

United States Senate

WASHINGTON, DC 20510

February 14, 2019

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

Dear Secretary Chao:

We write to express our strong concern with the U.S. Department of Transportation's (DOT) efforts to establish the National In-Flight Sexual Misconduct Task Force (Task Force) as a subcommittee with little to no ability to directly influence current practices. We strongly urge the Department to change course immediately and create the Task Force as a standalone committee as directed by Congress in Section 339A of the FAA Reauthorization Act of 2018 (P.L. 115-254) in order to properly address the ongoing problem of sexual assault and harassment onboard commercial airplanes. It is critical that DOT get this right to ensure the safety of all air travelers.

In November 2018, DOT reestablished the Aviation Consumer Protection Advisory Committee (ACPAC), formerly known as the Advisory Committee on Aviation Consumer Protection, and established the National In-Flight Sexual Misconduct Task Force as a ACPAC Subcommittee. Section 339A requires DOT to establish the Task Force to review current airline practices, protocols, and requirements in responding to and addressing in-flight sexual misconduct by passengers, including training, reporting, data collection, and law enforcement notification. Congress intended this Task Force to stand on its own. In fact, Congress directs DOT to extend the Advisory Committee for Aviation Consumer Protection and establish the Task Force in two separate titles of the FAA Reauthorization Act. We fear the important roles and responsibilities of the Task Force would be diminished as a ACPAC Subcommittee.

Even more problematic is DOT's decision to require the Task Force to provide its recommendations to the ACPAC, allow the ACPAC to alter the recommendations, and explicitly prevent the Task Force from providing recommendations directly to the Department.¹ This is in direct violation of federal law. The FAA Reauthorization Act mandates that the Task Force submit a report with recommendations and findings directly to the Secretary of Transportation by October 5, 2019. The ACPAC's ability to accept, amend, or reject recommendations made by the Task Force is deeply troubling. Congress carefully developed the Task Force to ensure federal agencies and stakeholders could provide their expertise, experience, and recommendations for better addressing incidents of sexual assault and harassment by passengers on airplanes. The

¹ Department of Transportation, Office of the Secretary, Advisory Committee on Aviation Consumer Protection Matters; Subcommittee on In-Flight Sexual Misconduct; Page 3, November, 15, 2018.

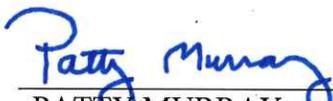
Task Force's work is vital to informing possible changes to guidance, policies, and regulations to preserve the rights and health of all passengers, train flight crews, report pertinent information to law enforcement to allow survivors to seek justice, and develop data collection mechanisms to better understand the scope of the problem and effectiveness of potential solutions. The ACPAC does not have this expertise nor mandate.

The importance of the Task Force is underscored by the many stories we have heard from constituents, flight attendants, and media reports of passengers or flight attendants being sexually assaulted or harassed on airplanes by other passengers. The Federal Bureau of Investigation, which has jurisdiction over cases of in-flight sexual assault, has reported a rise in cases – climbing from 38 cases reported in Fiscal Year 2014 to 63 cases reported in the Fiscal Year 2017.² Two surveys conducted by the Association of Flight Attendants-CWA further highlight the prevalence of sexual assault and harassment onboard airplanes. A 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.³ Another survey of more than 3,500 flight attendants in 2018 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.⁴

You stated during a Congressional hearing that the issue of sexual assault and harassment on airplanes must be addressed.⁵ We agreed, and took action by enacting the Task Force and other provisions in the FAA Reauthorization Act. However, we firmly believe the Task Force cannot help the Department meaningfully address the problem of in-flight sexual assault and harassment if you move forward with DOT's current plans. To better protect the millions of women, men, and children who travel on commercial flights each day, DOT must set up the Task Force as a standalone committee and allow the Task Force to provide its recommendations directly to the Department without interference by another entity.

We appreciate your efforts to ensure the safety of air travel and look forward to continuing to work with you on this important matter.

Sincerely,



PATTY MURRAY
United States Senator



ROBERT P. CASEY, JR.
United States Senator

² [Sexual Assault Aboard Aircraft, Raising Awareness About a Serious Federal Crime](#), FBI, April 26, 2018.

³ [On Board Sexual Assault Survey Findings](#), Association of Flight Attendants-CWA, April 2017.

⁴ [Survey Reveals Widespread Harassment of Flight Attendants](#), Association of Flight Attendants-CWA, May 10, 2018.

⁵ 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..." 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.