H. R. 5139

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

IN THE HOUSE OF REPRESENTATIVES

Mr. DeFazio introduced the following bill; which was referred to the Committee on __________________________

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”.

(Original Signature of Member)
SEC. 2. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON AIR CARRIERS AND FOREIGN AIR CARRIERS.

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

"§ 41727. Formal sexual assault and harassment policies

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

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

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

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

(A) appropriate public outreach activities; and
“(B) confidential phone and internet-based opportunities for reporting;
“(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;
“(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and
“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—
“(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and
“(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).
“(e) PASSENGER INFORMATION.—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier
or foreign air carrier and through the use of appropriate signage, a written statement that—

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

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

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

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

“(e) DEFINITIONS.—In this section:

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

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

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

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

"(B) is committed—

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

"(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft.”.

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

"41727. Formal sexual assault and harassment policies.”.
SEC. 3. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR CERTAIN MOTOR CARRIERS.

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

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

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

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

(A) appropriate public outreach activities;

and

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

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;
(4) procedures that may limit, to the extent practicable, future travel with the covered motor carrier by any passenger who causes a transportation sexual assault or harassment incident; and

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

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

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

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

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

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

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

(e) DEFINITIONS.—In this section:

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

(1) COVERED MOTOR CARRIER.—The term “covered motor carrier” means a motor carrier of passengers that—

(A) conducts regularly scheduled intercity service; and

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

(2) SEXUAL ASSAULT.—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
(3) **Transportation Sexual Assault or Harassment Incident**.—The term "transportation sexual assault or harassment incident" means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

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

(ii) within a vehicle of the motor carrier or in an area in which passengers are entering or exiting such a vehicle.

**Sec. 4. Formal Sexual Assault and Harassment Policies on Passenger Commuter and Inter-City Rail.**

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

"§ 24104. Formal sexual assault and harassment policies

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

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

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

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

"(A) appropriate public outreach activities;

and

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

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

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

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

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

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

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

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

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

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

“(e) DEFINITIONS.—In this section:

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

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

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

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

“(B) is committed—

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

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

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

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

SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON TRANSIT.

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

“§ 5341. Form sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each recipient of Federal funds under this chapter operating vehicles shall issue, in consultation with labor unions representing per-
sonnel with respect to the recipient, a formal policy with
respect to transportation sexual assault or harassment in-

cidents.

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

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

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

"(A) appropriate public outreach activities;

and

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

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

"(4) procedures that may limit, to the extent
practicable, future travel with the recipient entity by
any passenger who causes a transportation sexual
assault or harassment incident; and
“(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

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

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

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

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

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

“(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.
"(d) STANDARD OF CARE.—Compliance with the re-
quirements of this section, and any policy issued there-
under, shall not determine whether the recipient entity has
acted with any requisite standard of care.

"(e) DEFINITIONS.—In this section:

"(1) PERSONNEL.—The term 'personnel' means
an employee or contractor of a recipient of Federal
funds under this chapter.

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

"(3) TRANSPORTATION SEXUAL ASSAULT OR
HARASSMENT INCIDENT.—The term 'transportation
sexual assault or harassment incident' means the oc-
currence, or reasonably suspected occurrence, of an
act that—

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

"(B) is committed—

"(i) by a passenger or member of per-
sonnel of recipient entity against another
passenger or member of personnel of the
recipient entity; and
“(ii) within a vehicle of the recipient entity or in an area in which passengers are entering or exiting such a vehicle.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

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

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

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

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

“(II) recognizing and responding to potential human trafficking victims; and
“(B) prominently display on the internet website of the vessel owner and, through the use of appropriate signage on each vessel, a written statement that—

“(i) advises passengers and crew members that the vessel owner has adopted a formal policy with respect to sexual assault or harassment incidents;

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

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

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

(b) REPORTING REQUIREMENT.—Section 3507(g)(3)(A)(i) of title 46, United States Code, is amended by inserting “any sexual assault or harassment incident (as that term is defined in subsection (l) of this section) that constitutes a violation of law,” after “title 18 applies,”.
(d) **STANDARD OF CARE.**—Compliance with the requirements of the amendments made by section, and any policy issued thereunder, shall not determine whether the applicable owner of a vessel covered by such amendments has acted with any requisite standard of care.

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

"(l) **DEFINITIONS.**—

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

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

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

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

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

“(ii) within—

“(I) such a vessel; or

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

(f) MAINTENANCE AND PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46, United States Code, is amended—

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

“(A) IN GENERAL.—The owner”;

(2) by striking “, as determined by the Secretary”; and

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

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

“(i) place video surveillance equipment in each passenger common area where a
person has no reasonable expectation of privacy;

“(ii) place video surveillance equipment in other areas where a person has no reasonable expectation of privacy; and

“(iii) place video surveillance equipment in each area identified under clause (i) or (ii) in a manner that provides optimum surveillance of that area.”.

(g) Notice of Video Surveillance.—Section 3507(b), of title 46, United States Code, is further amended by inserting after paragraph (1) the following:

“(2) Notice of Video Surveillance.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the public of the presence of video surveillance equipment.”.

(h) Access to Video Records.—Section 3507(b), of title 46, United States Code, is further amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

(A) by striking “The owner” and inserting the following:
“(A) LAW ENFORCEMENT.—The owner”;

and

(B) by adding at the end the following:

“(B) CIVIL ACTIONS.—The owner of a vessel to which this section applies shall provide to any individual or the individual’s legal representative, upon written request, a copy of all records of video surveillance—

“(i) in which the individual is a subject of the video surveillance; and

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

“(C) LIMITED ACCESS.—The owner of a vessel to which this section applies shall ensure that access to records of video surveillance is limited to the purposes described in this paragraph.”.

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

“(4) RETENTION REQUIREMENTS.—

“(A) IN GENERAL.—The owner of a vessel to which this section applies shall retain all records of video surveillance for a voyage for not less than 90 days after the completion of
the voyage. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all records of video surveillance from the voyage that the Federal Bureau of Investigation determines are relevant shall—

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

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

“(B) INTERIM STANDARDS.—Not later than 180 days after the date of enactment of the Stop Sexual Assault and Harassment in Transportation Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate interim standards for the retention of records of video surveillance.

“(C) FINAL STANDARDS.—Not later than 1 year after the date of enactment of the Stop Sexual Assault and Harassment in Transportation Act, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate final standards for the retention of records of video surveillance.
“(D) CONSIDERATIONS.—In promulgating standards under subparagraphs (B) and (C), the Commandant shall—

“(i) consider factors that would aid in the investigation of serious crimes, including crimes that go unreported until after the completion of a voyage;

“(ii) consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built;

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

“(iv) consider technological advancements, including requirements to update technology.”.

(j) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the owner of a vessel to which section 3507 of title 46, United States Code, applies shall issue the formal policy with respect to sexual assault or harassment incidents required by the amendments made by this section.
SEC. 7. CIVIL PENALTIES FOR INTERFERENCE WITH CERTAIN TRANSPORTATION PERSONNEL.
(a) IN GENERAL.—Chapter 805 of title 49, United States Code, is amended by adding at the end the following:

"§ 80505. Interference with certain transportation personnel

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

"(1) for calendar years 2019 through 2024, not more than $35,000;

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

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

(b) COMPROMISE AND SETOFF.—

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

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

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

“(2) A motor carrier of passengers that—

“(A) conducts regularly scheduled intercity service; and

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

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

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

“(5) A transportation network company.”.

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

"80508. Interference with certain transportation personnel."

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

"penalty of—

"(1) for calendar years 2019 through 2024, not more than $35,000;

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

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

SEC. 8. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR TRANSPORTATION NETWORK COMPANIES.

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

(b) CONTENTS.—The policy required under subsection (a) shall include—
(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

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

(A) appropriate public outreach activities;

and

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

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

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

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—
(A) specific training for such personnel
who may receive reports of transportation sex-
ual assault or harassment incidents; and

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

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

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

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

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

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

SEC. 9. DATA COLLECTION.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a program to annually collect and maintain data from each covered entity on—

(1) the number of transportation sexual assault or harassment incidents reported to the covered entity, including—

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

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

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

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

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

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

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

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

(3) is organized by mode of transportation.

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

SEC. 10. CRIMINAL REPORTING PROCESS.

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

SEC. 11. INSPECTOR GENERAL REPORT TO CONGRESS.

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

SEC. 12. DEFINITION OF SEXUAL HARASSMENT.

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

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

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

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

In this Act:

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

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

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

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

(D) A motor carrier of passengers that—

(i) conducts regularly scheduled intercity service; and

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

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

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

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

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

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

(4) TRANSPORTATION NETWORK COMPANY.—

The term “transportation network company”—

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

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

(A) constitutes sexual assault or sexual
harassment; and

(B) is committed—

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

(ii) within—

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

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