

116TH CONGRESS
1ST SESSION

H. R. 5139

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

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. CARBAJAL, 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 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. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
2 **CIES ON AIR CARRIERS AND FOREIGN AIR**
3 **CARRIERS.**

4 (a) IN GENERAL.—Chapter 417 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 41727. Formal sexual assault and harassment poli-**
8 **cies**

9 “(a) REQUIREMENT.—Not later than 180 days after
10 the date of enactment of this section, each air carrier and
11 foreign air carrier transporting passengers for compensa-
12 tion shall issue, in consultation with labor unions rep-
13 resenting personnel of the air carrier or foreign air carrier,
14 a formal policy with respect to transportation sexual as-
15 sault 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
22 a transportation sexual assault or harassment inci-
23 dent, including—

24 “(A) appropriate public outreach activities;

25 and

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

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

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

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

17 “(A) specific training for personnel who
18 may receive reports of transportation sexual as-
19 sault or harassment incidents; and

20 “(B) recognizing and responding to poten-
21 tial human trafficking victims, in the same
22 manner as required under section 44734(a)(4).

23 “(c) PASSENGER INFORMATION.—An air carrier or
24 foreign air carrier described in subsection (a) shall promi-
25 nently display, on the internet website of the air carrier

1 or foreign air carrier and through the use of appropriate
2 signage, a written statement that—

3 “(1) advises passengers and personnel that the
4 carrier has adopted a formal policy with respect to
5 transportation sexual assault or harassment inci-
6 dents;

7 “(2) informs passengers and personnel of the
8 other major components of the carrier’s formal pol-
9 icy, including a statement indicating that no trans-
10 portation sexual assault or harassment incident is
11 acceptable under any circumstance; and

12 “(3) informs passengers and personnel of the
13 procedure for reporting a transportation sexual as-
14 sault or harassment incident.

15 “(d) STANDARD OF CARE.—Compliance with the re-
16 quirements of this section, and any policy issued there-
17 under, shall not determine whether the air carrier or for-
18 eign air carrier described in subsection (a) has acted with
19 any requisite standard of care.

20 “(e) DEFINITIONS.—In this section:

21 “(1) PERSONNEL.—The term ‘personnel’ means
22 an employee or contractor of an air carrier or for-
23 eign air carrier.

24 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
25 sault’ means the occurrence of an act that con-

1 stitutes any nonconsensual sexual act proscribed by
2 Federal, tribal, or State law, including when the vic-
3 tim lacks capacity to consent.

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

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

11 “(B) is committed—

12 “(i) by a passenger or member of per-
13 sonnel of an air carrier or foreign air car-
14 rier against another passenger or member
15 of personnel of an air carrier or foreign air
16 carrier; and

17 “(ii) within an aircraft or in an area
18 in which passengers are entering or exiting
19 an aircraft.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 417 of title 49, United States Code, is amended by
22 adding at the end the following:

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

1 **SEC. 3. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
2 **CIES FOR CERTAIN MOTOR CARRIERS.**

3 (a) REQUIREMENT.—Not later than 180 days after
4 the date of enactment of this Act, each covered motor car-
5 rier shall issue, in consultation with labor unions rep-
6 resenting personnel of the covered motor carrier, a formal
7 policy with respect to transportation sexual assault or har-
8 assment incidents.

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

11 (1) a statement indicating that no transpor-
12 tation sexual assault or harassment incident is ac-
13 ceptable under any circumstance;

14 (2) procedures that facilitate the reporting of a
15 transportation sexual assault or harassment inci-
16 dent, including—

17 (A) appropriate public outreach activities;
18 and

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

21 (3) procedures that personnel should follow
22 upon the reporting of a transportation sexual assault
23 or harassment incident, including actions to protect
24 affected individuals from continued sexual assault or
25 harassment and to notify law enforcement when ap-
26 propriate;

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

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

8 (A) specific training for personnel who
9 may receive reports of transportation sexual as-
10 sault or harassment incidents; and

11 (B) recognizing and responding to poten-
12 tial human trafficking victims.

13 (c) PASSENGER INFORMATION.—A covered motor
14 carrier shall prominently display, on the internet website
15 of the covered motor carrier and through the use of appro-
16 priate signage, a written statement that—

17 (1) advises passengers that the covered motor
18 carrier has adopted a formal policy with respect to
19 transportation sexual assault or harassment inci-
20 dents;

21 (2) informs passengers and personnel of the
22 other major components of the covered motor car-
23 rier’s formal policy, including a statement indicating
24 that no transportation sexual assault or harassment
25 incident is acceptable under any circumstance; and

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

4 (d) STANDARD OF CARE.—Compliance with the re-
5 quirements of this section, and any policy issued there-
6 under, shall not determine whether the covered motor car-
7 rier has acted with any requisite standard of care.

8 (e) DEFINITIONS.—In this section:

9 (1) PERSONNEL.—The term “personnel” means
10 an employee or contractor of a covered motor car-
11 rier.

12 (2) COVERED MOTOR CARRIER.—The term
13 “covered motor carrier” means a motor carrier of
14 passengers that—

15 (A) conducts regularly scheduled intercity
16 service; and

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

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

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

6 (A) constitutes sexual assault or sexual
 7 harassment; and

8 (B) is committed—

9 (i) by a passenger or member of per-
 10 sonnel of covered motor carrier against an-
 11 other passenger or member of personnel of
 12 the covered motor carrier; and

13 (ii) within a vehicle of the motor car-
 14 rier or in an area in which passengers are
 15 entering or exiting such a vehicle.

16 **SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
 17 **CIES ON PASSENGER COMMUTER AND INTER-**
 18 **CITY RAIL.**

19 (a) IN GENERAL.—Chapter 241 of title 49, United
 20 States Code, is amended by adding at the end the fol-
 21 lowing:

22 **“§ 24104. Formal sexual assault and harassment poli-**
 23 **cies**

24 “(a) REQUIREMENT.—Not later than 180 days after
 25 the date of enactment of this section, each covered rail

1 entity shall issue, in consultation with labor unions rep-
2 resenting personnel with respect to the covered rail entity,
3 a formal policy with respect to transportation sexual as-
4 sault or harassment incidents.

5 “(b) CONTENTS.—The policy required under sub-
6 section (a) shall include—

7 “(1) a statement indicating that no transpor-
8 tation sexual assault or harassment incident is ac-
9 ceptable under any circumstance;

10 “(2) procedures that facilitate the reporting of
11 a transportation sexual assault or harassment inci-
12 dent, including—

13 “(A) appropriate public outreach activities;
14 and

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

17 “(3) procedures that personnel should follow
18 upon the reporting of a transportation sexual assault
19 or harassment incident, including actions to protect
20 affected individuals from continued sexual assault or
21 harassment and to notify law enforcement when ap-
22 propriate;

23 “(4) procedures that may limit or prohibit, to
24 the extent practicable, future travel with the covered

1 rail entity by any passenger who causes a transpor-
2 tation sexual assault or harassment incident; and

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

6 “(A) specific training for personnel who
7 may receive reports of transportation sexual as-
8 sault or harassment incidents; and

9 “(B) recognizing and responding to poten-
10 tial human trafficking victims.

11 “(c) PASSENGER INFORMATION.—A covered rail enti-
12 ty shall prominently display, on the internet website of the
13 entity and through the use of appropriate signage, a writ-
14 ten statement that—

15 “(1) advises passengers and personnel that the
16 covered rail entity has adopted a formal policy with
17 respect to transportation sexual assault or harass-
18 ment incidents;

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

1 “(3) informs passengers and personnel of the
2 procedure for reporting a transportation sexual as-
3 sault or harassment incident.

4 “(d) STANDARD OF CARE.—Compliance with the re-
5 quirements of this section, and any policy issued there-
6 under, shall not determine whether the covered rail entity
7 has acted with any requisite standard of care.

8 “(e) DEFINITIONS.—In this section:

9 “(1) COVERED RAIL ENTITY.—The term ‘cov-
10 ered rail entity’ means an entity providing commuter
11 rail passenger transportation or intercity rail pas-
12 senger transportation.

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

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

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

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

3 “(B) is committed—

4 “(i) by a passenger or member of per-
5 sonnel of covered rail entity against an-
6 other passenger or member of personnel of
7 the covered rail entity; and

8 “(ii) within a vehicle of the covered
9 rail entity or in an area in which pas-
10 sengers are entering or exiting such a vehi-
11 cle.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 241 of title 49, United States Code, is amended by
14 adding at the end the following:

“24104. Formal sexual assault and harassment policies.”.

15 **SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
16 **CIES ON TRANSIT.**

17 (a) IN GENERAL.—Chapter 53 of title 49, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 5341. Formal sexual assault and harassment poli-**
21 **cies**

22 “(a) REQUIREMENT.—Not later than 180 days after
23 the date of enactment of this section, each recipient of
24 Federal funds under this chapter operating vehicles shall
25 issue, in consultation with labor unions representing per-

1 sonnel with respect to the recipient, a formal policy with
2 respect to transportation sexual assault or harassment in-
3 cidents.

4 “(b) CONTENTS.—The policy required under sub-
5 section (a) shall include—

6 “(1) a statement indicating that no transpor-
7 tation sexual assault or harassment incident is ac-
8 ceptable under any circumstance;

9 “(2) procedures that facilitate the reporting of
10 a transportation sexual assault or harassment inci-
11 dent, including—

12 “(A) appropriate public outreach activities;

13 and

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

16 “(3) procedures that personnel should follow
17 upon the reporting of a transportation sexual assault
18 or harassment incident, including actions to protect
19 affected individuals from continued sexual assault or
20 harassment and to notify law enforcement when ap-
21 propriate;

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

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

4 “(A) specific training for personnel who
5 may receive reports of transportation sexual as-
6 sult or harassment incidents; and

7 “(B) recognizing and responding to poten-
8 tial human trafficking victims.

9 “(c) PASSENGER INFORMATION.—A recipient entity
10 shall prominently display, on the internet website of the
11 entity and through the use of appropriate signage, a writ-
12 ten statement that—

13 “(1) advises passengers and personnel that the
14 recipient entity has adopted a formal policy with re-
15 spect to transportation sexual assault or harassment
16 incidents;

17 “(2) informs passengers and personnel of the
18 other major components of the recipient entity’s for-
19 mal policy, including a statement indicating that no
20 transportation sexual assault or harassment incident
21 is acceptable under any circumstance; and

22 “(3) informs passengers and personnel of the
23 procedure for reporting a transportation sexual as-
24 sult or harassment incident.

1 “(d) STANDARD OF CARE.—Compliance with the re-
2 quirements of this section, and any policy issued there-
3 under, shall not determine whether the recipient entity has
4 acted with any requisite standard of care.

5 “(e) DEFINITIONS.—In this section:

6 “(1) PERSONNEL.—The term ‘personnel’ means
7 an employee or contractor of a recipient of Federal
8 funds under this chapter.

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

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

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

21 “(B) is committed—

22 “(i) by a passenger or member of per-
23 sonnel of recipient entity against another
24 passenger or member of personnel of the
25 recipient entity; and

1 “(ii) within a vehicle of the recipient
2 entity or in an area in which passengers
3 are entering or exiting such a vehicle.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 53 of title 49, United States Code, is amended by add-
6 ing at the end the following:

“5341. Formal sexual assault and harassment policies.”.

7 **SEC. 6. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
8 **CIES FOR PASSENGER VESSELS.**

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

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

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

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

16 “(6)(A) issue a formal policy with respect to
17 sexual assault or harassment incidents that in-
18 cludes—

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

22 “(ii) procedures that facilitate the report-
23 ing of a sexual assault or harassment incident,
24 including—

1 “(I) appropriate public outreach ac-
2 tivities; and

3 “(II) confidential phone and internet-
4 based opportunities for reporting;

5 “(iii) procedures that personnel should fol-
6 low upon the reporting of a sexual assault or
7 harassment incident, including actions to pro-
8 tect affected individuals from continued sexual
9 assault or harassment and how to provide the
10 information and access required under para-
11 graph (5);

12 “(iv) procedures that may limit or prohibit,
13 to the extent practicable, future travel on the
14 vessel by any passenger who causes a transpor-
15 tation sexual assault or harassment incident;
16 and

17 “(v) training that is required for all appro-
18 priate personnel with respect to the policy re-
19 quired under this paragraph, including—

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

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

1 “(B) prominently display on the internet
2 website of the vessel owner and, through the use of
3 appropriate signage on each vessel, a written state-
4 ment that—

5 “(i) advises passengers and crew members
6 that the vessel owner has adopted a formal pol-
7 icy with respect to sexual assault or harassment
8 incidents;

9 “(ii) informs passengers and personnel of
10 the other major components of the vessel own-
11 er’s formal policy, including a statement indi-
12 cating that no transportation sexual assault or
13 harassment incident is acceptable under any
14 circumstance; and

15 “(iii) informs passengers and crew mem-
16 bers of the procedure for reporting a sexual as-
17 sult or harassment incident; and

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

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

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

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

8 “(1) DEFINITIONS.—

9 “(1) OWNER.—In this section and section
10 3508, the term ‘owner’ means the owner, charterer,
11 managing operator, master, or other individual in
12 charge of a vessel.

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

18 “(3) SEXUAL ASSAULT OR HARASSMENT INCI-
19 DENT.—The term ‘sexual assault or harassment inci-
20 dent’ means the occurrence, or reasonably sus-
21 pected occurrence, of an act that—

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

24 “(B) is committed—

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

6 “(ii) within—

7 “(I) such a vessel; or

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

10 (e) MAINTENANCE AND PLACEMENT OF VIDEO SUR-
11 VEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46,
12 United States Code, is amended—

13 (1) by striking “The owner” and inserting the
14 following:

15 “(A) IN GENERAL.—The owner”;

16 (2) by striking “, as determined by the Sec-
17 retary”; and

18 (3) by adding at the end, the following:

19 “(B) PLACEMENT OF VIDEO SURVEIL-
20 LANCE EQUIPMENT.—With regard to the place-
21 ment of video surveillance equipment on a ves-
22 sel under subparagraph (A), the owner shall—

23 “(i) place video surveillance equipment
24 in each passenger common area where a

1 person has no reasonable expectation of
2 privacy;

3 “(ii) place video surveillance equip-
4 ment in other areas where a person has no
5 reasonable expectation of privacy; and

6 “(iii) place video surveillance equip-
7 ment in each area identified under clause
8 (i) or (ii) in a manner that provides opti-
9 mum surveillance of that area.”.

10 (f) NOTICE OF VIDEO SURVEILLANCE.—Section
11 3507(b), of title 46, United States Code, is further amend-
12 ed by inserting after paragraph (1) the following:

13 “(2) NOTICE OF VIDEO SURVEILLANCE.—The
14 owner of a vessel to which this section applies shall
15 provide clear and conspicuous signs on board the
16 vessel notifying the public of the presence of video
17 surveillance equipment.”.

18 (g) ACCESS TO VIDEO RECORDS.—Section 3507(b),
19 of title 46, United States Code, is further amended—

20 (1) by redesignating paragraph (2) as para-
21 graph (3); and

22 (2) in paragraph (3), as so redesignated—

23 (A) by striking “The owner” and inserting
24 the following:

1 “(A) LAW ENFORCEMENT.—The owner”;
2 and

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

4 “(B) CIVIL ACTIONS.—The owner of a ves-
5 sel to which this section applies shall provide to
6 any individual or the individual’s legal rep-
7 resentative, upon written request, a copy of all
8 records of video surveillance—

9 “(i) in which the individual is a sub-
10 ject of the video surveillance; and

11 “(ii) that may provide evidence in a
12 civil action.

13 “(C) LIMITED ACCESS.—The owner of a
14 vessel to which this section applies shall ensure
15 that access to records of video surveillance is
16 limited to the purposes described in this para-
17 graph.”.

18 (h) RETENTION REQUIREMENTS.—Section 3507(b),
19 of title 46, United States Code, is further amended by
20 adding at the end the following:

21 “(4) RETENTION REQUIREMENTS.—

22 “(A) IN GENERAL.—The owner of a vessel
23 to which this section applies shall retain all
24 records of video surveillance for a voyage for
25 not less than 90 days after the completion of

1 the voyage. If an incident described in sub-
2 section (g)(3)(A)(i) is alleged and reported to
3 law enforcement, all records of video surveil-
4 lance from the voyage that the Federal Bureau
5 of Investigation determines are relevant shall—

6 “(i) be provided to the Federal Bu-
7 reau of Investigation; and

8 “(ii) be preserved by the vessel owner
9 for not less than 5 years from the date of
10 the alleged incident.

11 “(B) INTERIM STANDARDS.—Not later
12 than 180 days after the date of enactment of
13 the Stop Sexual Assault and Harassment in
14 Transportation Act, the Commandant, in con-
15 sultation with the Federal Bureau of Investiga-
16 tion, shall promulgate interim standards for the
17 retention of records of video surveillance.

18 “(C) FINAL STANDARDS.—Not later than
19 1 year after the date of enactment of the Stop
20 Sexual Assault and Harassment in Transpor-
21 tation Act, the Commandant, in consultation
22 with the Federal Bureau of Investigation, shall
23 promulgate final standards for the retention of
24 records of video surveillance.

1 “(D) CONSIDERATIONS.—In promulgating
2 standards under subparagraphs (B) and (C),
3 the Commandant shall—

4 “(i) consider factors that would aid in
5 the investigation of serious crimes, includ-
6 ing crimes that go unreported until after
7 the completion of a voyage;

8 “(ii) consider the different types of
9 video surveillance systems and storage re-
10 quirements in creating standards both for
11 vessels currently in operation and for ves-
12 sels newly built;

13 “(iii) consider privacy, including
14 standards for permissible access to and
15 monitoring and use of the records of video
16 surveillance; and

17 “(iv) consider technological advance-
18 ments, including requirements to update
19 technology.”.

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

1 **SEC. 7. CIVIL PENALTIES FOR INTERFERENCE WITH CER-**
2 **TAIN TRANSPORTATION PERSONNEL.**

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

6 **“§ 80505. Interference with certain transportation**
7 **personnel**

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

16 “(1) for calendar years 2019 through 2024, not
17 more than \$35,000;

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

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

22 “(b) COMPROMISE AND SETOFF.—

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

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

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

8 “(1) A recipient of Federal funds under chapter
9 53 of this title.

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

11 “(A) conducts regularly scheduled intercity
12 service; and

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

16 “(3) An entity providing commuter rail pas-
17 senger transportation or intercity rail passenger
18 transportation (as those terms are defined in section
19 24102 of this title).

20 “(4) The owner of a vessel for which section
21 3507 of title 46 applies.

22 “(5) A transportation network company.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 805 of title 49, United States Code, is amended by

1 inserting after the item relating to section 80504 the fol-
2 lowing:

“80505. Interference with certain transportation personnel.”.

3 (c) GRADUATED FINES FOR INTERFERENCE WITH
4 CABIN OR FLIGHT CREW.—Section 46318(a) of title 49,
5 United States Code, is amended by striking “penalty of
6 not more than \$35,000.” and inserting the following:
7 “penalty of—

8 “(1) for calendar years 2019 through 2024, not
9 more than \$35,000;

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

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

14 **SEC. 8. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
15 **CIES FOR TRANSPORTATION NETWORK COM-**
16 **PANIES.**

17 (a) REQUIREMENT.—Not later than 180 days after
18 the date of enactment of this Act, each transportation net-
19 work company shall issue, in consultation with labor
20 unions representing TNC drivers of each such transpor-
21 tation network company, if applicable, a formal policy with
22 respect to transportation sexual assault or harassment in-
23 cidents.

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

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

4 (2) procedures that facilitate the reporting of a
5 transportation sexual assault or harassment inci-
6 dent, including—

7 (A) appropriate public outreach activities;

8 and

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

11 (3) procedures that TNC personnel should fol-
12 low upon the reporting of a transportation sexual as-
13 sault or harassment incident, including actions to
14 protect affected individuals from continued sexual
15 assault or harassment and to notify law enforcement
16 when appropriate;

17 (4) procedures that may limit or prohibit, to the
18 extent practicable, future use of the transportation
19 network company platform by any passenger or
20 TNC driver who causes a transportation sexual as-
21 sault or harassment incident; and

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

1 (A) specific training for such personnel
2 who may receive reports of transportation sex-
3 ual assault or harassment incidents; and

4 (B) recognizing and responding to poten-
5 tial human trafficking victims.

6 (c) PASSENGER INFORMATION.—A transportation
7 network company shall prominently display, on the inter-
8 net website of the company and through the use of appro-
9 priate signage, a written statement that—

10 (1) advises passengers that the transportation
11 network company has adopted a formal policy with
12 respect to transportation sexual assault or harass-
13 ment incidents;

14 (2) informs passengers, TNC drivers, and TNC
15 personnel of the other major components of the
16 transportation network company’s formal policy, in-
17 cluding a statement indicating that no transpor-
18 tation sexual assault or harassment incident is ac-
19 ceptable under any circumstance; and

20 (3) informs passengers of the procedure for re-
21 porting a transportation sexual assault or harass-
22 ment incident.

23 (d) STANDARD OF CARE.—Compliance with the re-
24 quirements of this section, and any policy issued there-
25 under, shall not determine whether the transportation net-

1 work company has acted with any requisite standard of
2 care.

3 **SEC. 9. DATA COLLECTION.**

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

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

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

13 (B) the number of incidents committed
14 against personnel or, in the case of a TNC, a
15 TNC driver;

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

19 (3) any transportation sexual assault or harass-
20 ment incidents compiled and maintained under sec-
21 tion 3507(g)(4)(A)(i) of title 46, United States
22 Code.

23 (b) DATA AVAILABILITY.—Subject to subsection (c),
24 the Secretary shall make available to the public on the
25 primary internet website of the Department of Transpor-

1 tation the data collected and maintained under subsection
2 (a).

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

5 (1) protects the privacy and confidentiality of
6 individuals involved in a transportation sexual as-
7 sult or harassment incident;

8 (2) precludes the connection of the data to any
9 individual covered entity; and

10 (3) is organized by mode of transportation.

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

14 **SEC. 10. CRIMINAL REPORTING PROCESS.**

15 The Attorney General, in coordination with the Sec-
16 retary of Transportation, shall expand the process re-
17 quired to be established under section 339B of the FAA
18 Reauthorization Act of 2018 (Public Law 115–254) to
19 provide for a streamlined process for any individuals in-
20 volved in alleged transportation sexual assault or harass-
21 ment incidents that constitute a violation of law to report
22 those allegations to law enforcement in a manner that pro-
23 tects the privacy and confidentiality of individuals involved
24 in such allegations and through the same primary internet

1 websites as provided under subsection (b) of such section,
2 as determined appropriate by the Attorney General.

3 **SEC. 11. INSPECTOR GENERAL REPORT TO CONGRESS.**

4 Not later than 18 months after the date of enactment
5 of this Act, and every 2 years thereafter, the inspector
6 general of the Department of Transportation shall assess
7 compliance with the provisions of this Act and the amend-
8 ments made by this Act, including the accuracy of the re-
9 porting of transportation sexual assault or harassment in-
10 cidents by covered entities.

11 **SEC. 12. DEFINITION OF SEXUAL HARASSMENT.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation shall develop, and publish in the Federal Register,
15 a definition of sexual harassment for purposes of the im-
16 plementation of this Act and the amendments made by
17 this Act.

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

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

23 (2) national organizations that specialize in pro-
24 viding services to sexual assault victims.

1 **SEC. 13. DEFINITIONS.**

2 In this Act:

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) that transports passengers for compensa-
8 tion.

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

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

15 (D) A motor carrier of passengers that—

16 (i) conducts regularly scheduled inter-
17 city service; and

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

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

25 (F) The owner of a vessel for which section
26 3507 of title 46, United States Code, applies.

1 (G) A transportation network company.

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

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

12 (4) TNC PERSONNEL.—The term “TNC per-
13 sonnel” means an employee or contractor of a cov-
14 ered transportation network company, other than a
15 TNC driver.

16 (5) TRANSPORTATION NETWORK COMPANY.—
17 The term “transportation network company”—

18 (A) means a corporation, partnership, sole
19 proprietorship, or other entity, that uses a dig-
20 ital network to connect riders to drivers affili-
21 ated with the entity in order for the driver to
22 transport the rider using a vehicle owned,
23 leased, or otherwise authorized for use by the
24 driver to a point chosen by the rider; and

1 (B) does not include a shared-expense car-
2 pool or vanpool arrangement that is not in-
3 tended to generate profit for the driver.

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

9 (A) constitutes sexual assault or sexual
10 harassment; and

11 (B) is committed—

12 (i) by a passenger or a member of the
13 personnel of a covered entity, or in the
14 case of a TNC, a TNC driver of the cov-
15 ered entity, against another passenger or
16 member of personnel or TNC driver of the
17 covered entity; and

18 (ii) within—

19 (I) a vehicle of the covered entity
20 that is transporting passengers, in-
21 cluding aircraft, rolling stock,
22 motorcoaches, and ferries; or

23 (II) an area in which passengers
24 are entering or exiting such a vehicle.

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