

# United States Senate

WASHINGTON, DC 20510

October 31, 2016

The Honorable Loretta Lynch  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

The Honorable Michael Huerta  
Federal Aviation Administration  
U.S. Department of Transportation  
800 Independence Avenue SW  
Washington, D.C. 20591

Dear Attorney General Lynch and Administrator Huerta:

As our country continues the fight to end violence against women, it is critical that no space be exempt from protection or devoid of support for survivors of sexual assault. We write to express our deep concern that airplanes appear to be just such a place. Specifically, we are concerned with the apparent lack of standards and support provided to airline personnel about how to address and respond to incidents of sexual harassment and assault aboard commercial aircraft. We urge you to review, clarify, and develop requirements for airlines to ensure flight attendants, crewmembers, and pilots who may have to respond to an incident while aboard the aircraft are prepared to support the survivor and take the steps necessary to hold the alleged perpetrator accountable.

Recently, one of our offices heard from an individual who was sexually assaulted on a long distance flight, and although she was provided a new seat for several hours, she was ultimately asked by the flight attendants to return to her original seat next to her attacker for landing. When she refused, they seated another male passenger next to him, offering airline miles for his inconvenience. Like many Americans, this passenger is often on long distance flights for work. Concerned with the response to her sexual assault, and under the impression that a report had been filed with the relevant authorities, she followed up with the airline. She was shocked to learn no report was filed. Unfortunately, the experience of this individual does not seem to be an isolated incident, as recent media reports have highlighted underreporting by airlines, apparent inadequacies in airline responses, and a lack of policy and guidance to address the issue.<sup>1</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>2</sup> Additionally, the Federal Aviation Administration (FAA) is tasked with carrying out duties related to aviation

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<sup>1</sup> Nora Caplan-Bricker, *Flight Risk*, Slate (August 31, 2016, 5:58AM) ([http://www.slate.com/articles/double\\_x/doublex/2016/08/what\\_happens\\_when\\_sexual\\_assault\\_happens\\_on\\_a\\_long\\_haul\\_flight.html](http://www.slate.com/articles/double_x/doublex/2016/08/what_happens_when_sexual_assault_happens_on_a_long_haul_flight.html)); Nicole Bitette, *Oregon Man Charged with Sexually Assaulting 13-year-old girl on American Airlines Flight*, New York Daily News (June 20, 2016) (<http://www.nydailynews.com/news/national/man-charged-sexually-assaulting-13-year-old-girl-flight-article-1.2681080>)

<sup>2</sup> U.S. Attorneys' Manual, Criminal Resource Manual, Certain Crimes Aboard Aircraft in Flight §1412.

safety, including sexual assault.<sup>3</sup> We believe the federal government has a role to play in the safety of passengers and crewmembers that experience sexual assault aboard commercial aircraft. The primary role of the flight attendants and crewmembers is safety, however, we understand many may not be sufficiently trained to recognize and respond appropriately to an in-flight case of sexual assault or harassment. Although the FAA has regulations that outline the required training programs for flight attendants and crewmembers, there are no explicit guidelines for handling sexual assault.

We find this troubling and unacceptable. The National Crime Victimization Survey estimates that women experience approximately 270,000 sexual assaults each year, and more than 90 percent of sexual assaults recorded are committed against women.<sup>4</sup> The aftermath of a violent or sexual crime can be psychologically, physically, or financially devastating for a survivor. Long distance flights often occur overnight. There are extended periods where no flight attendants walk through the aircraft cabin, and many guests sleep before landing in a different time zone. Such characteristics could make long distance flights a particularly hazardous place for travelers by presenting a prime opportunity for these crimes to occur. All passengers should be able to travel without the worry of being sexually assaulted. We must support those with authority, like flight attendants, crewmembers, and pilots, to ensure that an incident of sexual assault is halted, prevent a repeated attack, support and help the survivor, and ensure the event is documented and reported to the proper authorities.

It is critical that we work together to immediately identify, understand, and address the issue of sexual harassment and assault aboard commercial aircraft. Given the broad scope of the issue, we request the FAA and U.S. Department of Justice work across the federal government and industry to:

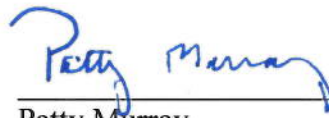
- Convene stakeholders and establish a working group with the relevant federal agencies; unions representing flight attendants, crewmembers, and pilots; airlines; Office of Victims of Crime; law enforcement; and sexual assault advocacy organizations to discuss and identify the issues and gaps, and develop policy solutions to support survivors of sexual assault;
- Collect data to understand the prevalence of sexual assault aboard commercial aircraft among passengers, flight attendants, crewmembers, and pilots; and
- Identify, collect, and develop federal rules, guidelines and best practices for responding to sexual assault aboard commercial aircraft, including guidance on timely reporting.

We must do all we can to ensure passengers' rights and health are protected, flight crews are fully trained and equipped to handle sexual assaults, and that pertinent information is being reported to law enforcement to ensure justice. We appreciate all the work you do to ensure our national airways are safe and reliable. Thank you for your consideration of our views.

Sincerely,



Robert P. Casey Jr.  
United States Senator

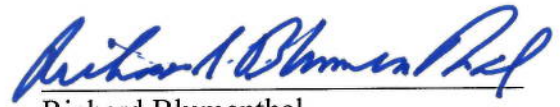


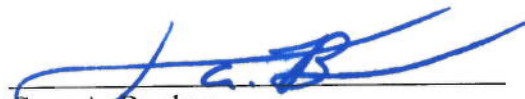
Patty Murray  
United States Senator


<sup>3</sup> 49 U.S.C.A. § 106(g)(A); Chapter 465 includes 49 U.S.C.A. § 46506.

<sup>4</sup> Department of Justice, Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/fvsv9410.pdf>.

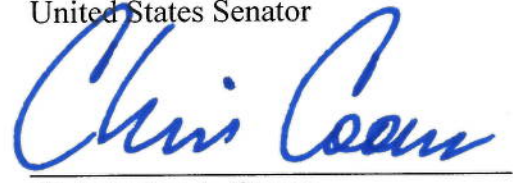
  
Tammy Baldwin  
United States Senator

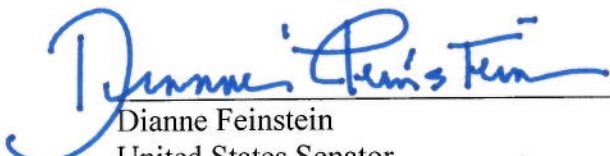
  
Richard Blumenthal  
United States Senator

  
Cory A. Booker  
United States Senator

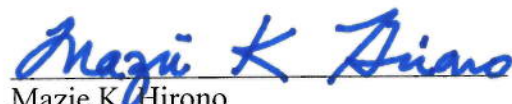
  
Barbara Boxer  
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Sherrod Brown  
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Christopher A. Coons  
United States Senator

  
Dianne Feinstein  
United States Senator

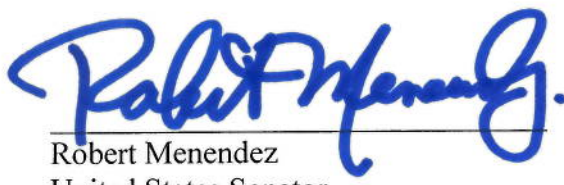
  
Kirsten Gillibrand  
United States Senator

  
Mazie Hirono  
United States Senator

  
Patrick J. Leahy  
United States Senator

  
Edward J. Markey  
United States Senator

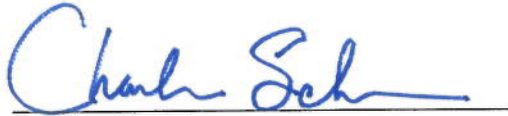
  
Claire McCaskill  
United States Senator

  
Robert Menendez  
United States Senator

  
Gary C. Peters  
United States Senator

  
Bernard Sanders  
United States Senator

  
Brian Schatz  
United States Senator



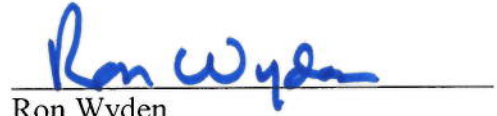
Charles E. Schumer  
United States Senator



Debbie Stabenow  
United States Senator



Elizabeth Warren  
United States Senator



Ron Wyden  
United States Senator



Mark R. Warner  
United States Senator