

# Union Calendar No. 371

116TH CONGRESS  
2D SESSION

# H. R. 5139

**[Report No. 116–463, Part I]**

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. 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

JULY 29, 2020

Additional sponsors: Mr. COHEN, Ms. WILSON of Florida, Mr. LIPINSKI, Ms. FINKENAUER, Ms. PLASKETT, Ms. KUSTER of New Hampshire, Mr. DESAULNIER, and Mrs. LAWRENCE

JULY 29, 2020

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 29, 2020

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on November 18, 2019]

# **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 and*  
5 *Harassment in Transportation Act”.*

6 **SEC. 2. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**  
7 **CIES ON AIR CARRIERS AND FOREIGN AIR**  
8 **CARRIERS.**

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

11 **“§ 41727. Formal sexual assault and harassment poli-**  
12 **cies**

13 *“(a) REQUIREMENT.—Not later than 180 days after*  
14 *the date of enactment of this section, each air carrier and*  
15 *foreign air carrier transporting passengers for compensa-*  
16 *tion shall issue, in consultation with labor unions rep-*  
17 *resenting personnel of the air carrier or foreign air carrier,*  
18 *a formal policy with respect to transportation sexual as-*  
19 *sault or harassment incidents.*

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

22 *“(1) a statement indicating that no transpor-*  
23 *tation sexual assault or harassment incident is ac-*  
24 *ceptable under any circumstance;*

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

4                   “(A) appropriate public outreach activities;

5                   *and*

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

8           “(3) procedures that personnel should follow  
9           *upon the reporting of a transportation sexual assault*  
10           *or harassment incident, including actions to protect*  
11           *affected individuals from continued sexual assault or*  
12           *harassment and to notify law enforcement when ap-*  
13           *propriate;*

14           “(4) procedures that may limit or prohibit, to  
15           *the extent practicable, future travel with the air car-*  
16           *rier or foreign air carrier by any passenger who*  
17           *causes a transportation sexual assault or harassment*  
18           *incident; and*

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

22                   “(A) specific training for personnel who  
23                   *may receive reports of transportation sexual as-*  
24                   *sault or harassment incidents; and*

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

4           “(c) *PASSENGER INFORMATION*.—An air carrier or  
5 foreign air carrier described in subsection (a) shall promi-  
6 nently display, on the internet website of the air carrier  
7 or foreign air carrier and through the use of appropriate  
8 signage, a written statement that—

9           “(1) advises passengers and personnel that the  
10 carrier has adopted a formal policy with respect to  
11 transportation sexual assault or harassment inci-  
12 dents;

13           “(2) informs passengers and personnel of the  
14 other major components of the carrier’s formal policy,  
15 including a statement indicating that no transpor-  
16 tation sexual assault or harassment incident is ac-  
17 ceptable under any circumstance; and

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

21           “(d) *STANDARD OF CARE*.—Compliance with the re-  
22 quirements of this section, and any policy issued there-  
23 under, shall not determine whether the air carrier or foreign  
24 air carrier described in subsection (a) has acted with any  
25 requisite standard of care.

1 “(e) *DEFINITIONS.—In this section:*

2 “(1) *PERSONNEL.—The term ‘personnel’ means*  
3 *an employee or contractor of an air carrier or foreign*  
4 *air carrier.*

5 “(2) *SEXUAL ASSAULT.—The term ‘sexual as-*  
6 *sault’ means the occurrence of an act that constitutes*  
7 *any nonconsensual sexual act proscribed by Federal,*  
8 *tribal, or State law, including when the victim lacks*  
9 *capacity to consent.*

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

15 “(A) *constitutes sexual assault or sexual*  
16 *harassment; and*

17 “(B) *is committed—*

18 “(i) *by a passenger or member of per-*  
19 *sonnel of an air carrier or foreign air car-*  
20 *rier against another passenger or member of*  
21 *personnel of an air carrier or foreign air*  
22 *carrier; and*

23 “(ii) *within an aircraft or in an area*  
24 *in which passengers are entering or exiting*  
25 *an aircraft.”.*

1           (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
2 *417 of title 49, United States Code, is amended by adding*  
3 *at the end the following:*

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

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

6           (a) *REQUIREMENT.*—*Not later than 180 days after the*  
7 *date of enactment of this Act, each covered motor carrier*  
8 *shall issue, in consultation with labor unions representing*  
9 *personnel of the covered motor carrier, a formal policy with*  
10 *respect to transportation sexual assault or harassment inci-*  
11 *dents.*

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

14                   (1) *a statement indicating that no transpor-*  
15 *tation sexual assault or harassment incident is ac-*  
16 *ceptable under any circumstance;*

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

20                           (A) *appropriate public outreach activities;*

21                           *and*

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

24                   (3) *procedures that personnel should follow upon*  
25 *the reporting of a transportation sexual assault or*

1 *harassment incident, including actions to protect af-*  
2 *ected individuals from continued sexual assault or*  
3 *harassment and to notify law enforcement when ap-*  
4 *propriate;*

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

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

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

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

17 (c) *PASSENGER INFORMATION.—A covered motor car-*  
18 *rier shall prominently display, on the internet website of*  
19 *the covered motor carrier and through the use of appro-*  
20 *priate signage, a written statement that—*

21 (1) *advises passengers that the covered motor*  
22 *carrier has adopted a formal policy with respect to*  
23 *transportation sexual assault or harassment inci-*  
24 *dents;*

1           (2) *informs passengers and personnel of the other*  
2           *major components of the covered motor carrier’s for-*  
3           *mal policy, including a statement indicating that no*  
4           *transportation sexual assault or harassment incident*  
5           *is acceptable under any circumstance; and*

6           (3) *informs passengers of the procedure for re-*  
7           *porting a transportation sexual assault or harassment*  
8           *incident.*

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

13          (e) *DEFINITIONS.—In this section:*

14               (1) *PERSONNEL.—The term “personnel” means*  
15               *an employee or contractor of a covered motor carrier.*

16               (2) *COVERED MOTOR CARRIER.—The term “cov-*  
17               *ered motor carrier” means a motor carrier of pas-*  
18               *sengers that—*

19                       (A) *conducts regularly scheduled intercity*  
20                       *service; and*

21                       (B) *is a Class I carrier (as that term is*  
22                       *used in section 369.3(a) of title 49, Code of Fed-*  
23                       *eral Regulations).*

24               (3) *SEXUAL ASSAULT.—The term “sexual as-*  
25               *sault” means the occurrence of an act that constitutes*

1        *any nonconsensual sexual act proscribed by Federal,*  
 2        *tribal, or State law, including when the victim lacks*  
 3        *capacity to consent.*

4            (4) *TRANSPORTATION SEXUAL ASSAULT OR HAR-*  
 5        *ASSMENT INCIDENT.—The term “transportation sex-*  
 6        *ual assault or harassment incident” means the occur-*  
 7        *rence, or reasonably suspected occurrence, of an act*  
 8        *that—*

9            (A) *constitutes sexual assault or sexual har-*  
 10        *assment; and*

11            (B) *is committed—*

12            (i) *by a passenger or member of per-*  
 13        *sonnel of covered motor carrier against an-*  
 14        *other passenger or member of personnel of*  
 15        *the covered motor carrier; and*

16            (ii) *within a vehicle of the motor car-*  
 17        *rier or in an area in which passengers are*  
 18        *entering or exiting such a vehicle.*

19        **SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**  
 20        **CIES ON PASSENGER COMMUTER AND INTER-**  
 21        **CITY RAIL.**

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

1 **“§24104. Formal sexual assault and harassment poli-**  
2 **cies**

3 “(a) *REQUIREMENT.*—Not later than 180 days after  
4 the date of enactment of this section, each covered rail entity  
5 shall issue, in consultation with labor unions representing  
6 personnel with respect to the covered rail entity, a formal  
7 policy with respect to transportation sexual assault or har-  
8 assment incidents.

9 “(b) *CONTENTS.*—The policy required under subsection  
10 (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 incident,  
16 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 or prohibit, to  
2           the extent practicable, future travel with the covered  
3           rail entity by any passenger who causes a transpor-  
4           tation 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 rail entity  
14           shall prominently display, on the internet website of the en-  
15           tity and through the use of appropriate signage, a written  
16           statement that—

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

21                   “(2) informs passengers and personnel of the  
22                   other major components of the covered rail entity’s  
23                   formal policy, including a statement indicating that  
24                   no transportation sexual assault or harassment inci-  
25                   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 ‘covered*  
10           *rail entity’ means an entity providing commuter rail*  
11           *passenger transportation or intercity rail passenger*  
12           *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 constitutes*  
17           *any nonconsensual sexual act proscribed by Federal,*  
18           *tribal, or State law, including when the victim lacks*  
19           *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 another  
6 passenger or member of personnel of the cov-  
7 ered 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 chapter  
13 241 of title 49, United States Code, is amended by adding  
14 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 following:

19 **“§5341. Formal sexual assault and harassment poli-**  
20 **cies**

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

1 *with respect to the recipient, a formal policy with respect*  
2 *to transportation sexual assault or harassment incidents.*

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

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

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

11 “(A) *appropriate public outreach activities;*  
12 *and*

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

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

21 “(4) *procedures that may limit, to the extent*  
22 *practicable, future travel with the recipient entity by*  
23 *any passenger who causes a transportation sexual as-*  
24 *sault 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                   sault 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 en-  
11          tity and through the use of appropriate signage, a written  
12          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                   sault 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 constitutes  
11       any nonconsensual sexual act proscribed by Federal,  
12       tribal, or State law, including when the victim lacks  
13       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 re-  
25       cipient entity; and

1                   “(i) *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 chapter*  
 5 *53 of title 49, United States Code, is amended by adding*  
 6 *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, United*  
 10 *States Code, is amended—*

11                   (1) *in paragraph (4), by striking “and” after the*  
 12 *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 sex-*  
 17 *ual assault or harassment incidents that includes—*

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

21                                 “(ii) *procedures that facilitate the reporting*  
 22 *of a sexual assault or harassment incident, in-*  
 23 *cluding—*

24   “(I) *appropriate public outreach ac-*  
 25 *tivities; and*

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

3                   “(iii) procedures that personnel should fol-  
4                   low upon the reporting of a sexual assault or  
5                   harassment incident, including actions to protect  
6                   affected individuals from continued sexual as-  
7                   sault or harassment and how to provide the in-  
8                   formation and access required under paragraph  
9                   (5);

10                  “(iv) procedures that may limit or prohibit,  
11                  to the extent practicable, future travel on the ves-  
12                  sel by any passenger who causes a transportation  
13                  sexual assault or harassment incident; and

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

17                         “(I) specific training for personnel who  
18                         may receive reports of sexual assault or har-  
19                         assment incidents; and

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

22                         “(B) prominently display on the internet website  
23                         of the vessel owner and, through the use of appro-  
24                         priate signage on each vessel, a written statement  
25                         that—

1           “(i) advises passengers and crew members  
2           that the vessel owner has adopted a formal policy  
3           with respect to sexual assault or harassment in-  
4           cidents;

5           “(ii) informs passengers and personnel of  
6           the other major components of the vessel owner’s  
7           formal policy, including a statement indicating  
8           that no transportation sexual assault or harass-  
9           ment incident is acceptable under any cir-  
10          cumstance; and

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

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

16          (b)        REPORTING        REQUIREMENT.—Section  
17          3507(g)(3)(A)(i) of title 46, United States Code, is amended  
18          by inserting “any sexual assault or harassment incident (as  
19          that term is defined in subsection (l) of this section) that  
20          constitutes a violation of law,” after “title 18 applies,”.

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

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

3           “(l) *DEFINITIONS.*—

4                   “(1) *OWNER.*—In this section and section 3508,  
5 the term ‘owner’ means the owner, charterer, man-  
6 aging operator, master, or other individual in charge  
7 of a vessel.

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

13                   “(3) *SEXUAL ASSAULT OR HARASSMENT INCI-*  
14 *DENT.*—The term ‘sexual assault or harassment inci-  
15 dent’ means the occurrence, or reasonably suspected  
16 occurrence, of an act that—

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

19                           “(B) is committed—

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

25                                   “(ii) within—

1                                   “(I) such a vessel; or  
2                                   “(II) an area in which passengers  
3                                   are entering or exiting such a vessel.”.

4           (e) *MAINTENANCE AND PLACEMENT OF VIDEO SUR-*  
5 *VEILLANCE EQUIPMENT.*—Section 3507(b)(1) of title 46,  
6 *United States Code, is amended—*

7                   (1) *by striking “The owner” and inserting the*  
8 *following:*

9                                   “(A) *IN GENERAL.*—*The owner*”;

10                   (2) *by striking “, as determined by the Sec-*  
11 *retary*”; and

12                   (3) *by adding at the end, the following:*

13                                   “(B) *PLACEMENT OF VIDEO SURVEILLANCE*  
14 *EQUIPMENT.*—*With regard to the placement of*  
15 *video surveillance equipment on a vessel under*  
16 *subparagraph (A), the owner shall—*

17                                   “(i) *place video surveillance equipment*  
18 *in each passenger common area where a*  
19 *person has no reasonable expectation of pri-*  
20 *vac*y;”

21                                   “(ii) *place video surveillance equip-*  
22 *ment in other areas where a person has no*  
23 *reasonable expectation of privacy; and*

24                                   “(iii) *place video surveillance equip-*  
25 *ment in each area identified under clause*

1                   *(i) or (ii) in a manner that provides opti-*  
2                   *imum surveillance of that area.”.*

3           *(f) NOTICE OF VIDEO SURVEILLANCE.—Section*  
4    *3507(b), of title 46, United States Code, is further amended*  
5    *by inserting after paragraph (1) the following:*

6                   *“(2) NOTICE OF VIDEO SURVEILLANCE.—The*  
7                   *owner of a vessel to which this section applies shall*  
8                   *provide clear and conspicuous signs on board the ves-*  
9                   *sel notifying the public of the presence of video sur-*  
10                  *veillance equipment.”.*

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

13                  *(1) by redesignating paragraph (2) as para-*  
14                  *graph (3); and*

15                  *(2) in paragraph (3), as so redesignated—*

16                         *(A) by striking “The owner” and inserting*  
17                         *the following:*

18                                 *“(A) LAW ENFORCEMENT.—The owner”;*

19                                 *and*

20                                 *(B) by adding at the end the following:*

21   *“(B) CIVIL ACTIONS.—The owner of a vessel*  
22   *to which this section applies shall provide to any*  
23   *individual or the individual’s legal representa-*  
24   *tive, upon written request, a copy of all records*  
25   *of video surveillance—*

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

3                   “(ii) that may provide evidence in a  
4                   civil action.

5                   “(C) *LIMITED ACCESS.*—*The owner of a ves-*  
6                   *sel to which this section applies shall ensure that*  
7                   *access to records of video surveillance is limited*  
8                   *to the purposes described in this paragraph.”.*

9                   (h) *RETENTION REQUIREMENTS.*—*Section 3507(b), of*  
10 *title 46, United States Code, is further amended by adding*  
11 *at the end the following:*

12                   “(4) *RETENTION REQUIREMENTS.*—

13                   “(A) *IN GENERAL.*—*The owner of a vessel to*  
14 *which this section applies shall retain all records*  
15 *of video surveillance for a voyage for not less*  
16 *than 90 days after the completion of the voyage.*  
17 *If an incident described in subsection*  
18 *(g)(3)(A)(i) is alleged and reported to law en-*  
19 *forcement, all records of video surveillance from*  
20 *the voyage that the Federal Bureau of Investiga-*  
21 *tion determines are relevant shall—*

22                   “(i) be provided to the Federal Bureau  
23                   of Investigation; and

1                   “(ii) be preserved by the vessel owner  
2                   for not less than 5 years from the date of  
3                   the alleged incident.

4                   “(B) *INTERIM STANDARDS.*—Not later than  
5                   180 days after the date of enactment of the *Stop*  
6                   *Sexual Assault and Harassment in Transpor-*  
7                   *tation Act*, the Commandant, in consultation  
8                   with the *Federal Bureau of Investigation*, shall  
9                   promulgate interim standards for the retention  
10                  of records of video surveillance.

11                  “(C) *FINAL STANDARDS.*—Not later than 1  
12                  year after the date of enactment of the *Stop Sex-*  
13                  *ual Assault and Harassment in Transportation*  
14                  *Act*, the Commandant, in consultation with the  
15                  *Federal Bureau of Investigation*, shall promul-  
16                  gate final standards for the retention of records  
17                  of video surveillance.

18                  “(D) *CONSIDERATIONS.*—In promulgating  
19                  standards under subparagraphs (B) and (C), the  
20                  Commandant shall—

21                         “(i) consider factors that would aid in  
22                         the investigation of serious crimes, includ-  
23                         ing crimes that go unreported until after  
24                         the completion of a voyage;

1           “(ii) consider the different types of  
2           video surveillance systems and storage re-  
3           quirements in creating standards both for  
4           vessels currently in operation and for vessels  
5           newly built;

6           “(iii) consider privacy, including  
7           standards for permissible access to and  
8           monitoring and use of the records of video  
9           surveillance; and

10           “(iv) consider technological advance-  
11           ments, including requirements to update  
12           technology.”.

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

19           **SEC. 7. CIVIL PENALTIES FOR INTERFERENCE WITH CER-**  
20           **TAIN TRANSPORTATION PERSONNEL.**

21           (a) *IN GENERAL.*—Chapter 805 of title 49, United  
22           States Code, is amended by adding at the end the following:

1 **“§ 80505. Interference with certain transportation per-**  
2 **sonnel**

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

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

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

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

17 “(b) *COMPROMISE AND SETOFF.*—

18 “(1) *COMPROMISE.*—The Secretary of Transpor-  
19 tation may compromise the amount of a civil penalty  
20 imposed under this section.

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

1           “(c) *COVERED ENTITY DEFINED.*—*In this section, the*  
 2 *term ‘covered entity’ means an entity that is 1 of the fol-*  
 3 *lowing:*

4                   “(1) *A recipient of Federal funds under chapter*  
 5 *53 of this title.*

6                   “(2) *A motor carrier of passengers that—*

7                           “(A) *conducts regularly scheduled intercity*  
 8 *service; and*

9                           “(B) *is a Class I carrier (as that term is*  
 10 *used in section 369.3(a) of title 49, Code of Fed-*  
 11 *eral Regulations).*

12                   “(3) *An entity providing commuter rail pas-*  
 13 *senger transportation or intercity rail passenger*  
 14 *transportation (as those terms are defined in section*  
 15 *24102 of this title).*

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

18                   “(5) *A transportation network company.”.*

19           “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 20 *805 of title 49, United States Code, is amended by inserting*  
 21 *after the item relating to section 80504 the following:*

                  “80505. *Interference with certain transportation personnel.”.*

22           “(c) *GRADUATED FINES FOR INTERFERENCE WITH*  
 23 *CABIN OR FLIGHT CREW.*—*Section 46318(a) of title 49,*  
 24 *United States Code, is amended by striking “penalty of not*

1 *more than \$35,000.” and inserting the following: “penalty*  
2 *of—*

3 *“(1) for calendar years 2019 through 2024, not*  
4 *more than \$35,000;*

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

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

9 **SEC. 8. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**  
10 **CIES FOR TRANSPORTATION NETWORK COM-**  
11 **PANIES AND FOR-HIRE VEHICLE COMPANIES.**

12 *(a) REQUIREMENT.—Not later than 180 days after the*  
13 *date of enactment of this Act, each transportation network*  
14 *company and for-hire vehicle company shall issue, in con-*  
15 *sultation with labor unions representing TNC drivers of*  
16 *each such transportation network company or FVC drivers*  
17 *of each for-hire vehicle company, if applicable, a formal pol-*  
18 *icy with respect to transportation sexual assault or harass-*  
19 *ment incidents.*

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

22 *(1) a statement indicating that no transpor-*  
23 *tation sexual assault or harassment incident is ac-*  
24 *ceptable under any circumstance;*

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

4                   (A) appropriate public outreach activities;

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

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

9           (3) procedures that TNC personnel or FVC per-  
10          *sonnel should follow upon the reporting of a transpor-*  
11          *tation sexual assault or harassment incident, includ-*  
12          *ing actions to protect affected individuals from con-*  
13          *tinued sexual assault or harassment and to notify law*  
14          *enforcement when appropriate;*

15          (4) procedures that may limit or prohibit, to the  
16          *extent practicable, future use of the transportation*  
17          *network company platform by any passenger or TNC*  
18          *driver, or future use of the for-hire vehicle company*  
19          *service by any passenger or FVC driver, who causes*  
20          *a transportation sexual assault or harassment inci-*  
21          *dent; 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 who*  
2           *may receive reports of transportation sexual as-*  
3           *sault or harassment incidents; and*

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

6           (c) *PASSENGER INFORMATION.—A transportation net-*  
7           *work company or for-hire vehicle company shall promi-*  
8           *nently display, on the internet website of the company and*  
9           *through the use of appropriate signage, a written statement*  
10          *that—*

11           (1) *advises passengers that the transportation*  
12           *network company or for-hire vehicle company has*  
13           *adopted a formal policy with respect to transpor-*  
14           *tation sexual assault or harassment incidents;*

15           (2) *informs passengers, TNC drivers, TNC per-*  
16           *sonnel, FVC drivers, and FVC personnel of the other*  
17           *major components of the transportation network com-*  
18           *pany’s formal policy or the for-hire vehicle company’s*  
19           *formal policy, including a statement indicating that*  
20           *no transportation sexual assault or harassment inci-*  
21           *dent is acceptable under any circumstance; and*

22           (3) *informs passengers of the procedure for re-*  
23           *porting a transportation sexual assault or harassment*  
24           *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 transportation net-  
4       work company or for-hire vehicle company has acted with  
5       any requisite standard of care.

6       **SEC. 9. DATA COLLECTION.**

7       (a) *IN GENERAL.*—Not later than 1 year after the date  
8       of enactment of this Act, the Secretary of Transportation  
9       shall establish a program to annually collect and maintain  
10      data from each covered entity, or, as appropriate, a State  
11      or local entity that provides authorized transportation serv-  
12      ice, on—

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

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

19                       (B) *the number of incidents committed*  
20                       *against personnel or, in the case of a TNC or*  
21                       *for-hire vehicle company, a TNC driver or a*  
22                       *FVC driver, respectively;*

23               (2) *the number of transportation sexual assault*  
24               *or harassment incidents reported to law enforcement*  
25               *by personnel of the covered entity or State or local en-*

1 *tity that provides authorized transportation services;*  
2 *and*

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

6 *(b) DATA AVAILABILITY.—Subject to subsection (c), the*  
7 *Secretary shall make available to the public on the primary*  
8 *internet website of the Department of Transportation the*  
9 *data collected and maintained under subsection (a).*

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

12 *(1) protects the privacy and confidentiality of*  
13 *individuals involved in a transportation sexual as-*  
14 *sault or harassment incident;*

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

18 *(3) is organized by mode of transportation.*

19 *(d) PAPERWORK REDUCTION.—Subchapter I of chap-*  
20 *ter 35 of title 44, United States Code, does not apply to*  
21 *this Act.*

22 **SEC. 10. CRIMINAL REPORTING PROCESS.**

23 *The Attorney General, in coordination with the Sec-*  
24 *retary of Transportation, shall expand the process required*  
25 *to be established under section 339B of the FAA Reauthor-*

1 ization Act of 2018 (Public Law 115–254) to provide for  
2 a streamlined process for any individuals involved in al-  
3 leged transportation sexual assault or harassment incidents  
4 that constitute a violation of law to report those allegations  
5 to law enforcement in a manner that protects the privacy  
6 and confidentiality of individuals involved in such allega-  
7 tions and through the same primary internet websites as  
8 provided under subsection (b) of such section, as determined  
9 appropriate by the Attorney General.

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

11 *Not later than 18 months after the date of enactment*  
12 *of this Act, and every 2 years thereafter, the inspector gen-*  
13 *eral of the Department of Transportation shall assess com-*  
14 *pliance with the provisions of this Act and the amendments*  
15 *made by this Act, including the accuracy of the reporting*  
16 *of transportation sexual assault or harassment incidents by*  
17 *covered entities.*

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

19 *(a) IN GENERAL.—Not later than 180 days after the*  
20 *date of enactment of this Act, the Secretary of Transpor-*  
21 *tation shall develop, and publish in the Federal Register,*  
22 *a definition of sexual harassment for purposes of the imple-*  
23 *mentation of this Act and the amendments made by this*  
24 *Act.*

1       (b) *CONSULTATION.*—*In developing the definition*  
2 *under subsection (a), the Secretary shall consult with, and*  
3 *consider input from—*

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

6           (2) *national organizations that specialize in pro-*  
7 *viding services to sexual assault victims.*

8 **SEC. 13. DEFINITIONS.**

9       *In this Act:*

10           (1) *COVERED ENTITY.*—*The term “covered enti-*  
11 *ty” means an entity that is one of the following:*

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

15                   (B) *A foreign air carrier (as that term is*  
16 *defined in section 40102 of title 49, United*  
17 *States Code) that transports passengers for com-*  
18 *penensation.*

19                   (C) *A recipient of Federal funds under*  
20 *chapter 53 of title 49, United States Code.*

21                   (D) *A motor carrier of passengers that—*

22                           (i) *conducts regularly scheduled inter-*  
23 *city service; and*

1                   (ii) is a Class I carrier (as that term  
2                   is used in section 369.3(a) of title 49, Code  
3                   of Federal Regulations).

4                   (E) An entity providing commuter rail pas-  
5                   senger transportation or intercity rail passenger  
6                   transportation (as those terms are defined in sec-  
7                   tion 24102 of title 49, United States Code).

8                   (F) The owner of a vessel for which section  
9                   3507 of title 46, United States Code, applies.

10                  (G) A transportation network company.

11                  (H) A for-hire vehicle company.

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

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

16                         (B) is authorized by a State or local govern-  
17                         ment entity as a taxicab service, limousine serv-  
18                         ice, livery service, black car service, sedan serv-  
19                         ice, chauffeur service, or any other similar cat-  
20                         egory of for-hire transportation service.

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

1           (4) *FVC PERSONNEL.*—*The term “FVC per-*  
2           *sonnel” means an employee or contractor of a covered*  
3           *for-vehicle company, other than a FVC driver.*

4           (5) *SEXUAL ASSAULT.*—*The term “sexual as-*  
5           *sault” means the occurrence of an act that constitutes*  
6           *any nonconsensual sexual act proscribed by Federal,*  
7           *tribal, or State law, including when the victim lacks*  
8           *capacity to consent.*

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

14          (7) *TNC PERSONNEL.*—*The term “TNC per-*  
15          *sonnel” means an employee or contractor of a covered*  
16          *transportation network company, other than a TNC*  
17          *driver.*

18          (8) *TRANSPORTATION NETWORK COMPANY.*—*The*  
19          *term “transportation network company”—*

20                 (A) *means a corporation, partnership, sole*  
21                 *proprietorship, or other entity, that uses a dig-*  
22                 *ital network to connect riders to drivers affili-*  
23                 *ated with the entity in order for the driver to*  
24                 *transport the rider using a vehicle owned, leased,*

1           *or otherwise authorized for use by the driver to*  
2           *a point chosen by the rider; and*

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

6           (9) *TRANSPORTATION SEXUAL ASSAULT OR HAR-*  
7           *ASSMENT INCIDENT.—The term “transportation sex-*  
8           *ual assault or harassment incident” means the occur-*  
9           *rence, or reasonably suspected occurrence, of an act*  
10          *that—*

11           *(A) constitutes sexual assault or sexual har-*  
12          *assment; and*

13           *(B) is committed—*

14           *(i) by a passenger or a member of the*  
15           *personnel of a covered entity, or in the case*  
16           *of a TNC, a TNC driver of the covered enti-*  
17           *ty, against another passenger or member of*  
18           *personnel or TNC driver of the covered enti-*  
19           *ty, or in the case of a for-hire vehicle com-*  
20           *pany, an FVC driver of the covered entity,*  
21           *against another passenger or member of*  
22           *personnel or an FVC driver of the covered*  
23           *entity; and*

24           *(ii) within—*

- 1                    *(I) a vehicle of the covered entity*
- 2                    *that is transporting passengers, includ-*
- 3                    *ing aircraft, rolling stock,*
- 4                    *motorcoaches, and ferries; or*
- 5                    *(II) an area in which passengers*
- 6                    *are entering or exiting such a vehicle.*

Union Calendar No. 371

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5139**

[Report No. 116-463, Part I]

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## **A BILL**

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

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JULY 29, 2020

Reported from the Committee on Transportation and  
Infrastructure with an amendment

JULY 29, 2020

Committee on the Judiciary discharged; committed to the  
Committee of the Whole House on the State of the  
Union and ordered to be printed