

117TH CONGRESS
1ST SESSION

H. R. 5706

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2021

Mr. DEFazio (for himself, Mr. HUFFMAN, Mr. CARSON, Mr. PAYNE, Mr. LYNCH, Ms. TITUS, Mr. LARSEN of Washington, Mr. ESPAILLAT, Mr. SIREs, Ms. NORTON, Mr. SEAN PATRICK MALONEY of New York, Ms. JOHNSON of Texas, Mr. CARBAJAL, Mr. LOWENTHAL, and Ms. BROWNLEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and the Budget, 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 reporting 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 covered transit
24 entity shall issue, in consultation with labor unions rep-
25 resenting personnel with respect to the covered transit en-

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

3 “(b) CONTENTS.—The policy required under sub-
4 section (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
9 a transportation sexual assault or harassment inci-
10 dent, 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 covered transit en-
23 tity by any passenger who causes a transportation
24 sexual 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 sault or harassment incidents; and

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

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

13 “(1) advises passengers and personnel that the
14 covered transit entity has adopted a formal policy
15 with respect to transportation sexual assault or har-
16 assment incidents;

17 “(2) informs passengers and personnel of the
18 other major components of the covered transit enti-
19 ty’s formal policy, including a statement indicating
20 that no transportation sexual assault or harassment
21 incident 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 covered transit en-
4 tity has acted with any requisite standard of care.

5 “(e) DEFINITIONS.—In this section:

6 “(1) COVERED TRANSIT ENTITY.—The term
7 ‘covered transit entity’ means a State or local gov-
8 ernmental entity, private nonprofit organization, or
9 Tribe that—

10 “(A) operates a public transportation serv-
11 ice; and

12 “(B) is a recipient or subrecipient of funds
13 under this chapter.

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

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

22 “(4) TRANSPORTATION SEXUAL ASSAULT OR
23 HARASSMENT INCIDENT.—The term ‘transportation
24 sexual assault or harassment incident’ means the oc-

1 currence, or reasonably suspected occurrence, of an
 2 act that—

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

5 “(B) is committed—

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

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

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

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

17 **SEC. 6. FORMAL SEXUAL ASSAULT AND HARASSMENT POLI-**
 18 **CIES FOR PASSENGER VESSELS.**

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

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

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

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

1 “(6)(A) issue a formal policy with respect to
2 sexual assault or harassment incidents that in-
3 cludes—

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

7 “(ii) procedures that facilitate the report-
8 ing of a sexual assault or harassment incident,
9 including—

10 “(I) appropriate public outreach ac-
11 tivities; and

12 “(II) confidential phone and internet-
13 based opportunities for reporting;

14 “(iii) procedures that personnel should fol-
15 low upon the reporting of a sexual assault or
16 harassment incident, including actions to pro-
17 tect affected individuals from continued sexual
18 assault or harassment and how to provide the
19 information and access required under para-
20 graph (5);

21 “(iv) procedures that may limit or prohibit,
22 to the extent practicable, future travel on the
23 vessel by any passenger who causes a transpor-
24 tation sexual assault or harassment incident;
25 and

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

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

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

9 “(B) prominently display on the internet
10 website of the vessel owner and, through the use of
11 appropriate signage on each vessel, a written state-
12 ment that—

13 “(i) advises passengers and crew members
14 that the vessel owner has adopted a formal pol-
15 icy with respect to sexual assault or harassment
16 incidents;

17 “(ii) informs passengers and personnel of
18 the other major components of the vessel own-
19 er’s formal policy, including a statement indi-
20 cating that no transportation sexual assault or
21 harassment incident is acceptable under any
22 circumstance; and

23 “(iii) informs passengers and crew mem-
24 bers of the procedure for reporting a sexual as-
25 sault or harassment incident; and

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

3 (b) REPORTING REQUIREMENT.—Section
4 3507(g)(3)(A)(i) of title 46, United States Code, is
5 amended by inserting “including any incident reported
6 under the procedures established under subsection
7 (d)(6)(A) that constitutes a violation of such sections of
8 title 18,” after “title 18 applies,”.

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

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

16 “(l) DEFINITIONS.—

17 “(1) OWNER.—In this section and section
18 3508, the term ‘owner’ means the owner, charterer,
19 managing operator, master, or other individual in
20 charge of a vessel.

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

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

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

7 “(B) is committed—

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

13 “(ii) within—

14 “(I) such a vessel; or

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

17 (e) IMPLEMENTATION.—Not later than 180 days
18 after the date of enactment of this Act, the owner of a
19 vessel to which section 3507 of title 46, United States
20 Code, applies shall issue the formal policy with respect to
21 sexual assault or harassment incidents required by the
22 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 2021 through 2025, not
17 more than \$35,000;

18 “(2) for calendar years 2026 through 2030, not
19 more than \$40,000; and

20 “(3) for calendar year 2031 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 2021 through 2025, not
 9 more than \$35,000;

10 “(2) for calendar years 2026 through 2030, not
 11 more than \$40,000; and

12 “(3) for calendar year 2031 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 AND FOR-HIRE VEHICLE COMPANIES.**

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

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

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

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

9 (A) appropriate public outreach activities;

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

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

14 (3) procedures that TNC personnel or FVC
15 personnel should follow upon the reporting of a
16 transportation sexual assault or harassment inci-
17 dent, including actions to protect affected individuals
18 from continued sexual assault or harassment and to
19 notify law enforcement when appropriate;

20 (4) procedures that may limit or prohibit, to the
21 extent practicable, future use of the transportation
22 network company platform by any passenger or
23 TNC driver, or future use of the for-hire vehicle
24 company service by any passenger or FVC driver,

1 who causes a transportation sexual assault or har-
2 assment 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 such personnel
7 who may receive reports of transportation sex-
8 ual assault or harassment incidents; and

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

11 (c) PASSENGER INFORMATION.—A transportation
12 network company or for-hire vehicle company shall promi-
13 nently display, on the internet website of the company and
14 through the use of appropriate signage, a written state-
15 ment that—

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

20 (2) informs passengers, TNC drivers, TNC per-
21 sonnel, FVC drivers, and FVC personnel of the
22 other major components of the transportation net-
23 work company's formal policy or the for-hire vehicle
24 company's formal policy, including a statement indi-
25 cating that no transportation sexual assault or har-

1 assment incident is acceptable under any cir-
2 cumstance; and

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

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

11 **SEC. 9. DATA COLLECTION.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation shall establish a program to annually collect and
15 maintain data from each covered entity, or, as appro-
16 priate, a State or local entity that provides authorized
17 transportation service, on—

18 (1) the number of transportation sexual assault
19 or harassment incidents reported to the covered enti-
20 ty or State or local entity that provides authorized
21 transportation service, including—

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

24 (B) the number of incidents committed
25 against personnel or, in the case of a transpor-

1 tation network company or for-hire vehicle com-
2 pany, a TNC driver or a FVC driver, respec-
3 tively;

4 (2) the number of transportation sexual assault
5 or harassment incidents reported to law enforcement
6 by personnel of the covered entity or State or local
7 entity that provides authorized transportation serv-
8 ices; and

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

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

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

20 (1) protects the privacy and confidentiality of
21 individuals involved in a transportation sexual as-
22 sault or harassment incident;

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

1 (3) is organized by mode of transportation.

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

5 **SEC. 10. CRIMINAL REPORTING PROCESS.**

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

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

19 Not later than 18 months after the date of enactment
20 of this Act, and every 2 years thereafter, the inspector
21 general of the Department of Transportation shall assess
22 compliance with the provisions of this Act and the amend-
23 ments made by this Act, including the accuracy of the re-
24 porting of transportation sexual assault or harassment in-
25 cidents by covered entities.

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

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall develop, and publish in the Federal Register,
5 a definition of sexual harassment for purposes of the im-
6 plementation of this Act and the amendments made by
7 this Act.

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

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

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

15 **SEC. 13. DEFINITIONS.**

16 In this Act:

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

19 (A) An air carrier (as that term is defined
20 in section 40102 of title 49, United States
21 Code) that transports passengers for compensa-
22 tion.

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

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

3 (i) operates a public transportation
4 service; and

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

8 (D) A motor carrier of passengers that—

9 (i) conducts regularly scheduled inter-
10 city service; and

11 (ii) is a Class I carrier (as that term
12 is used in section 369.3(a) of title 49,
13 Code of Federal Regulations).

14 (E) An entity providing commuter rail pas-
15 senger transportation or intercity rail passenger
16 transportation (as those terms are defined in
17 section 24102 of title 49, United States Code).

18 (F) The owner of a vessel for which section
19 3507 of title 46, United States Code, applies.

20 (G) A transportation network company.

21 (H) A for-hire vehicle company.

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

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

4 (B) is authorized by a State or local gov-
5 ernment entity as a taxicab service, limousine
6 service, livery service, black car service, sedan
7 service, chauffeur service, or any other similar
8 category of for-hire transportation service.

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

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

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

22 (6) TNC DRIVER.—The term “TNC driver”
23 means an individual who is employed, contracted by,
24 or otherwise affiliated with a transportation network

1 company to provide transportation services (also
2 known as ride-sharing) to the public.

3 (7) TNC PERSONNEL.—The term “TNC per-
4 sonnel” means an employee or contractor of a cov-
5 ered transportation network company, other than a
6 TNC driver.

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

9 (A) means a corporation, partnership, sole
10 proprietorship, or other entity, that uses a dig-
11 ital network to connect riders to drivers affili-
12 ated with the entity in order for the driver to
13 transport the rider using a vehicle owned,
14 leased, or otherwise authorized for use by the
15 driver to a point chosen by the rider; and

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

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

24 (A) constitutes sexual assault or sexual
25 harassment; and

1 (B) is committed—

2 (i) by a passenger, personnel, TNC
3 driver, or FVC driver of a covered entity,
4 against a passenger, personnel, TNC driv-
5 er, or FVC driver of the covered entity;
6 and

7 (ii) within—

8 (I) a vehicle of the covered entity
9 that is transporting passengers, in-
10 cluding aircraft, rolling stock,
11 motorcoaches, and ferries; or

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

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

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

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