

116TH CONGRESS
2D SESSION

H. R. 5139

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

10 **“§ 41727. Formal sexual assault and harassment poli-**
11 **cies**

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

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

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

24 “(2) procedures that facilitate the reporting of
25 a transportation sexual assault or harassment inci-
26 dent, including—

1 “(A) appropriate public outreach activities;
2 and

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

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

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

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

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

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

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

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

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

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

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

23 “(e) DEFINITIONS.—In this section:

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

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

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

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

16 “(B) is committed—

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

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

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 417 of title 49, United States Code, is amended by
 3 adding 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
 7 the date of enactment of this Act, each covered motor car-
 8 rier shall issue, in consultation with labor unions rep-
 9 resenting personnel of the covered motor carrier, a formal
 10 policy with respect to transportation sexual assault or har-
 11 assment incidents.

12 (b) CONTENTS.—The policy required under sub-
 13 section (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 inci-
 19 dent, 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
 25 upon the reporting of a transportation sexual assault

1 or harassment incident, including actions to protect
2 affected 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
13 may receive reports of transportation sexual as-
14 sault or harassment incidents; and

15 (B) recognizing and responding to poten-
16 tial human trafficking victims.

17 (c) PASSENGER INFORMATION.—A covered motor
18 carrier shall prominently display, on the internet website
19 of 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
2 other major components of the covered motor car-
3 rier’s formal policy, including a statement indicating
4 that no transportation sexual assault or harassment
5 incident is acceptable under any circumstance; and

6 (3) informs passengers of the procedure for re-
7 porting a transportation sexual assault or harass-
8 ment 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 car-
16 rier.

17 (2) COVERED MOTOR CARRIER.—The term
18 “covered motor carrier” means a motor carrier of
19 passengers that—

20 (A) conducts regularly scheduled intercity
21 service; and

22 (B) is a Class I carrier (as that term is
23 used in section 369.3(a) of title 49, Code of
24 Federal Regulations).

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

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

11 (A) constitutes sexual assault or sexual
12 harassment; and

13 (B) is committed—

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

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

1 **SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
2 **CIES ON PASSENGER COMMUTER AND INTER-**
3 **CITY RAIL.**

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

7 **“§ 24104. 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 covered rail
11 entity shall issue, in consultation with labor unions rep-
12 resenting personnel with respect to the covered rail entity,
13 a formal policy with respect to transportation sexual as-
14 sault or harassment incidents.

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

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

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

23 “(A) appropriate public outreach activities;

24 and

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

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

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

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

14 “(A) specific training for personnel who
15 may receive reports of transportation sexual as-
16 sault or harassment incidents; and

17 “(B) recognizing and responding to poten-
18 tial human trafficking victims.

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

23 “(1) advises passengers and personnel that the
24 covered rail entity has adopted a formal policy with

1 respect to transportation sexual assault or harass-
2 ment incidents;

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

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

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

15 “(e) DEFINITIONS.—In this section:

16 “(1) COVERED RAIL ENTITY.—The term ‘cov-
17 ered rail entity’ means an entity providing commuter
18 rail passenger transportation or intercity rail pas-
19 senger transportation.

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

22 “(3) SEXUAL ASSAULT.—The term ‘sexual as-
23 sault’ means the occurrence of an act that con-
24 stitutes any nonconsensual sexual act proscribed by

1 Federal, tribal, or State law, including when the vic-
2 tim lacks capacity to consent.

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

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

10 “(B) is committed—

11 “(i) by a passenger or member of per-
12 sonnel of covered rail entity against an-
13 other passenger or member of personnel of
14 the covered rail entity; and

15 “(ii) within a vehicle of the covered
16 rail entity or in an area in which pas-
17 sengers are entering or exiting such a vehi-
18 cle.”.

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

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

1 **SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
2 **CIES ON TRANSIT.**

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

6 **“§ 5341. Formal sexual assault and harassment poli-**
7 **cies**

8 “(a) REQUIREMENT.—Not later than 180 days after
9 the date of enactment of this section, each covered transit
10 entity shall issue, in consultation with labor unions rep-
11 resenting personnel with respect to the covered transit en-
12 tity, a formal policy with respect to transportation sexual
13 assault or harassment incidents.

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

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

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

22 “(A) appropriate public outreach activities;
23 and

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

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

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

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

14 “(A) specific training for personnel who
15 may receive reports of transportation sexual as-
16 sault or harassment incidents; and

17 “(B) recognizing and responding to poten-
18 tial human trafficking victims.

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

23 “(1) advises passengers and personnel that the
24 covered transit entity has adopted a formal policy

1 with respect to transportation sexual assault or har-
2 assment incidents;

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

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

11 “(d) STANDARD OF CARE.—Compliance with the re-
12 quirements of this section, and any policy issued there-
13 under, shall not determine whether the covered transit en-
14 tity has acted with any requisite standard of care.

15 “(e) DEFINITIONS.—In this section:

16 “(1) COVERED TRANSIT ENTITY.—The term
17 ‘covered transit entity’ means a State or local gov-
18 ernmental entity, private nonprofit organization, or
19 Tribe that—

20 “(A) operates a public transportation serv-
21 ice; and

22 “(B) is a recipient or subrecipient of funds
23 under this chapter.

1 “(2) PERSONNEL.—The term ‘personnel’ means
2 an employee or contractor of a covered transit enti-
3 ty.

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

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

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

16 “(B) is committed—

17 “(i) by a passenger or member of per-
18 sonnel of covered transit entity against an-
19 other passenger or member of personnel of
20 the covered transit entity; and

21 “(ii) within a vehicle of the covered
22 transit entity or in an area in which pas-
23 sengers are entering or exiting such a vehi-
24 cle.”.

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

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

4 **SEC. 6. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
 5 **CIES FOR PASSENGER VESSELS.**

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

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

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

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

13 “(6)(A) issue a formal policy with respect to
 14 sexual assault or harassment incidents that in-
 15 cludes—

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

19 “(ii) procedures that facilitate the report-
 20 ing of a sexual assault or harassment incident,
 21 including—

22 “(I) appropriate public outreach ac-
 23 tivities; and

24 “(II) confidential phone and internet-
 25 based opportunities for reporting;

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

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

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

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

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

21 “(B) prominently display on the internet
22 website of the vessel owner and, through the use of
23 appropriate signage on each vessel, a written state-
24 ment that—

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

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

11 “(iii) informs passengers and crew mem-
12 bers of the procedure for reporting a sexual as-
13 sault or 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
18 amended by inserting “any sexual assault or harassment
19 incident (as that term is defined in subsection (l) of this
20 section) that constitutes a violation of law,” after “title
21 18 applies,”.

22 (c) STANDARD OF CARE.—Compliance with the re-
23 quirements of the amendments made by this section, and
24 any policy issued thereunder, shall not determine whether

1 the applicable owner of a vessel covered by such amend-
2 ments has acted with any requisite standard of care.

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

5 “(l) DEFINITIONS.—

6 “(1) OWNER.—In this section and section
7 3508, the term ‘owner’ means the owner, charterer,
8 managing operator, master, or other individual in
9 charge of a vessel.

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

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

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

21 “(B) is committed—

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

1 passenger of such vessel or a member of
 2 the crew of such a vessel; and
 3 “(ii) within—
 4 “(I) such a vessel; or
 5 “(II) an area in which passengers
 6 are entering or exiting such a vessel.”.

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

13 **SEC. 7. CIVIL PENALTIES FOR INTERFERENCE WITH CER-**
 14 **TAIN TRANSPORTATION PERSONNEL.**

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

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

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

1 ing rolling stock, motorcoaches, and ferries, is liable to the
2 United States Government for a civil penalty of—

3 “(1) for calendar years 2020 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 “(b) COMPROMISE AND SETOFF.—

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

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

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

20 “(1) A recipient of Federal funds under chapter
21 53 of this title.

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

23 “(A) conducts regularly scheduled intercity
24 service; and

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

4 “(3) An entity providing commuter rail pas-
5 senger transportation or intercity rail passenger
6 transportation (as those terms are defined in section
7 24102 of this title).

8 “(4) The owner of a vessel for which section
9 3507 of title 46 applies.

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

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 805 of title 49, United States Code, is amended by
13 inserting after the item relating to section 80504 the fol-
14 lowing:

“80505. Interference with certain transportation personnel.”.

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

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

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

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

1 **SEC. 8. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
2 **CIES FOR TRANSPORTATION NETWORK COM-**
3 **PANIES AND FOR-HIRE VEHICLE COMPANIES.**

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

12 (b) CONTENTS.—The policy required under sub-
13 section (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 inci-
19 dent, including—

20 (A) appropriate public outreach activities;

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

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

25 (3) procedures that TNC personnel or FVC
26 personnel should follow upon the reporting of a

1 transportation sexual assault or harassment inci-
2 dent, including actions to protect affected individuals
3 from continued sexual assault or harassment and to
4 notify law enforcement when appropriate;

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

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

15 (A) specific training for such personnel
16 who may receive reports of transportation sex-
17 ual assault or harassment incidents; and

18 (B) recognizing and responding to poten-
19 tial human trafficking victims.

20 (c) PASSENGER INFORMATION.—A transportation
21 network company or for-hire vehicle company shall promi-
22 nently display, on the internet website of the company and
23 through the use of appropriate signage, a written state-
24 ment that—

1 (1) advises passengers that the transportation
2 network company or for-hire vehicle company has
3 adopted a formal policy with respect to transpor-
4 tation sexual assault or harassment incidents;

5 (2) informs passengers, TNC drivers, TNC per-
6 sonnel, FVC drivers, and FVC personnel of the
7 other major components of the transportation net-
8 work company's formal policy or the for-hire vehicle
9 company's formal policy, including a statement indi-
10 cating that no transportation sexual assault or har-
11 assment incident is acceptable under any cir-
12 cumstance; and

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

16 (d) STANDARD OF CARE.—Compliance with the re-
17 quirements of this section, and any policy issued there-
18 under, shall not determine whether the transportation net-
19 work company or for-hire vehicle company has acted with
20 any requisite standard of care.

21 **SEC. 9. DATA COLLECTION.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation shall establish a program to annually collect and
25 maintain data from each covered entity, or, as appro-

1 priate, a State or local entity that provides authorized
2 transportation service, on—

3 (1) the number of transportation sexual assault
4 or harassment incidents reported to the covered enti-
5 ty or State or local entity that provides authorized
6 transportation service, including—

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

9 (B) the number of incidents committed
10 against personnel or, in the case of a transpor-
11 tation network company or for-hire vehicle com-
12 pany, a TNC driver or a FVC driver, respec-
13 tively;

14 (2) the number of transportation sexual assault
15 or harassment incidents reported to law enforcement
16 by personnel of the covered entity or State or local
17 entity that provides authorized transportation serv-
18 ices; 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 sault or harassment incident;

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

11 (3) is organized by mode of transportation.

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

15 **SEC. 10. CRIMINAL REPORTING PROCESS.**

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

15 (i) operates a public transportation
16 service; and

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

20 (D) A motor carrier of passengers that—

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

23 (ii) is a Class I carrier (as that term
24 is used in section 369.3(a) of title 49,
25 Code of Federal Regulations).

1 (E) An entity providing commuter rail pas-
2 senger transportation or intercity rail passenger
3 transportation (as those terms are defined in
4 section 24102 of title 49, United States Code).

5 (F) The owner of a vessel for which section
6 3507 of title 46, United States Code, applies.

7 (G) A transportation network company.

8 (H) A for-hire vehicle company.

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

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

14 (B) is authorized by a State or local gov-
15 ernment entity as a taxicab service, limousine
16 service, livery service, black car service, sedan
17 service, chauffeur service, or any other similar
18 category of for-hire transportation service.

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

23 (4) FVC PERSONNEL.—The term “FVC per-
24 sonnel” means an employee or contractor of a cov-

1 ered for-hire vehicle company, other than a FVC
2 driver.

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

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

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

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

19 (A) means a corporation, partnership, sole
20 proprietorship, or other entity, that uses a dig-
21 ital network to connect riders to drivers affili-
22 ated with the entity in order for the driver to
23 transport the rider using a vehicle owned,
24 leased, or otherwise authorized for use by the
25 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 (9) 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, personnel, TNC
13 driver, or FVC driver of a covered entity,
14 against a passenger, personnel, TNC driv-
15 er, or FVC driver of the covered entity;
16 and

17 (ii) within—

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

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

1 **SEC. 14. DETERMINATION OF BUDGETARY EFFECTS.**

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

 Passed the House of Representatives October 1,
2020.

Attest:

Clerk.

116TH CONGRESS
2D Session

H. R. 5139

AN ACT

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