

At a Glance

H.R. 5706, Stop Sexual Assault and Harassment in Transportation Act

As ordered reported by the House Committee on Transportation and Infrastructure on October 27, 2021

By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	31	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 2032?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold

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

The bill would

- Require the Department of Transportation to collect, maintain, and make publicly available information on the number of sexual assaults and harassment incidents that occur on vehicles operated by private and public transportation carriers
- Establish new and increase existing civil penalties for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers
- Impose intergovernmental and private-sector mandates by requiring transportation operators to develop policies, procedures, and training to address incidents of sexual assault and identify potential cases of human trafficking

Estimated budgetary effects would mainly 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. 5706 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. 5706 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. 5706 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. 5706

	By Fiscal Year, Millions of Dollars					2022-2026
	2022	2023	2024	2025	2026	
Estimated Authorization	*	8	8	8	9	33
Estimated Outlays	*	6	8	8	9	31

Enacting the bill also would increase revenues by less than \$500,000 over the 2022-2031 period. * = between zero and \$500,000.

Basis of Estimate

CBO assumes that the bill will be enacted near the end of fiscal year 2022.

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 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. 5706 would cost \$31 million over the 2022-2026 period. Such spending would be subject to appropriation of the necessary amounts.

Revenues

Under current law, the federal government has authority to levy civil penalties of up to \$35,000 against passengers who physically or sexually assault crew of a civil aircraft. Under H.R. 5706, that maximum penalty would be increased to \$40,000 on January 1, 2026, and further increased to \$45,000 on January 1, 2031. The bill also would authorize similar civil fines for passengers who physically or sexually assault employees of transportation carriers in other modes of transportation.

Civil fines are recorded in the budget as revenues. CBO estimates that any additional collections above those that could already be levied under current law would not be significant in any year and over the 2022-2031 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. 5706 would increase revenues by less than \$500,000 over the 2022-2031 period.

Increase in Long-Term Deficits: None.

Mandates

H.R. 5706 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 for intergovernmental and private-sector mandates (\$85 million and \$170 million in 2021, 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.

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