

# United States Senate

WASHINGTON, DC 20510

June 13, 2018

The Honorable Elaine L. Chao  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Secretary Chao:

As you work to implement the Consolidated Appropriations Act of 2018 (P.L. 115-141), we urge you to take swift action as directed by Congress to address the ongoing problem of sexual assault and harassment onboard commercial airplanes. We have heard from constituents and seen media reports of passengers sharing their experience of being sexually assaulted or harassed on an airplane by other passengers. During a recent hearing before the Senate Committee on Appropriations you described these incidents as “horrible” and agreed that “we need to do something about that.”<sup>1</sup> We appreciate your recognition of the problem, and ask that you take immediate steps to establish federal rules and guidelines to ensure flight crews are better prepared to properly respond to and address sexual assault and harassment on airplanes, including training, reporting, and data collection.

Over the past year, the Association of Flight Attendants-CWA conducted two surveys of flight attendants which underscore the prevalence of sexual assault and harassment onboard airplanes. The 2017 survey of nearly 2,000 flight attendants found one out of five responding flight attendants experienced a report of passenger on passenger sexual assault while working on a flight. Despite this high rate of occurrence, 91.5 percent of responding flight attendants reported no knowledge of written guidance and/or training specific to onboard passenger on passenger sexual assault available through their airline, however, 69.8 percent believed such training to be important or very important.<sup>2</sup> More recently, and equally as disturbing, the 2018 survey of more than 3,500 flight attendants found 68 percent of responding flight attendants experienced sexual harassment during their flying careers, with 35 percent experiencing verbal sexual harassment by passengers in the last year and 18 percent experiencing physical sexual harassment by passengers in the last year.<sup>3</sup>

Federal law makes clear that sexual abuse offenses that are criminal under 18 U.S.C. are also criminal when committed in the special aircraft jurisdiction of the United States.<sup>4</sup> During Sexual Assault Awareness Month this year, the Federal Bureau of Investigation (FBI) launched a public awareness campaign to alert travelers and the public that sexual assault onboard aircraft is a federal crime. According to the FBI, which has jurisdiction over cases of in-flight sexual assault,

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<sup>1</sup> Secretary Chao: “First of all, let me say I think that is horrible what—these incidences and so we need to be vigilant and we need to do something about that and so we’ve just gotten the instruction from the Omnibus and that was just last week. So, of course, we will proceed.” Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, Senate Committee on Appropriations, Review of the FY2019 Budget Request for the U.S. Department of Transportation, April 11, 2018.

<sup>2</sup> [On Board Sexual Assault Survey Findings](#), Association of Flight Attendants-CWA, April 2017.

<sup>3</sup> [Survey Reveals Widespread Harassment of Flight Attendants](#), Association of Flight Attendants-CWA, May 10, 2018.

<sup>4</sup> U.S. Attorney’s Manual, Criminal Resource Manual, Certain Crimes Aboard Aircraft in Flight §1412.

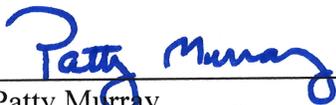
38 cases of in-flight sexual assault were reported to the FBI in Fiscal Year 2014 and this figure increased to 63 cases in the last fiscal year.<sup>5</sup>

We believe more must be done by the U.S. Department of Transportation (DOT) and Federal Aviation Administration (FAA) to address in-flight sexual assault and harassment, from properly training personnel to gathering data about the prevalence of these incidents. That is why we worked to include direction in the Fiscal Year 2018 spending bill requiring the Office of Aviation Enforcement and Proceedings within DOT and the FAA to “establish Federal rules and guidelines, based on best practices, for air carriers to respond to and address sexual assault and sexual harassment onboard commercial aircraft within 1 year of enactment of this act.”<sup>6</sup> This should include initial and annual training of flight attendants, pilots, and other relevant airline employees or contractors, reporting, and data collection. A key component to developing these rules and guidelines is the National In-Flight Sexual Assault Task Force (Task Force), which should represent the diverse set of federal agencies and stakeholders who have a role to play in properly addressing this problem.

Given the urgency of this matter, we ask that you establish the Task Force in short order and remind you the Office of Aviation Enforcement and Proceedings must submit an initial report on the Task Force’s recommendations to Congress within 180 days of March 23, 2018. The Task Force’s work is critical to informing the appropriate federal rules and guidelines to ensure the rights and health of all passengers are preserved, flight crews are trained and equipped to handle incidents of sexual assault and harassment, and the pertinent information is being reported to law enforcement to ensure justice. In order for the Task Force to have adequate time to make meaningful recommendations, we urge you to establish the Task Force no later than June 30, 2018.

We strongly believe we must take action to address sexual assault and harassment, no matter where it occurs. We appreciate your efforts to ensure the safety of air travel and look forward to working with you on this important matter.

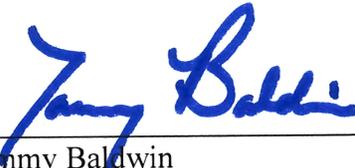
Sincerely,



Patty Murray  
United States Senator



Robert P. Casey, Jr.  
United States Senator



Tammy Baldwin  
United States Senator



Richard Blumenthal  
United States Senator

<sup>5</sup> Sexual Assault Aboard Aircraft, *Raising Awareness About a Serious Federal Crime*, FBI, April 26, 2018.

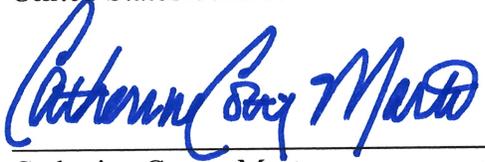
<sup>6</sup> Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill, 2018 (Senate Report 115-138), Page 11.



Cory A. Booker  
United States Senator



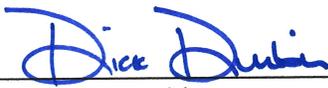
Sherrod Brown  
United States Senator



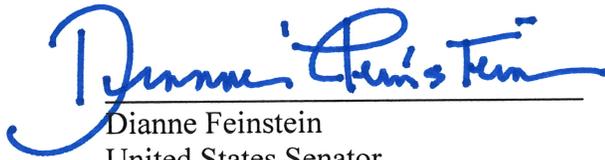
Catherine Cortez Masto  
United States Senator



Tammy Duckworth  
United States Senator



Richard J. Durbin  
United States Senator



Dianne Feinstein  
United States Senator



Kirsten Gillibrand  
United States Senator



Kamala D. Harris  
United States Senator



Margaret Wood Hassan  
United States Senator



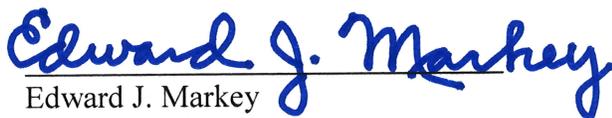
Mazie K. Hirono  
United States Senator



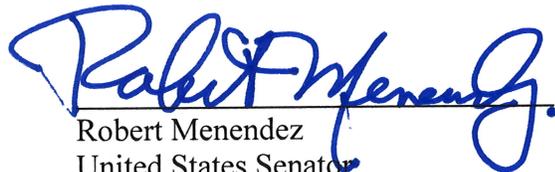
Amy Klobuchar  
United States Senator



Patrick J. Leahy  
United States Senator



Edward J. Markey  
United States Senator



Robert Menendez  
United States Senator



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Gary C. Peters  
United States Senator



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Brian Schatz  
United States Senator



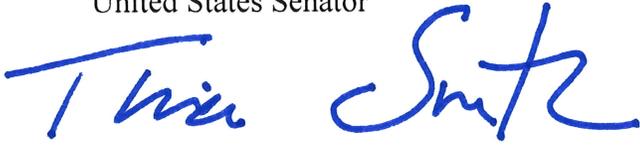
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Charles E. Schumer  
United States Senator



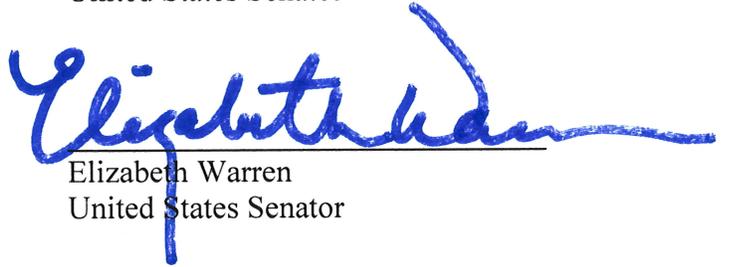
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Jeanne Shaheen  
United States Senator



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Tina Smith  
United States Senator



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Elizabeth Warren  
United States Senator



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Ron Wyden  
United States Senator

cc: The Honorable Daniel K. Elwell, Acting Administrator, Federal Aviation Administration  
The Honorable Jeff Sessions, Attorney General, U.S. Department of Justice  
The Honorable Alex M. Azar II, Secretary, U.S. Department of Health and Human Services