

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115-188

NO HUMAN TRAFFICKING ON OUR ROADS  
ACT

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1532



November 30, 2017.—Ordered to be printed

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U.S. GOVERNMENT PUBLISHING OFFICE

79-010

WASHINGTON : 2017

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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## NO HUMAN TRAFFICKING ON OUR ROADS ACT

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NOVEMBER 30, 2017.—Ordered to be printed

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Mr. THUNE, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany S. 1532]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1532) to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of S. 1532, the No Human Trafficking on Our Roads Act, would provide a lifetime ban from operating a commercial motor vehicle (CMV) for an individual who uses a CMV in committing a felony involving a severe form of trafficking in persons.

#### BACKGROUND AND NEEDS

Current law prohibits an individual from operating a CMV if the individual is convicted of any of nine different enumerated offenses, including alcohol abuse, negligent manslaughter, and drug trafficking. The proposed legislation would add a felony involving a severe form of trafficking in persons to the list of disqualifying offenses, and like a controlled substance violation (49 U.S.C. 31310 (d)), the disqualification would be for life.

Human trafficking, particularly sex trafficking, is known to be present at commercially operated truck stops and State-operated rest areas throughout the United States. Given their remoteness and insulation from communities, these locations can be a convenient place for sex traffickers to operate with minimal concerns for detection. The frequent movement of victims aids traffickers both

in maintaining control of the victims and avoiding law enforcement. For example, victims who work in fake massage businesses are often rotated between cities so they do not establish relationships and seek help. Other forms of human trafficking, such as labor trafficking, have a presence in the trucking industry as well.

Nonprofit organizations like Truckers Against Trafficking (TAT) have made substantial progress in spreading awareness of areas where human trafficking and the trucking industry intersect. Their efforts have resulted in increased reporting of trafficking incidents by truckers, the eyes and ears of roads nationwide. For example, the Committee heard testimony at a July 12, 2017, human trafficking hearing on how the trucking industry is an important part of the solution, including saving lives by identifying instances of human trafficking.

Despite these important efforts, more can be done to combat human trafficking, and this bill would serve as an important deterrent measure, in addition to penalizing traffickers.

#### SUMMARY OF PROVISIONS

S. 1532 would disqualify, for life, an individual who uses a CMV in committing a felony involving a severe form of trafficking in persons from operating a CMV.

#### LEGISLATIVE HISTORY

S. 1532 was introduced by Senator Thune (for himself and Senators Klobuchar and Nelson) on July 12, 2017. Senators Cornyn, Rubio, Heller, and Blumenthal are also cosponsors. On August 3, 2017, the Committee, by voice vote, reported S. 1532 favorably without amendment.

In addition, on July 12, 2017, the Committee held a hearing entitled, “Force Multipliers: How Transportation and Supply Chain Stakeholders Are Combating Human Trafficking,” which examined the various interactions between the transportation sector and human trafficking, and served as an opportunity to explore some of the specific solutions and efforts utilized by organizations that work to mitigate the exploitation of individuals.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

##### *S. 1532—No Human Trafficking on Our Roads Act*

S. 1532 would permanently prohibit anyone who has used a commercial vehicle to commit a felony involving human trafficking from operating a commercial motor vehicle in the future. Based on information from the Federal Motor Carrier Safety Administration (FMCSA), CBO estimates that implementing the bill would have no significant effect on the federal budget.

State agencies that issue driver’s licenses would be responsible for implementing the prohibition in the bill. Based on information from FMCSA, CBO expects that the agency would need to change policies and procedures as well as update the training that it offers

for state inspectors and investigators who are responsible for combating criminal activities such as drug and human trafficking. For such work, CBO estimates that the agency would require about half the time of one full-time employee annually over the 2018–2022 period. CBO estimates that implementing the provisions of the bill would cost less than \$500,000 over the 2018–2022 period; such spending would be subject to the availability of appropriated funds.

Enacting S. 1532 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 1532 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 1532 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). As a condition of assistance, the bill would require states to ensure that individuals who commit acts of human trafficking are not issued commercial driver’s licenses. States already screen applicants for a number of items, including drug offenses. Consequently, CBO estimates that the costs of the additional requirement would be small. Conditions of assistance, by definition in UMRA, are not considered intergovernmental mandates.

The CBO staff contacts for this estimate are Sarah Puro (for federal costs) and Jon Sperl (for intergovernmental mandates). The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

#### REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### NUMBER OF PERSONS COVERED

The bill affects commercial drivers license (CDL) holders already subject to disqualifying offenses at the Department of Transportation. Therefore, the number of persons covered would be consistent with current levels. Further, the disqualification that would be provided under S. 1532 would potentially impact CDL holders only if they were convicted of a felony involving a severe form of trafficking in persons.

##### ECONOMIC IMPACT

The legislation is not expected to have a negative impact on the Nation’s economy.

##### PRIVACY

The reported bill is not expected to impact the personal privacy of individuals.

##### PAPERWORK

This legislation is not expected to result in additional paperwork. S. 1532 would not create any new programs, rather it would provide an additional offense to existing violations that warrant dis-

qualification for life under section 31310 of title 49, United States Code.

#### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title.*

This section would provide that the Act may be cited as the “No Human Trafficking on Our Roads Act.”

##### *Section 2. Lifetime disqualification without reinstatement.*

This section would amend section 31310(d) of title 49, United States Code, to include a lifetime disqualification without reinstatement for any individual who uses a CMV to commit a felony involving a severe form of trafficking in persons, as defined in paragraph (9) of 22 U.S.C. 7102.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

### TITLE 49. TRANSPORTATION

#### SUBTITLE VI. MOTOR VEHICLE AND DRIVER PROGRAMS

#### PART B. COMMERCIAL

#### CHAPTER 313. COMMERCIAL MOTOR VEHICLE OPERATORS

#### **§ 31310. Disqualifications**

(a) **BLOOD ALCOHOL CONCENTRATION LEVEL.**—In this section, the blood alcohol concentration level at or above which an individual when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol is .04 percent.

(b) **FIRST VIOLATION OR COMMITTING FELONY.**—

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Secretary of Transportation shall disqualify from operating a commercial motor vehicle for at least one year an individual—

(A) committing a first violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing a first violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section);

(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.

(2) If the vehicle involved in a violation referred to in paragraph (1) of this subsection is transporting hazardous material required to be placarded under section 5103 of this title, the Secretary shall disqualify the individual for at least 3 years.

(c) **SECOND AND MULTIPLE VIOLATIONS.**—

(1) Subject to paragraph (2) of this subsection, the Secretary shall disqualify from operating a commercial motor vehicle for life an individual—

(A) committing more than one violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing more than one felony arising out of different criminal episodes;

(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or

(F) committing any combination of single violations or use described in subparagraphs (A) through (E).

(2) The Secretary may prescribe regulations establishing guidelines (including conditions) under which a disqualification for life under paragraph (1) of this subsection may be reduced to a period of not less than 10 years.

(d) **[CONTROLLED SUBSTANCE VIOLATIONS] LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT.**—**[The Secretary]**

(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)).*  
(e) \* \* \*

