

115TH CONGRESS
2D SESSION

H. R. 5857

To protect transportation personnel and passengers from sexual assault and harassment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2018

Mr. DEFazio (for himself, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. LARSEN of Washington, Mr. CAPUANO, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. COHEN, Mr. SIRES, Mr. GARAMENDI, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, Mr. NOLAN, Ms. TITUS, Mr. SEAN PATRICK MALONEY of New York, Ms. ESTY of Connecticut, Ms. FRANKEL of Florida, Mrs. BUSTOS, Mr. HUFFMAN, Ms. BROWNLEY of California, Ms. WILSON of Florida, Mr. PAYNE, Mr. LOWENTHAL, Mrs. LAWRENCE, Mr. DESAULNIER, and Ms. PLASKETT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To protect transportation personnel and passengers from sexual assault and harassment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Sexual Assault
5 and Harassment in Transportation Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) COVERED ENTITY.—The term “covered en-
4 tity” means an entity that is one of the following:

5 (A) An air carrier (as that term is defined
6 in section 40102 of title 49, United States
7 Code).

8 (B) A foreign air carrier (as that term is
9 defined in section 40102 of title 49, United
10 States Code).

11 (C) A recipient of Federal funds under
12 chapter 53 of title 49, United States Code.

13 (D) A motor carrier of passengers that—

14 (i) conducts regularly scheduled inter-
15 city service; and

16 (ii) is a Class I carrier (as that term
17 is used in section 369.3(a) of title 49,
18 Code of Federal Regulations).

19 (E) An entity providing commuter rail pas-
20 senger transportation or intercity rail passenger
21 transportation (as those terms are defined in
22 section 24102 of title 49, United States Code).

23 (2) PERSONNEL.—The term “personnel” means
24 an employee or contractor of a covered entity.

25 (3) TRANSPORTATION SEXUAL ASSAULT OR
26 HARASSMENT INCIDENT.—The term “transportation

1 sexual assault or harassment incident” means the
2 occurrence, or reasonably suspected occurrence, of
3 an act that—

4 (A) constitutes sexual assault or harass-
5 ment; and

6 (B) is committed—

7 (i) by a passenger of a covered entity;

8 (ii) against—

9 (I) another passenger of the cov-
10 ered entity; or

11 (II) a member of the personnel of
12 the covered entity; and

13 (iii) within—

14 (I) a vehicle of the covered entity
15 that is transporting passengers, in-
16 cluding aircraft, rolling stock, motor-
17 coaches, and ferries;

18 (II) an area in which passengers
19 are entering or exiting such a vehicle;
20 or

21 (III) an area in which the Am-
22 trak Police Department or a transit
23 police department has law enforce-
24 ment responsibilities.

1 **SEC. 3. SENSE OF CONGRESS REGARDING SEXUAL ASSAULT**
2 **AND HARASSMENT IN PASSENGER TRANS-**
3 **PORTATION.**

4 It is the sense of Congress that—

5 (1) a covered entity should institute policies and
6 procedures to eliminate transportation sexual assault
7 or harassment incidents, including policies and pro-
8 cedures to—

9 (A) prohibit, to the extent practicable, fu-
10 ture travel with the covered entity by any pas-
11 senger who causes a transportation sexual as-
12 sault or harassment incident;

13 (B) facilitate the reporting of transpor-
14 tation sexual assault or harassment incidents to
15 ensure that the covered entity, the public, and
16 law enforcement agencies have an accurate un-
17 derstanding of the rate of such incidents;

18 (C) communicate to personnel and pas-
19 sengers of the covered entity the rights of such
20 individuals with respect to transportation sexual
21 assault or harassment incidents;

22 (D) train personnel of the covered entity to
23 recognize and respond appropriately to trans-
24 portation sexual assault or harassment inci-
25 dents; and

1 (E) ensure other appropriate and propor-
2 tional actions are undertaken to respond effec-
3 tively to transportation sexual assault or har-
4 assment incidents; and

5 (2) individuals who cause a transportation sex-
6 ual assault or harassment incident should be held
7 accountable under all applicable Federal and State
8 laws.

9 **SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
10 **CIES IN TRANSPORTATION.**

11 (a) REQUIREMENT.—Not later than 90 days after the
12 date of enactment of this Act, each covered entity shall
13 issue, in consultation with labor unions representing per-
14 sonnel of the covered entity, a formal policy with respect
15 to transportation sexual assault or harassment incidents.

16 (b) CONTENTS.—The policy required under sub-
17 section (a) shall include—

18 (1) a statement indicating that no transpor-
19 tation sexual assault or harassment incident is ac-
20 ceptable under any circumstance;

21 (2) procedures that facilitate the reporting of a
22 transportation sexual assault or harassment inci-
23 dent, including—

24 (A) appropriate public outreach activities;

1 (B) confidential phone and internet-based
2 opportunities for reporting; and

3 (C) personnel trained to receive reports;

4 (3) procedures that personnel should follow
5 upon the reporting of a transportation sexual assault
6 or harassment incident, including actions to protect
7 affected individuals from continued sexual assault or
8 harassment and to notify law enforcement when ap-
9 propriate; and

10 (4) training with respect to the policy that are
11 required for all appropriate personnel, including spe-
12 cific training for personnel who may receive reports
13 of transportation sexual assault or harassment inci-
14 dents.

15 (c) PASSENGER INFORMATION.—A covered entity
16 shall prominently display, on the internet website of the
17 covered entity and through the use of appropriate signage,
18 a written statement that—

19 (1) advises passengers that the covered entity
20 has adopted a formal policy with respect to trans-
21 portation sexual assault or harassment incidents;
22 and

23 (2) informs passengers of the procedure for re-
24 porting a transportation sexual assault or harass-
25 ment incident.

1 **SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
2 **CIES FOR PASSENGER VESSELS.**

3 (a) IN GENERAL.—Section 3507(d) of title 46,
4 United States Code, is amended—

5 (1) in paragraph (4), by striking “and” after
6 the semicolon at the end;

7 (2) in paragraph (5), by striking the period at
8 the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(6)(A) issue a formal policy with respect to
11 sexual assault or harassment incidents that in-
12 cludes—

13 “(i) a statement indicating that no sexual
14 assault or harassment incident is acceptable
15 under any circumstance;

16 “(ii) procedures that facilitate the report-
17 ing of a sexual assault or harassment incident,
18 including—

19 “(I) appropriate public outreach ac-
20 tivities;

21 “(II) confidential phone and internet-
22 based opportunities for reporting; and

23 “(III) personnel trained to receive re-
24 ports;

25 “(iii) procedures that personnel should fol-
26 low upon the reporting of a sexual assault or

1 harassment incident, including actions to pro-
2 tect affected individuals from continued sexual
3 assault or harassment and how to provide the
4 information and access required under para-
5 graph (5); and

6 “(iv) training with respect to the policy
7 that are required for all appropriate personnel,
8 including specific training for personnel who
9 may receive reports of sexual assault or harass-
10 ment incidents; and

11 “(B) prominently display on the internet
12 website of the vessel owner and, through the use of
13 appropriate signage on each vessel, a written state-
14 ment that—

15 “(i) advises passengers that the vessel
16 owner has adopted a formal policy with respect
17 to sexual assault or harassment incidents; and

18 “(ii) informs passengers of the procedure
19 for reporting a sexual assault or harassment in-
20 cident.”.

21 (b) REPORTING REQUIREMENT.—Section
22 3507(g)(3)(A)(i) of title 46, United States Code, is
23 amended by inserting “any sexual assault or harassment
24 incident (as that term is defined in subsection (l) of this
25 section),” after “title 18 applies,”.

1 (c) SEXUAL ASSAULT OR HARASSMENT INCIDENT

2 DEFINED.—Section 3507(l) of title 46, United States
3 Code, is amended by adding at the end the following:

4 “(3) SEXUAL ASSAULT OR HARASSMENT INCI-
5 DENT.—The term ‘sexual assault or harassment in-
6 cident’ means the occurrence, or reasonably sus-
7 pected occurrence, of an act that—

8 “(A) constitutes sexual assault or harass-
9 ment; and

10 “(B) is committed—

11 “(i) by a passenger of a vessel to
12 which this section applies or a member of
13 the crew of such a vessel;

14 “(ii) against—

15 “(I) a passenger of such vessel;
16 or

17 “(II) a member of the crew of
18 such vessel; and

19 “(iii) within—

20 “(I) such a vessel; or

21 “(II) an area in which passengers
22 are entering or exiting such a vessel.”.

23 (d) REQUIREMENT.—Not later than 90 days after the
24 date of enactment of this Act, the owner of a vessel to
25 which section 3507 of title 46, United States Code, applies

1 shall issue the formal policy with respect to sexual assault
 2 or harassment incidents required by the amendments
 3 made by this section.

4 **SEC. 6. CIVIL PENALTIES FOR INTERFERENCE.**

5 (a) INTERFERENCE WITH CABIN OR FLIGHT
 6 CREW.—Section 46318(a) of title 49, United States Code,
 7 is amended—

8 (1) by inserting “or sexually” after “physically”
 9 each place it appears; and

10 (2) by striking “\$25,000” and inserting
 11 “\$35,000”.

12 (b) INTERFERENCE WITH CERTAIN TRANSPOR-
 13 TATION PERSONNEL.—

14 (1) IN GENERAL.—Chapter 805 of title 49,
 15 United States Code, is amended by adding at the
 16 end the following:

17 **“§ 80505. Interference with certain transportation**
 18 **personnel**

19 “(a) GENERAL RULE.—An individual who physically
 20 or sexually assaults or threatens to physically or sexually
 21 assault an employee engaged in the transportation of pas-
 22 sengers on behalf of a covered entity, or takes any action
 23 that poses an imminent threat to the safety of a vehicle
 24 of a covered entity that is transporting passengers, includ-
 25 ing rolling stock, motorcoaches, and ferries, is liable to the

1 United States Government for a civil penalty of not more
2 than \$35,000.

3 “(b) COMPROMISE AND SETOFF.—

4 “(1) COMPROMISE.—The Secretary of Trans-
5 portation may compromise the amount of a civil pen-
6 alty imposed under this section.

7 “(2) SETOFF.—The United States Government
8 may deduct the amount of a civil penalty imposed or
9 compromised under this section from amounts the
10 Government owes the person liable for the penalty.

11 “(c) COVERED ENTITY DEFINED.—In this section,
12 the term ‘covered entity’ means an entity that is one of
13 the following:

14 “(1) A recipient of Federal funds under chapter
15 53 of this title.

16 “(2) A motor carrier of passengers that—

17 “(A) conducts regularly scheduled intercity
18 service; and

19 “(B) is a Class I carrier (as that term is
20 used in section 369.3(a) of title 49, Code of
21 Federal Regulations).

22 “(3) An entity providing commuter rail pas-
23 senger transportation or intercity rail passenger
24 transportation (as those terms are defined in section
25 24102 of this title).”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 805 of title 49, United States Code, is
3 amended by inserting after the item relating to sec-
4 tion 80504 the following:

“80505. Interference with certain transportation personnel.”.

5 **SEC. 7. DATA COLLECTION.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall establish a program to annually collect and
9 maintain data from each covered entity on—

10 (1) the number of transportation sexual assault
11 or harassment incidents reported to the covered enti-
12 ty, including—

13 (A) the number of incidents committed
14 against passengers; and

15 (B) the number of incidents committed
16 against personnel; and

17 (2) the number of transportation sexual assault
18 or harassment incidents reported to law enforcement
19 by personnel of the covered entity.

20 (b) DATA AVAILABILITY.—Subject to subsection (c),
21 the Secretary shall make available to the public on the
22 primary internet website of the Department of Transpor-
23 tation the data collected and maintained under subsection
24 (a).

1 (c) DATA PROTECTION.—Data made available under
 2 subsection (b) shall be made available in a manner that—

3 (1) protects the privacy and confidentiality of
 4 individuals involved in a transportation sexual as-
 5 sault or harassment incident;

6 (2) precludes the connection of the data to any
 7 individual covered entity; and

8 (3) is organized by mode of transportation.

9 (d) PAPERWORK REDUCTION.—Subchapter I of
 10 chapter 35 of title 44, United States Code, does not apply
 11 to this Act.

12 **SEC. 8. INSPECTOR GENERAL REPORT TO CONGRESS.**

13 Not later than 18 months after the date of enactment
 14 of this Act, and every 2 years thereafter, the Inspector
 15 General of the Department of Transportation shall assess
 16 compliance with the provisions of this Act.

17 **SEC. 9. RULE OF CONSTRUCTION.**

18 Nothing in this Act may be construed to undermine
 19 the responsibility and authority of—

20 (1) the pilot in command of an aircraft with re-
 21 spect to the safe and secure operation of the air-
 22 craft; or

23 (2) the master a vessel to which section 3507
 24 of title 46, United States Code, applies.

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