

115TH CONGRESS
1ST SESSION

S. 1605

To improve the response to sexual assault and sexual harassment on board aircraft operated in passenger air transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2017

Mr. CASEY (for himself, Mrs. MURRAY, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. WARREN, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the response to sexual assault and sexual harassment on board aircraft operated in passenger air transportation, 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 “Stopping Assault while
5 Flying Enforcement Act of 2017”.

6 **SEC. 2. AIR CARRIER DEFINED.**

7 In this Act, the term “air carrier” means an air car-
8 rier or foreign air carrier, as those terms are defined in
9 section 40102 of title 49, United States Code.

1 **SEC. 3. ADDITIONAL TRAINING RELATING TO RESPONDING**
2 **TO SEXUAL ASSAULT AND SEXUAL HARASS-**
3 **MENT ON BOARD PASSENGER AIRCRAFT.**

4 (a) IN GENERAL.—Chapter 447 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 44736. Additional training relating to responding**
8 **to sexual assault and sexual harassment**
9 **on board passenger aircraft**

10 “(a) TRAINING REQUIRED.—In addition to other
11 training required under this chapter, each air carrier and
12 foreign air carrier shall provide initial and annual recur-
13 rent training for flight attendants, pilots, and other indi-
14 viduals who are employees or contractors of the air carrier,
15 with respect to responding to and addressing sexual as-
16 sault and sexual harassment of passengers and employees
17 and contractors of the air carrier on board aircraft oper-
18 ated by the air carrier in passenger air transportation.

19 “(b) SITUATIONAL TRAINING.—An air carrier or for-
20 eign air carrier shall include, in initial and recurrent train-
21 ing provided under this section, situational training with
22 respect to the proper method for dealing with passengers
23 who are accused of, and passengers who report, sexual as-
24 sault or sexual harassment.

25 “(c) TRAUMA-INFORMED TRAINING.—Training pro-
26 vided under this section shall include—

1 “(1) training on—

2 “(A) how to use a trauma-informed ap-
3 proach with individuals who report incidents of
4 sexual assault or sexual harassment in a way
5 that is survivor-centered;

6 “(B) the effects of trauma on such individ-
7 uals;

8 “(C) how to ensure the safety of all pas-
9 sengers; and

10 “(D) how to properly report such assault
11 or harassment to air carriers; and

12 “(2) providing appropriate information about
13 available options for—

14 “(A) reporting sexual assault and sexual
15 harassment to air carriers, the Department of
16 Transportation, and the Department of Justice;
17 and

18 “(B) obtaining care with respect to such
19 assault or harassment.

20 “(d) MINIMUM STANDARDS.—Training provided
21 under this section shall incorporate the minimum stand-
22 ards developed under section 6(d) of the Stopping Assault
23 while Flying Enforcement Act of 2017.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for chapter 447 of title 49, United States Code, is amend-
 3 ed by adding at the end the following:

“44736. Additional training relating to responding to sexual assault and sexual harassment on board passenger aircraft.”.

4 (c) EFFECTIVE DATE.—The requirement for an air
 5 carrier to provide training under section 44736 of title 49,
 6 United States Code, as added by subsection (a), shall take
 7 effect on the date that is 2 years after the date of the
 8 enactment of this Act.

9 (d) REGULATIONS.—Not later than 18 months after
 10 the date of the enactment of this Act, the Administrator
 11 of the Federal Aviation Administration shall, after review-
 12 ing the recommendations of the National In-Flight Sexual
 13 Assault Task Force under section 6(c)(3), prescribe regu-
 14 lations to carry out section 44736 of title 49, United
 15 States Code, as added by subsection (a).

16 **SEC. 4. DATA COLLECTION.**

17 (a) IN GENERAL.—Not later than one year after the
 18 date of the enactment of this Act, the Secretary of Trans-
 19 portation shall establish a program to collect and maintain
 20 data from air carriers on the incidence of sexual assault
 21 and sexual harassment on board aircraft operated in pas-
 22 senger air transportation in a manner that protects the
 23 privacy and confidentiality of individuals subjected to such
 24 assault or harassment.

1 (b) DATA AVAILABILITY.—The Secretary shall make
 2 the data collected and maintained under subsection (a)
 3 available to the public on the primary Internet website of
 4 the Department of Transportation in a manner that pro-
 5 tects the privacy and confidentiality of individuals sub-
 6 jected to sexual assault or sexual harassment on board air-
 7 craft operated in passenger air transportation.

8 **SEC. 5. REPORTING OF INCIDENTS OF SEXUAL ASSAULT**
 9 **AND HARASSMENT ON BOARD AIRCRAFT.**

10 (a) IN GENERAL.—Not later than one year after the
 11 date of the enactment of this Act, the Attorney General
 12 shall establish a streamlined process, based on the rec-
 13 ommendations of the National In-Flight Sexual Assault
 14 Task Force under section 6(c)(3), for reporting incidents
 15 of sexual assault and sexual harassment on board aircraft
 16 operated in passenger air transportation in a manner that
 17 protects the privacy and confidentiality of individuals sub-
 18 jected to such assault or harassment.

19 (b) AVAILABILITY OF REPORTING PROCESS.—The
 20 reporting process established under subsection (a) shall be
 21 made available to the public on the primary Internet
 22 websites of—

23 (1) the Office for Victims of Crime and the Of-
 24 fice on Violence Against Women of the Department
 25 of Justice; and

1 (2) the Department of Transportation.

2 **SEC. 6. NATIONAL IN-FLIGHT SEXUAL ASSAULT TASK**
 3 **FORCE.**

4 (a) ESTABLISHMENT.—Not later than 30 days after
 5 the date of the enactment of this Act, the Secretary of
 6 Transportation shall establish a task force, to be known
 7 as the “National In-Flight Sexual Assault Task Force”.

8 (b) MEMBERSHIP.—The task force established under
 9 subsection (a) shall be composed of representatives of—

10 (1) the Department of Transportation;

11 (2) the Federal Aviation Administration;

12 (3) the Department of Justice, including the
 13 Office for Victims of Crimes and the Office on Vio-
 14 lence Against Women;

15 (4) the Department of Health and Human
 16 Services;

17 (5) national organizations that specialize in pro-
 18 viding services to sexual assault survivors;

19 (6) national organizations that specialize in re-
 20 sponding to and addressing sexual assault and sex-
 21 ual harassment;

22 (7) survivors of sexual assault or sexual harass-
 23 ment on board aircraft;

24 (8) national consumer protection organizations;

25 (9) national travel organizations;

1 (10) labor organizations that represent flight
2 attendants and pilots;

3 (11) State and local law enforcement agencies;

4 (12) airports;

5 (13) air carriers; and

6 (14) such other Federal agencies and stake-
7 holder organizations as the Secretary of Transpor-
8 tation considers appropriate.

9 (c) DUTIES.—The task force established under sub-
10 section (a) shall—

11 (1) review the practices and protocols of air
12 carriers relating to—

13 (A) responding to and addressing sexual
14 assault and sexual harassment on board air-
15 craft operated in passenger air transportation;

16 (B) initial and annual recurrent training
17 programs relating to responding to and ad-
18 dressing such assault and harassment;

19 (C) reporting incidents of such assault and
20 harassment to air carriers, the Department of
21 Transportation, and the Department of Justice;
22 and

23 (D) internal reporting of such incidents be-
24 tween crewmembers and corporate security of
25 the air carrier;

1 (2) identify strengths and weaknesses in such
2 protocols and practices; and

3 (3) not later than 120 days after the date of
4 the enactment of this Act, make recommendations
5 with respect to—

6 (A) best practices and minimum standards
7 for annual, recurrent, and situational training
8 that is trauma-informed under section 44736 of
9 title 49, United States Code, as added by sec-
10 tion 3, including a recommendation with respect
11 to a definition of “trauma-informed” for the
12 purposes of that training; and

13 (B) a streamlined process for reporting in-
14 cidents of sexual assault and sexual harassment
15 on board aircraft operated in passenger air
16 transportation to air carriers, the Department
17 of Transportation, and the Department of Jus-
18 tice, in a manner that protects the privacy and
19 confidentiality of individuals reporting such in-
20 cidents.

21 (d) DEVELOPMENT OF MINIMUM STANDARDS.—Not
22 later than 210 days after the date of the enactment of
23 this Act, the Attorney General, the Secretary of Transpor-
24 tation, and the Administrator of the Federal Aviation Ad-

1 ministration shall, after reviewing the recommendations of
 2 the task force under subsection (c)(3)—

3 (1) establish definitions of “trauma-informed”
 4 and “survivor-centered” for the purposes of the
 5 training required under section 44736 of title 49,
 6 United States Code, as added by section 3; and

7 (2) develop minimum standards for—

8 (A) annual, recurrent, and situational
 9 training that is trauma-informed under section
 10 44736 of title 49, United States Code, as added
 11 by section 3, including with respect to interven-
 12 tion by bystanders; and

13 (B) reporting incidents of sexual assault
 14 and sexual harassment on board aircraft oper-
 15 ated in passenger air transportation to air car-
 16 riers, the Department of Transportation, and
 17 the Department of Justice.

18 (e) TERMINATION.—The Secretary of Transportation
 19 may terminate the task force established under subsection
 20 (a) after the task force has made the recommendations
 21 required by subsection (c)(3).

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