

H.R. 5139, Stop Sexual Assault and Harassment in Transportation Act

As ordered reported by the House Committee on Transportation and Infrastructure on November 20, 2019

By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	35	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold

* = between -\$500,000 and \$500,000.

The bill would

- Require transportation carriers to create policies for reporting on and combating sexual assault and sexual harassment that occurs on the vehicles they operate
- Require the Department of Transportation to collect and maintain information, and make it available to the public, on the number of sexual assaults and harassment incidents that occur on vehicles operated by transportation carriers
- Establish new and increase existing civil fines for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers

Estimated budgetary effects would primarily stem from

- The cost to collect, analyze, and publish data on sexual assault and harassment incidents that occur on vehicles operated by transportation carriers

Detailed estimate begins on the next page.

Bill Summary

H.R. 5139 would require transportation carriers to create policies for reporting and combating sexual assault and sexual harassment that occurs on vehicles they operate, including procedures for reporting incidents, procedures for employees after such reports are filed, training for personnel who may receive such reports, and procedures for prohibiting future travel by passengers who cause such an incident. Covered carriers would include air carriers, certain motor carriers, commuter and intercity rail entities, transit entities, passenger vessels, transportation network companies, and for-hire vehicle companies.

The bill would require the Department of Transportation (DOT) to collect, maintain, and make information available to the public on the number of sexual assaults and harassment incidents that occur on vehicles operated by transportation carriers and the number of such incidents that are reported to law enforcement. The data published would exclude any personally identifiable information.

H.R. 5139 also would establish new and increase existing civil fines for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers.

Estimated Federal Cost

The estimated budgetary effect of H.R. 5139 is shown in Table 1. The costs of the legislation fall within budget function 400 (transportation).

Table 1. Estimated Increases in Spending Subject to Appropriation Under H.R. 5139							
	By Fiscal Year, Millions of Dollars						2020-2025
	2020	2021	2022	2023	2024	2025	
Estimated Authorization	*	7	7	7	8	8	37
Estimated Outlays	*	6	7	7	7	8	35

Enacting the bill also would increase revenues by less than \$500,000 over the 2020-2030 period; * = between zero and \$500,000.

Basis of Estimate

CBO assumes that the bill will be enacted near the end of fiscal year 2020.

Spending Subject to Appropriation

Under the bill, DOT would be required to collect and publish data on sexual assaults that occur on transportation carriers. Under current law the Department of Justice (DOJ) collects some information on sexual assault and harassment incidents on modes of transportation through the Bureau of Justice Statistics' National Crime Victimization Survey and through the Federal Bureau of Investigation's National Incident-Based Reporting System. CBO

expects that DOT would collect relevant information from DOJ and supplement it with information collected directly from transportation carriers to collect and report on relevant crimes.

Using information from DOJ on the amount of funding provided to the Bureau of Justice Statistics to collect and publish crime data, the share of that work that is related to sexual assaults, and accounting for anticipated inflation, CBO estimates that implementing H.R. 5139 would cost \$35 million over the 2020-2025 period. Such spending would be subject to appropriation of the necessary amounts.

Revenues

H.R. 5139 also would establish new civil fines and increase existing ones for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers. Civil fines are recorded in the budget as revenues. However, CBO estimates that any additional collections would not be significant in any year and over the 2020-2030 period because of the relatively small number of cases likely to be affected.

Pay-As-You-Go Considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting H.R. 5139 would increase revenues by less than \$500,000 over the 2020-2030 period.

Increase in Long-Term Deficits: None.

Mandates

H.R. 5139 would impose intergovernmental and private-sector mandates on transportation providers operating in the United States. CBO estimates that the aggregate cost of the mandates would fall well below the annual thresholds established in the Unfunded Mandates Reform Act (UMRA) for intergovernmental and private-sector mandates (\$84 million and \$168 million in 2020, respectively, adjusted annually for inflation).

The bill would require transportation providers, both public and private, to develop and implement a sexual assault and harassment policy that includes, among other things, procedures and systems for reporting incidents and potential cases of human trafficking, prohibiting future travel from individuals who violate the carrier's policy, and training for employees who receive incident reports. CBO estimates the requirement would affect fewer than 20,000 operators.

Many of the entities within the scope of the bill, including airlines, commuter and intercity transportation providers, public transit operators, vessel operators, and ride-share companies, have developed relevant policies and training procedures and installed reporting technology.

In those cases, existing policies and practices could be modified to meet the bill's requirements; therefore, CBO estimates the incremental compliance cost for those operators would be small.

Most of the remaining operators affected by the bill are for-hire transportation firms that CBO expects would need to develop a sexual assault and harassment policy, an online platform for reporting violations, and training for employees who receive those reports. CBO assumes those operators will use the most economical means to do so, in some cases using free materials. Therefore, the amount operators would spend to develop those policies and maintain a website, CBO estimates, also would be small.

H.R. 5139 would revise current requirements that vessel operators operate video surveillance equipment in each passenger common area where privacy is not expected. Operators would be required to retain all video recordings for at least 90 days and at least five years if an assault is alleged and reported to law enforcement. Vessel operators also would be required to post signs notifying passengers of the use of that equipment.

In documentation accompanying a rule proposed in 2015, the Coast Guard noted that cruise ship operators maintain surveillance and record retention systems that are similar to the requirements in H.R. 5139. Therefore, CBO expects that the bill would codify many existing practices at little or no cost. The proposed rule did not require signs and would set a shorter retention time for video records, which would impose mandates on about 150 cruise ships. CBO estimates the incremental cost to comply with those requirements would be very small.

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