Suspend the Rules and Pass the Bill, H.R. 5139, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2D Session

H. R. 5139

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

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IN THE HOUSE OF REPRESENTATIVES

November 18, 2019

Mr. DeFazio (for himself, Mr. Carson of Indiana, Mrs. Napolitano, Mr. Espaillat, Mr. Payne, Mr. Lowenthal, Mr. Pappas, Ms. Norton, Mr. Huffman, Ms. Johnson of Texas, Mr. Sean Patrick Maloney of New York, Ms. Titus, Mr. Sires, Ms. Brownley of California, Mr. Carrajal, Mr. Larsen of Washington, Mr. Malinowski, Mr. Lynch, and Mrs. Fletcher) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

__________________________________________________________

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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON AIR CARRIERS AND FOREIGN AIR CARRIERS.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“§ 41727. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each air carrier and foreign air carrier transporting passengers for compensation shall issue, in consultation with labor unions representing personnel of the air carrier or foreign air carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

“(b) CONTENTS.—The policy required under subsection (a) shall include—

“(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

“(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—
“(A) appropriate public outreach activities; and

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

“(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

“(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and

“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

“(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

“(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).
“(c) PASSENGER INFORMATION.—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier or foreign air carrier and through the use of appropriate signage, a written statement that—

“(1) advises passengers and personnel that the carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

“(2) informs passengers and personnel of the other major components of the carrier’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

“(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the air carrier or foreign air carrier described in subsection (a) has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:
“(1) PERSONNEL.—The term ‘personnel’ means an employee or contractor of an air carrier or foreign air carrier.

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

“(3) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘transportation sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—

“(A) constitutes sexual assault or sexual harassment; and

“(B) is committed—

“(i) by a passenger or member of personnel of an air carrier or foreign air carrier against another passenger or member of personnel of an air carrier or foreign air carrier; and

“(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft.”.
(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

“41727. Formal sexual assault and harassment policies.”.

SEC. 3. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR CERTAIN MOTOR CARRIERS.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, each covered motor carrier shall issue, in consultation with labor unions representing personnel of the covered motor carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) CONTENTS.—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities;

and

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

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault
or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit, to the extent practicable, future travel with the covered motor carrier by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(c) PASSENGER INFORMATION.—A covered motor carrier shall prominently display, on the internet website of the covered motor carrier and through the use of appropriate signage, a written statement that—

(1) advises passengers that the covered motor carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;
(2) informs passengers and personnel of the
other major components of the covered motor car-
rier’s formal policy, including a statement indicating
that no transportation sexual assault or harassment
incident is acceptable under any circumstance; and
(3) informs passengers of the procedure for re-
porting a transportation sexual assault or harass-
ment incident.
(d) STANDARD OF CARE.—Compliance with the re-
quirements of this section, and any policy issued there-
under, shall not determine whether the covered motor car-
ier has acted with any requisite standard of care.
(e) DEFINITIONS.—In this section:
(1) PERSONNEL.—The term “personnel” means
an employee or contractor of a covered motor car-
ier.
(2) COVERED MOTOR CARRIER.—The term
“covered motor carrier” means a motor carrier of
passengers that—
(A) conducts regularly scheduled intercity
service; and
(B) is a Class I carrier (as that term is
used in section 369.3(a) of title 49, Code of
Federal Regulations).
(3) **Sexual Assault.**—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(4) **Transportation Sexual Assault or Harassment Incident.**—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger or member of personnel of covered motor carrier against another passenger or member of personnel of the covered motor carrier; and

(ii) within a vehicle of the motor carrier or in an area in which passengers are entering or exiting such a vehicle.
SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON PASSENGER COMMUTER AND INTERCITY RAIL.

(a) IN GENERAL.—Chapter 241 of title 49, United States Code, is amended by adding at the end the following:

“§ 24104. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each covered rail entity shall issue, in consultation with labor unions representing personnel with respect to the covered rail entity, a formal policy with respect to transportation sexual assault or harassment incidents.

“(b) CONTENTS.—The policy required under subsection (a) shall include—

“(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

“(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

“(A) appropriate public outreach activities;

and

“(B) confidential phone and internet-based opportunities for reporting;
“(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

“(4) procedures that may limit or prohibit, to the extent practicable, future travel with the covered rail entity by any passenger who causes a transportation sexual assault or harassment incident; and

“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

“(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

“(B) recognizing and responding to potential human trafficking victims.

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

“(1) advises passengers and personnel that the covered rail entity has adopted a formal policy with
respect to transportation sexual assault or harassment incidents;

“(2) informs passengers and personnel of the other major components of the covered rail entity’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

“(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered rail entity has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:

“(1) COVERED RAIL ENTITY.—The term ‘covered rail entity’ means an entity providing commuter rail passenger transportation or intercity rail passenger transportation.

“(2) PERSONNEL.—The term ‘personnel’ means an employee or contractor of a covered rail entity.

“(3) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by
Federal, tribal, or State law, including when the victim lacks capacity to consent.

“(4) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘transportation sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—

“(A) constitutes sexual assault or sexual harassment; and

“(B) is committed—

“(i) by a passenger or member of personnel of covered rail entity against another passenger or member of personnel of the covered rail entity; and

“(ii) within a vehicle of the covered rail entity or in an area in which passengers are entering or exiting such a vehicle.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 241 of title 49, United States Code, is amended by adding at the end the following:

“24104. Formal sexual assault and harassment policies.”.
SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON TRANSIT.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

“§ 5341. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each covered transit entity shall issue, in consultation with labor unions representing personnel with respect to the covered transit entity, a formal policy with respect to transportation sexual assault or harassment incidents.

“(b) CONTENTS.—The policy required under subsection (a) shall include—

“(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

“(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

“(A) appropriate public outreach activities;

and

“(B) confidential phone and internet-based opportunities for reporting;
“(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

“(4) procedures that may limit, to the extent practicable, future travel with the covered transit entity by any passenger who causes a transportation sexual assault or harassment incident; and

“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

“(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

“(B) recognizing and responding to potential human trafficking victims.

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

“(1) advises passengers and personnel that the covered transit entity has adopted a formal policy
with respect to transportation sexual assault or harassment incidents;

“(2) informs passengers and personnel of the other major components of the covered transit entity’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

“(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered transit entity has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:

“(1) COVERED TRANSIT ENTITY.—The term ‘covered transit entity’ means a State or local governmental entity, private nonprofit organization, or Tribe that—

“(A) operates a public transportation service; and

“(B) is a recipient or subrecipient of funds under this chapter.
“(2) PERSONNEL.—The term ‘personnel’ means an employee or contractor of a covered transit entity.

“(3) SEXUAL ASSAULT.—The term ‘sexual assault’ means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

“(4) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term ‘transportation sexual assault or harassment incident’ means the occurrence, or reasonably suspected occurrence, of an act that—

“(A) constitutes sexual assault or sexual harassment; and

“(B) is committed—

“(i) by a passenger or member of personnel of covered transit entity against another passenger or member of personnel of the covered transit entity; and

“(ii) within a vehicle of the covered transit entity or in an area in which passengers are entering or exiting such a vehicle.”.
(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

“5341. Formal sexual assault and harassment policies.”

SEC. 6. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR PASSENGER VESSELS.

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

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

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6)(A) issue a formal policy with respect to sexual assault or harassment incidents that includes—

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

“(ii) procedures that facilitate the reporting of a sexual assault or harassment incident, including—

“(I) appropriate public outreach activities; and

“(II) confidential phone and internet-based opportunities for reporting;
“(iii) procedures that personnel should follow upon the reporting of a sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and how to provide the information and access required under paragraph (5);

“(iv) procedures that may limit or prohibit, to the extent practicable, future travel on the vessel by any passenger who causes a transportation sexual assault or harassment incident; and

“(v) training that is required for all appropriate personnel with respect to the policy required under this paragraph, including—

“(I) specific training for personnel who may receive reports of sexual assault or harassment incidents; and

“(II) recognizing and responding to potential human trafficking victims; and

“(B) prominently display on the internet website of the vessel owner and, through the use of appropriate signage on each vessel, a written statement that—
“(i) advises passengers and crew members that the vessel owner has adopted a formal policy with respect to sexual assault or harassment incidents;

“(ii) informs passengers and personnel of the other major components of the vessel owner’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(iii) informs passengers and crew members of the procedure for reporting a sexual assault or harassment incident; and

“(7) have a formal policy in effect with respect to sexual assault or harassment incidents.”.

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

(c) STANDARD OF CARE.—Compliance with the requirements of the amendments made by this section, and any policy issued thereunder, shall not determine whether
the applicable owner of a vessel covered by such amend-
ments has acted with any requisite standard of care.

(d) DEFINITIONS.—Section 3507(l) of title 46,
United States Code, is amended to read as follows:

“(l) DEFINITIONS.—

“(1) OWNER.—In this section and section
3508, the term ‘owner’ means the owner, charterer,
managing operator, master, or other individual in
charge of a vessel.

“(2) SEXUAL ASSAULT.—The term ‘sexual as-
sault’ means the occurrence of an act that con-
stitutes any nonconsensual sexual act proscribed by
Federal, tribal, or State law, including when the vic-
tim lacks capacity to consent.

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

“(A) constitutes sexual assault or sexual
harassment; and

“(B) is committed—

“(i) by a passenger of a vessel to
which this section applies or a member of
the crew of such a vessel against another
passenger of such vessel or a member of
the crew of such a vessel; and

“(ii) within—

“(I) such a vessel; or

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

(e) IMPLEMENTATION.—Not later than 180 days
after the date of enactment of this Act, the owner of a
vessel to which section 3507 of title 46, United States
Code, applies shall issue the formal policy with respect to
sexual assault or harassment incidents required by the
amendments made by this section.

SEC. 7. CIVIL PENALTIES FOR INTERFERENCE WITH CERT-
TAIN TRANSPORTATION PERSONNEL.

(a) IN GENERAL.—Chapter 805 of title 49, United
States Code, is amended by adding at the end the fol-
lowing:

“§ 80505. Interference with certain transportation
personnel

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

“(1) for calendar years 2020 through 2024, not
more than $35,000;

“(2) for calendar years 2025 through 2029, not
more than $40,000; and

“(3) for calendar year 2030 and thereafter, not
more than $45,000.

“(b) COMPROMISE AND SETOFF.—

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

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

“(c) COVERED ENTITY DEFINED.—In this section,
the term ‘covered entity’ means an entity that is 1 of the
following:

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

“(2) A motor carrier of passengers that—
“(A) conducts regularly scheduled intercity
service; and
“(B) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

“(3) An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of this title).

“(4) The owner of a vessel for which section 3507 of title 46 applies.

“(5) A transportation network company.”.

(b) Clerical Amendment.—The analysis for chapter 805 of title 49, United States Code, is amended by inserting after the item relating to section 80504 the following:

“80505. Interference with certain transportation personnel.”.

(c) Graduated Fines for Interference With Cabin or Flight Crew.—Section 46318(a) of title 49, United States Code, is amended by striking “penalty of not more than $35,000.” and inserting the following:

“penalty of—

“(1) for calendar years 2020 through 2024, not more than $35,000;

“(2) for calendar years 2025 through 2029, not more than $40,000; and

“(3) for calendar year 2030 and thereafter, not more than $45,000.”.
SEC. 8. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR TRANSPORTATION NETWORK COMPANIES AND FOR-HIRE VEHICLE COMPANIES.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, each transportation network company and for-hire vehicle company shall issue, in consultation with labor unions representing TNC drivers of each such transportation network company or FVC drivers of each for-hire vehicle company, if applicable, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) CONTENTS.—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities;

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

(C) TNC personnel or FVC personnel trained to receive reports;

(3) procedures that TNC personnel or FVC personnel should follow upon the reporting of a
transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit or prohibit, to the extent practicable, future use of the transportation network company platform by any passenger or TNC driver, or future use of the for-hire vehicle company service by any passenger or FVC driver, who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for such personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(e) PASSENGER INFORMATION.—A transportation network company or for-hire vehicle company shall prominently display, on the internet website of the company and through the use of appropriate signage, a written statement that—
(1) advises passengers that the transportation network company or for-hire vehicle company has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers, TNC drivers, TNC personnel, FVC drivers, and FVC personnel of the other major components of the transportation network company’s formal policy or the for-hire vehicle company’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers of the procedure for reporting a transportation sexual assault or harassment incident.

(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the transportation network company or for-hire vehicle company has acted with any requisite standard of care.

SEC. 9. DATA COLLECTION.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a program to annually collect and maintain data from each covered entity, or, as appro-
priate, a State or local entity that provides authorized transportation service, on—

(1) the number of transportation sexual assault or harassment incidents reported to the covered entity or State or local entity that provides authorized transportation service, including—

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

(B) the number of incidents committed against personnel or, in the case of a transportation network company or for-hire vehicle company, a TNC driver or a FVC driver, respectively;

(2) the number of transportation sexual assault or harassment incidents reported to law enforcement by personnel of the covered entity or State or local entity that provides authorized transportation services; and

(3) any transportation sexual assault or harassment incidents compiled and maintained under section 3507(g)(4)(A)(i) of title 46, United States Code.

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

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

(1) protects the privacy and confidentiality of
individuals involved in a transportation sexual ass-
ault or harassment incident;

(2) precludes the connection of the data to any
individual covered entity or a State or local entity
that provides authorized transportation service; and

(3) is organized by mode of transportation.

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

SEC. 10. CRIMINAL REPORTING PROCESS.

The Attorney General, in coordination with the Sec-
retary of Transportation, shall expand the process re-
quired to be established under section 339B of the FAA
Reauthorization Act of 2018 (Public Law 115–254) to
provide for a streamlined process for any individuals in-
volved in alleged transportation sexual assault or harass-
ment incidents that constitute a violation of law to report
those allegations to law enforcement in a manner that pro-
tects the privacy and confidentiality of individuals involved
in such allegations and through the same primary internet
websites as provided under subsection (b) of such section, as determined appropriate by the Attorney General.

SEC. 11. INSPECTOR GENERAL REPORT TO CONGRESS.

Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the inspector general of the Department of Transportation shall assess compliance with the provisions of this Act and the amendments made by this Act, including the accuracy of the reporting of transportation sexual assault or harassment incidents by covered entities.

SEC. 12. DEFINITION OF SEXUAL HARASSMENT.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall develop, and publish in the Federal Register, a definition of sexual harassment for purposes of the implementation of this Act and the amendments made by this Act.

(b) Consultation.—In developing the definition under subsection (a), the Secretary shall consult with, and consider input from—

(1) labor unions representing transportation workers employed by covered entities; and

(2) national organizations that specialize in providing services to sexual assault victims.
SEC. 13. DEFINITIONS.

In this Act:

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

(A) An air carrier (as that term is defined in section 40102 of title 49, United States Code) that transports passengers for compensation.

(B) A foreign air carrier (as that term is defined in section 40102 of title 49, United States Code) that transports passengers for compensation.

(C) A State or local governmental entity, private nonprofit organization, or Tribe that—

(i) operates a public transportation service; and

(ii) is a recipient or subrecipient of funds under chapter 53 of title 49, United States Code.

(D) A motor carrier of passengers that—

(i) conducts regularly scheduled intercity service; and

(ii) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).
(E) An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of title 49, United States Code).

(F) The owner of a vessel for which section 3507 of title 46, United States Code, applies.

(G) A transportation network company.

(H) A for-hire vehicle company.

(2) FOR-HIRE VEHICLE COMPANY.—The term “for-hire vehicle company” means an entity that—

(A) provides passenger transportation in a motor vehicle in exchange for compensation; and

(B) is authorized by a State or local government entity as a taxicab service, limousine service, livery service, black car service, sedan service, chauffeur service, or any other similar category of for-hire transportation service.

(3) FVC DRIVER.—The term “FVC driver” means an individual who is employed, contracted by, or otherwise affiliated with a for-hire vehicle company to provide transportation services to the public.

(4) FVC PERSONNEL.—The term “FVC personnel” means an employee or contractor of a cov-
ered for-hire vehicle company, other than a FVC driver.

(5) Sexual Assault.—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(6) TNC Driver.—The term “TNC driver” means an individual who is employed, contracted by, or otherwise affiliated with a transportation network company to provide transportation services (also known as ride-sharing) to the public.

(7) TNC Personnel.—The term “TNC personnel” means an employee or contractor of a covered transportation network company, other than a TNC driver.

(8) Transportation Network Company.—The term “transportation network company”—

(A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and
(B) does not include a shared-expense car-pool or vanpool arrangement that is not in-
tended to generate profit for the driver.

(9) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger, personnel, TNC driver, or FVC driver of a covered entity, against a passenger, personnel, TNC driver, or FVC driver of the covered entity; and

(ii) within—

(I) a vehicle of the covered entity that is transporting passengers, including aircraft, rolling stock, motorcoaches, and ferries; or

(II) an area in which passengers are entering or exiting such a vehicle.
SEC. 14. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.