirements automatically, Congress can maximize trafficking awareness without unduly burdening airlines with compliance costs.<sup>224</sup>

U.S. airlines can play a crucial role in putting the public on notice of the signs of trafficking and helping unsuspecting victims recognize their circumstances. With airlines making sure their passengers are aware of possible signs of trafficking and reporting protocols, the traveling public will be better prepared to enlist well-trained law enforcement officials who can appropriately intervene. The fight against trafficking calls for airlines to educate their passengers, whether at the mandate of Congress—as this Section lays out—or because the Blue Campaign Director successfully encourages them to do so as Blue Campaign partners (proposal B).

E. CONGRESS SHOULD REQUIRE CERTIFIED AIRPORT OPERATORS TO HAVE AIRPORT VENDORS DISPLAY TRAFFICKING INFORMATION

This proposal, like proposal C above, involves Congress adding a section to 49 U.S.C. ch. 447. In addition to issuing air carrier operating certificates, the FAA Administrator also has the authority to issue airport operating certificates to “a person desiring to operate an airport.”<sup>225</sup> Just as with air carrier operating certificates, the Administrator shall issue airport operating certificates to applicants who are “properly and adequately . . . equipped and able to operate safely” under Subtitle VII, Part A (§§ 40101–46507).<sup>226</sup>

To bring airport vendors into the fight against trafficking, Congress should add a statutory provision to Subtitle VII, Part A that requires all entities who have received or will receive airport operating certificates to have airport vendors display informational materials in their storefronts. Congress should mandate that all certified airport operators include in their contractual arrangements with airport vendors terms requiring vendors to post trafficking information in their storefronts in clearly visible

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<sup>224</sup> See U.S. DEP’T OF HOMELAND SEC., *supra* note 172; see also U.S. DEP’T OF HOMELAND SEC., *supra* note 191.

<sup>225</sup> 49 U.S.C. §§ 44702(a), 44706(a).

<sup>226</sup> *Id.* § 44706(a) (flush language).

places.<sup>227</sup> To comply, airport operators can modify template lease forms to include these provisions in future lease agreements and attach addendums to existing lease agreements.

To ensure this requirement is not unduly burdensome on either the vendors or airport operators, Congress can provide that if airport vendors post or disseminate any of the documents from the Blue Campaign Library,<sup>228</sup> they are deemed in compliance with the lease provisions. Further, certified airport operators can be automatically deemed in compliance with the new statutory requirement as long as their lease agreements include terms requiring vendors to display trafficking information in plain view. To motivate airport operators to enforce these lease terms, the automatic compliance should be contingent upon the airport operators' commitment to making sure vendors comply. Airport operators could show their commitment through other lease terms outlining procedures and timelines for bringing vendors who fail to display trafficking information into compliance.

Getting airport vendors involved provides an additional opportunity for the traveling public, including unsuspecting victims, to learn the signs of human trafficking, recognize it, and save lives through quick reporting. The addition of this new statutory provision is justified by the urgent nature of the trafficking problem and the trafficking-related requirements already imposed on U.S. air carriers who have operating certificates.<sup>229</sup>

## IV. CONCLUSION

### A. TRAFFICKING BY THE NUMBERS

The 2021 TIP Report's data reveals that trafficking persists in every region of the globe.<sup>230</sup> In 2020, the State Department identified 28,538 trafficking victims in Africa,<sup>231</sup> 2,884 victims in the "East Asia & Pacific" region,<sup>232</sup> 45,060 trafficking victims in South and Central Asia,<sup>233</sup> 18,173 trafficking victims in Eu-

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<sup>227</sup> Cf. 22 U.S.C. § 7105(b)(1)(B)(ii); KY. REV. STAT. ANN. § 183.075 (LexisNexis 2021) (provisions that require posting of the National Human Trafficking Hotline phone number in clearly visible places).

<sup>228</sup> U.S. DEP'T OF HOMELAND SEC., *supra* note 172.

<sup>229</sup> 49 U.S.C. §§ 44734, 44738. See generally 49 U.S.C. ch. 447; discussion *infra* Section III.D.

<sup>230</sup> 2021 TRAFFICKING IN PERSONS REPORT, *supra* note 29, at 68–73.

<sup>231</sup> *Id.* at 68.

<sup>232</sup> *Id.* at 69.

<sup>233</sup> *Id.* at 72.

rope,<sup>234</sup> 3,461 trafficking victims in the “Near East” region (which includes Morocco, Algeria, Tunisia, Libya, Egypt, Israel, Lebanon, Jordan, Saudi Arabia, Syria, Iraq, Yemen, Oman, Kuwait, United Arab Emirates, Qatar, Bahrain, and Iran),<sup>235</sup> and 11,100 trafficking victims in the Western Hemisphere.<sup>236</sup>

As stated above, although “[a]ggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures,”<sup>237</sup> the data makes it clear that our fight to end these heinous crimes all over the world is ongoing.<sup>238</sup>

### B. TRAFFICKING AND COMMERCIAL AIR TRAVEL

Polaris’s Roadmap Report explains that nearly every trafficking operation intersects with a transportation system at some point.<sup>239</sup> When it comes to commercial air travel, traffickers may use airlines for victim recruitment and to transport victims already trapped in their operations.<sup>240</sup>

This Comment provided examples of both methods. Sofia’s trafficker utilized a commercial airline to lure her from Romania to Italy.<sup>241</sup> Though he flew with her, he did so as part of his recruiting scheme, posing as her fiancé and leading her to believe they were traveling to begin a new life together.<sup>242</sup> Additionally, “Drey,” who attempted to traffic two teenage girls from California to New York by offering them a modeling job, tried to utilize American Airlines to fly them cross-country.<sup>243</sup> Thanks to customer service agent Denice Miracle’s training and intervention, his efforts failed.<sup>244</sup> Finally, when Alaska Airlines flight attendant Shelia Fedrick intervened to stop a trafficking situation, the victim she saved was already ensnared in a trafficking operation and was in transit with her trafficker.<sup>245</sup>

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<sup>234</sup> *Id.* at 70.

<sup>235</sup> *Id.* at 71.

<sup>236</sup> *Id.* at 73.

<sup>237</sup> *Id.*

<sup>238</sup> *See id.* at 60, 68–73.

<sup>239</sup> POLARIS ROADMAP REPORT, *supra* note 51, at 84.

<sup>240</sup> *See id.* at 86, 89, 95–96.

<sup>241</sup> *See* 2020 TRAFFICKING IN PERSONS REPORT, *supra* note 1, at 16.

<sup>242</sup> *See id.*

<sup>243</sup> Am. Airlines Newsroom, *supra* note 201.

<sup>244</sup> *See id.*

<sup>245</sup> Rosenblatt, *supra* note 207.

C. PROPOSALS FOR INCREASING PUBLIC EDUCATION ON  
TRAFFICKERS' USE OF COMMERCIAL AIR TRAVEL

Together, 22 U.S.C. ch. 78; 34 U.S.C. ch. 207; 6 U.S.C. §§ 242, 642, 645; and 49 U.S.C. ch. 447 create a robust body of law that fights human trafficking by connecting victims with key services;<sup>246</sup> training federal agents, other law enforcement officials, prosecutors, judges, and airline staff on how to engage with trafficking circumstances and victims;<sup>247</sup> fostering data collection and data sharing;<sup>248</sup> and, to a degree, educating the general public.<sup>249</sup>

Though 22 U.S.C. ch. 78 sets out a program for funding trafficking education for local educational agencies,<sup>250</sup> and the Director of the Blue Campaign must provide DHS personnel with guidance on how to liaise with the traveling public,<sup>251</sup> the federal government can better engage and involve the public in the fight against human trafficking and traffickers' use of commercial airlines.

First, under the authority of 22 U.S.C. § 7104, OTIP should require all local educational agencies that receive HTYPE Demonstration Program grants to educate students and staff on the ways traffickers utilize transportation systems, including commercial air travel.<sup>252</sup>

Second, pursuant to 6 U.S.C. § 242,<sup>253</sup> the Blue Campaign Director should guide the TSA in increasing the minimum amount of trafficking information in all U.S. airports. The minimum should include posting informational materials in various languages in all areas of public access. It should also include the phone number for the Resource Center. The Blue Campaign Document Library contains a wealth of free materials that the TSA can use.<sup>254</sup>

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<sup>246</sup> See 22 U.S.C. ch. 78; 34 U.S.C. ch. 207; 6 U.S.C. §§ 242, 642, 645; 49 U.S.C. ch. 447.

<sup>247</sup> See 6 U.S.C. §§ 242(e)(1), (4), 642(b), 645(c); see also 34 U.S.C. ch. 207; 49 U.S.C. ch. 447.

<sup>248</sup> See 22 U.S.C. ch. 78.

<sup>249</sup> See 6 U.S.C. § 242(e)(6)(B), (7); see also 22 U.S.C. ch. 78.

<sup>250</sup> 22 U.S.C. § 7104(b)(2)(B).

<sup>251</sup> 6 U.S.C. § 242(e)(5), (e)(6)(B).

<sup>252</sup> See 22 U.S.C. § 7104(b)(2)(B); U.S. DEP'T OF HEALTH & HUM. SERVS. OFF. ON TRAFFICKING IN PERSONS, *supra* note 148.

<sup>253</sup> See 6 U.S.C. § 242(e).

<sup>254</sup> U.S. DEP'T OF HOMELAND SEC., *supra* note 172.

Third, the Blue Campaign Director, in accordance with 6 U.S.C. § 242, should work to bring in airport vendors and additional airlines as Blue Campaign partners. The Director should encourage partner organizations to educate their passengers and customers on key human trafficking information, including how traffickers utilize commercial airlines in recruitment and transport.<sup>255</sup>

Fourth, Congress should amend 49 U.S.C. Ch. 447, adding a section that requires all U.S. air carriers with operating certificates<sup>256</sup> to disseminate trafficking information materials to their passengers. In doing so, it should provide that if certified air carriers present passengers with materials from the Blue Campaign Document Library, the Blue Campaign awareness videos, or an adapted version of the BLI,<sup>257</sup> the requirement is satisfied. Congress could also add a section to 49 U.S.C. Ch. 447 that requires applicants to submit plans for educating passengers about human trafficking in their applications for air carrier operating certificates. This requirement, too, should be automatically satisfied if applicants state that they plan to use Blue Campaign resources to educate passengers about trafficking.

Finally, Congress should add another section to 49 U.S.C. ch. 447 that focuses on bringing airport vendors into the fight against human trafficking. This new provision should require those with airport operating certificates to have their vendors post trafficking information in their storefronts.<sup>258</sup> To accomplish this goal, the provision should state that certified airport operators must include in lease agreements a requirement that vendors post trafficking information in their storefronts in clear view of their customers. Vendors should be deemed in compliance with their leases if they display Blue Campaign materials. Airport operators should be deemed in compliance so long as their lease agreements include terms requiring vendors to display trafficking information. This automatic compliance should be contingent upon each airport operator illustrating commitment to enforcing the lease terms.

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<sup>255</sup> See 6 U.S.C. § 242(e)(7).

<sup>256</sup> See 49 U.S.C. § 44705 (detailing the FAA Administrator's authority to issue air carrier operating certificates).

<sup>257</sup> See U.S. DEP'T OF HOMELAND SEC., *supra* note 172; see also U.S. DEP'T OF HOMELAND SEC., *supra* note 220; see also U.S. DEP'T OF HOMELAND SEC., *supra* note 191.

<sup>258</sup> See 49 U.S.C. § 44706 (detailing the FAA Administrator's authority to issue airport operating certificates).

## D. FURTHER RESEARCH

In addition to examining the intersection of human trafficking and commercial air travel, Polaris's Roadmap Report takes a comprehensive look at how traffickers utilize other transportation systems to recruit and move their victims.<sup>259</sup> These include informal bus systems (privately owned bus lines that have cheaper fares than larger bus companies like Greyhound);<sup>260</sup> mainstream bus lines;<sup>261</sup> personal, business, and rental vehicles;<sup>262</sup> taxis and ridesharing services;<sup>263</sup> trains;<sup>264</sup> and trucking, shipping, and freight.<sup>265</sup> Based on Polaris's data, traffickers use private, business, and rental vehicles in as many forms of trafficking as they do commercial airlines, and they use buses in nearly as many.<sup>266</sup>

Future research should explore (1) how the public education proposals in this Comment can be adapted and implemented in other sectors of the transportation industry, (2) other ways the U.S. government can act to further prevent traffickers from exploiting all types of transportation systems, and (3) how the global community can utilize international law to further crack down on trafficking operations as they intersect with transportation systems, including, but not limited to, commercial air travel, and help end trafficking once and for all.

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<sup>259</sup> POLARIS ROADMAP REPORT, *supra* note 51, at 83–98.

<sup>260</sup> *Id.* at 86.

<sup>261</sup> *Id.* at 88.

<sup>262</sup> *Id.* at 90–93.

<sup>263</sup> *Id.* at 93–95.

<sup>264</sup> *Id.* at 95.

<sup>265</sup> *Id.* at 98.

<sup>266</sup> *Id.* at 83.