

played a key role in our Nation's war effort during World War II through their efforts on the home front.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a co-sponsor and a senior member of the House of Representatives, I rise in strong support of H.R. 5068, the "Women Who Worked on the Home Front World War II Memorial Act," which would authorize the establishment of a memorial on federal land in the District of Columbia, commemorating the efforts of the 18 million American women who kept the home front running during World War II.

I would like to thank Congresswoman ELEANOR HOLMES NORTON for introducing this important piece of legislation.

It is no secret that women are dramatically underrepresented when it comes to our memorials.

Despite being instrumental in maintaining the stability of the country during World War II, the women of World War II have not received much recognition for their contributions.

This bill would change that by authorizing the Women Who Worked on the Home Front Foundation to establish a memorial to honor these women.

The memorial is designed to be interactive and to educate visitors on the crucial roles women played during World War II.

For instance, millions of American women took jobs to support their families and the country at large during World War II, forever redefining what "women's work" looked like.

In fact, more than 10,000 women served behind the scenes of World War II as codebreakers.

Women were also trained to fly military aircraft so that male pilots could leave for combat duty overseas.

More than 1,100 female civilian volunteers flew nearly every type of military aircraft as part of the Women Airforce Service Pilots (WASP) program.

WASPs flew planes from factories to bases, transported cargo and participated in simulation strafing and target missions.

Between 1940 and 1945, the percentage of women in the workforce increased from 27 percent to nearly 37 percent, and, by 1945, one in four married women worked outside of the home.

The work done by women on the home front had a profound effect on the job market going forward.

As the nation continues to mourn the loss of the 'Notorious RBG', an unmatched constitutional scholar and Supreme Court Justice who irrevocably advanced the women's movement, I can think of no better way to honor her legacy than by voting for this bill to commemorate the women whose sacrifices and decisions to enter the workforce during World War II also helped to change perceptions about gender roles in society.

We, as Members of Congress, have a duty to recognize and celebrate these revolutionary patriots for their service to this country.

As a proud leader of this bill, I encourage my fellow colleagues to vote in favor of H.R. 5068.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the

rules and pass the bill, H.R. 5068, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MAKING CERTAIN TECHNICAL CORRECTIONS TO KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000

Mrs. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3758) to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.

Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

- (1) in paragraph (1)—
 - (A) in the matter preceding subparagraph (A)—
 - (i) by striking "Pursuant to the reclamation laws and subject" and inserting "Subject"; and
 - (ii) by striking "may" and inserting "is authorized to"; and
 - (B) in subparagraph (A), by inserting ", including conservation and efficiency measures, land idling, and use of groundwater," after "administer programs";
- (2) in paragraph (3)(A), by inserting "and" after the semicolon at the end;
- (3) by redesignating the second paragraph (4) (relating to the effect of the subsection) as paragraph (5); and
- (4) in paragraph (5) (as so redesignated)—
 - (A) by striking subparagraph (B);
 - (B) in subparagraph (A), by striking "or" and inserting a period; and
 - (C) by striking "the Secretary—" and all that follows through "to develop" in subparagraph (A) and inserting "the Secretary to develop".

SEC. 2. CONTINUED USE OF PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER BY THE KINSEY IRRIGATION COMPANY AND THE SIDNEY WATER USERS IRRIGATION DISTRICT.

(a) AUTHORIZATION.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the "Kinsey Irrigation Company" in Custer County, Montana and the "Sidney Water Users Irrigation District" in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability to pay under section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891, chapter 665).

(b) LIMITATION.—The quantity of power to be provided to the Kinsey Irrigation Com-

pany and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3758, which addresses two issues regarding Bureau of Reclamation water and power management.

First, the bill amends Klamath Basin Water Supply Enhancement Act of 2000 to support water conservation and efficiency measures in the Klamath Basin. This bill provides additional authorization for Reclamation to work with Klamath Basin irrigators on activities that align water supplies and demand.

Further, this legislation would extend the use of drought relief funding to certain conservation measures, land idling, and groundwater uses.

Second, the bill also carries provisions to make two irrigation districts in eastern Montana eligible to continue to receive project use power rates from the Bureau of Reclamation.

Mr. Speaker, I appreciate the efforts from Senators MERKLEY and WYDEN to advance this bill, and I urge my colleagues to support its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant support of S. 3758. While this bill makes important technical corrections that will provide relief to the Klamath Basin irrigators which have been hard hit by drought, it also includes a provision that perpetuates a 75-year mistake.

In 1946, the Bureau of Reclamation entered into contracts with two irrigation entities in Montana to provide project use power, better known as PUP.

Normally, these subsidized power rates are reserved for Federal projects. However, for reasons lost to history, these two entities—which are not part of any Federal project, and in fact, one is a private company—have been able to obtain and renew their project use power or PUP contracts.

Recently, the Bureau of Reclamation realized it lacked the authority to provide these two entities PUP rates and has decided to let these contracts expire December 31, 2020. It is extremely concerning that it took the Bureau of Reclamation 75 years to realize it made a mistake, which makes this situation quite unique. This unfortunate mistake by bureaucrats left more than 130 family farms in limbo, uncertain if they will be able to afford to maintain their farmland after January 1, 2021.

While we are not opposing this fix today, the committee wants to be clear that this is a one-off, unique situation. We do not see this as a pathway or precedent for other irrigation districts to follow.

Mr. Speaker, I include in the RECORD two legal opinions from the Department of the Interior, Office of the Solicitor, which indicate that the department did not have the legal authority to enter into PUP contracts with the two Pick-Sloan Missouri Basin Program entities because there is no Federal nexus.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Billings, MT, March 10, 2014.
Memorandum

To: Michael J. Ryan, Regional Director, Bureau of Reclamation, Great Plains Region, Billings, Attn: GP-4100 (Fern Thompson)

From: Karan L. Dunnigan, Field Solicitor, Office of the Solicitor, Rocky Mountain Region (Billings)

Subject: Authority to Enter Into a Pick-Sloan Missouri Basin Program (P-SMBP) Project Use Power (PUP) Contract with Kinsey Irrigation Company (Company)

I. QUESTION

In an October 31, 2013 memorandum, you asked: (1) whether the Bureau of Reclamation (Reclamation) had or has the authority to enter into a PUP contract with the Company; (2) if not, whether Reclamation should continue to honor its current contract with the Company until the contract expires; and (3) if so, if Reclamation should approve the Company's request for an increased contract rate of delivery.

II. BRIEF ANSWER

Reclamation does not and did not have the authority to enter into a PUP contract with the Company, because the United States has had no interest in the unit and there has been no federal nexus with the unit since the title transfer of the Kinsey facilities in the 1940's. Because Reclamation has no authority to provide PUP to the Company, Reclamation should seek to terminate the provision of PUP to Kinsey as soon as is practical. And any increased deliveries to the Company should not be at a PUP rate.

III. BACKGROUND

The Farm Security Administration constructed the Kinsey project in 1937. The project was referenced in Senate Document 191, 78th Congress, 2nd Session, 1944, and thus appears to have been contemplated to be (and indeed was briefly) a P-SMBP unit. However, in 1945 the Company purchased the federally-owned Kinsey project facilities from the United States, rendering the Kinsey project entirely private. The Kinsey project has no other federal nexus.

In 1946, Reclamation entered into a power contract with the Company, providing power at the PUP rate of 2.5 mills per kilowatt-

hour. Reclamation's regional office raised concerns about providing PUP power to a private district on several occasions, but for reasons lost to history, the Commissioner of Reclamation's office instructed the region to continue providing PUP power to the district, and at the original 2.5 mill rate. The contract has been renewed and extended over the years, and currently terminates on December 31, 2020.

The Kinsey project does appear in the 1963 "Report on Financial Position, Missouri River Basin Project" (1963 Report) as a project entitled to PUP.

IV. ANALYSIS

Pursuant to Reclamation Law and Policy, PUP is available only where it has been specifically authorized by Congress and, unless Congress specifically provides otherwise, only to Reclamation projects. Here, while the Kinsey project was initially a federal project, and briefly an authorized unit of the P-SMBP, title transfer to the Company divested the Kinsey project of its status as an authorized P-SMBP unit and rendered it entirely private. Accordingly, the Company is not entitled to PUP.

A. Project Pumping Power

Authority to produce and supply PUP is implied in the Town Sites and Power Development Act of 1906 (Act of April 16, 1906, ch. 1631, 34 Stat. 116). PUP is further contemplated under the Reclamation Project Act of 1939, at section 9(c), which provides that:

Any sale of electric power . . . made by the Secretary in connection with the operation of any project or division of a project, shall be for such periods, not to exceed forty years, and at such rates as in his judgment will produce power revenues at least sufficient to cover an appropriate share of the construction investment at not less than 3 per center per annum . . .

Thus, under the 1939 Act, PUP must also be "in connection with the operation of any project or division of a project." And under further Reclamation law and policy, PUP is only available to Reclamation projects for which PUP was explicitly authorized. The Reclamation Act of 1902 provides that "the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress." §6. So, without further authorization from Congress, Reclamation projects must be owned by the United States.

The Reclamation Manual at FAC 04-06 provides that "[p]roject use power is used to meet the electrical service requirements of a Reclamation project pursuant to congressional authorization." Further, the Reclamation Manual defines Reclamation Project as "those facilities or features of a project constructed/developed/or transferred to Reclamation under the authority of Federal Reclamation law (or the Water Conservation and Utilization Act) for which ownership is retained by the United States, unless otherwise authorized by Congress." As with the 1902 and 1939 Acts, under the Reclamation Manual project use power can only be provided to project facilities owned by the United States unless Congress authorizes otherwise.

The Flood Control Act of 1944 authorized the P-SMBP. Subsection (a) of Section 9 of that Act approved the general comprehensive plans set forth in H.D. 475 and S.D. 191, 78th Congress 2nd Session. S.D. 191, at page 22, provides:

In the plan proposed, irrigation pumping with its incidental power requirements plays a large part. The cost of such power will be an important element in the irrigators' annual expenses, and must be low if success is

to be achieved. Experience and study indicate that the cost per kilowatt-hour should not exceed 2½ mills for energy delivered to major project pumping plants.

(The current PUP rate is of course much higher than the rate contemplated in 1944, but still a fraction of the market rate.)

The Kinsey project was a federal irrigation project, transferred to Reclamation as a part of the Flood Control Act of 1944. Therefore, the Kinsey project was briefly a P-SMBP unit. However, the Kinsey project ceased to be a Reclamation project when the Company bought it two years later. Without specific Congressional authority, facilities transferred by title transfer are no longer able to receive PUP because they are no longer federal projects.

B. The 1963 Report

Although the 1963 Report indicates in its exhibits that the Kinsey project receives PUP, we interpret this inclusion as an oversight resulting from the fact that the Kinsey project was initially a P-SMBP unit and had continued to receive PUP.

Congress adopted the "1963 Report" by passing the 1965 Garrison Diversion Unit legislation:

In addition to reauthorizing the initial stage of the Garrison diversion unit, the approval of this legislation will indicate acceptance by the Congress of the Department's recommendations with respect to the overall financial position of the Missouri River Basin project. About 3 years ago, the committee requested the Department of the Interior to study ways and means of placing the Missouri River Basin project in a sound financial position and to report its findings and recommendations to the Congress. A "sound financial position" was interpreted to mean that commercial power and municipal and industrial water investments would be repaid with interest in not to exceed 50 years and that irrigation investments would be repaid within 50 years plus any authorized development period, including that portion to be repaid from power revenues.

H.R. Rept. No. 282, 89th Cong., 1st Sess. 8 (1965). Identical language appeared in the 1964 report, H.R. Rept. No. 1606, 88th Cong., 2d Sess. 8 (1964), and the Senate committee report contained a similar acknowledgement, S. Rept. No. 470 (on S. 34), 89th Cong., 1st Sess. 4 (1965).

Thus, as with our recent memorandum on PUP at Frenchman-Cambridge Unit, we interpret the presence or absence of a unit in the 1963 Report as evidence of Congress's intent for that unit. But even where the Kinsey project's inclusion in the report is contrary evidence, it is not sufficient to indicate clear Congressional intent to provide PUP to a project that is otherwise completely private and without a federal nexus.

C. The Current Contract with the Company

The provision of power to the Company at a PUP rate has never been authorized, so Reclamation should seek to raise the rate or terminate the current contract as soon as it is practical. The contract contains a "Modification of Rates" provision allowing for the United States to promulgate a new rate schedule for the contract (General Power Contract Provisions, ¶F). The provision sets forth the procedure by which the United States gives notice to the Company of a new rate schedule, and the Company has the option to terminate its contract instead of accepting the new rate.

V. CONCLUSION

Without clear Congressional intent to the contrary, privately owned facilities are not eligible to receive PUP. The Kinsey project was transferred to the Company in 1946, and has been private for 68 years. The project has

no other federal nexus. Reclamation has no authority to provide power to the Company at PUP rates. Reclamation should stop doing so as soon as it is practical.

If you have any questions, please contact Bryan Wilson in this office.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Billings, Montana, November 30, 2017.
Memorandum

To: Michael J. Ryan, Regional Director, Bureau of Reclamation Great Plains Region, Billings, Attn: GP-4100 (Margaret Ventling)
From: Karen L. Dunnigan, Field Solicitor, Office of the Solicitor, Rocky Mountain Region (Billings)
Subject: Authority to Enter Into a Pick-Sloan Missouri Basin Program (P-SMBP) Project Use Power (PUP) Contract with Sidney Water Users Irrigation District (Sidney)

I. QUESTION

In a November 9, 2017 memorandum, you asked if the Bureau of Reclamation (Reclamation) is authorized to enter into a PUP contract with Sidney.

II. BRIEF ANSWER

Reclamation does not have and never had the authority to enter into a PUP contract with Sidney, because the United States never had an interest in Sidney's project, there is no federal nexus with Sidney, and no other authority exists to allow Reclamation to provide PUP to Sidney. This situation is similar to that of Kinsey Irrigation Company, addressed in our memorandum dated March 10, 2014, except that Kinsey was originally a Reclamation project.

III. BACKGROUND

The Sidney project was constructed by the State of Montana in 1938. Reclamation entered into Contract No. L79R-449 with Sidney's predecessor-in-interest, the Montana State Water Conservation Board, on July 31, 1946, for seasonal irrigation pumping power. Contract No. L79R-449 terminated and was replaced by Contract 14-06-600-9164 on May 15, 1967. The latter contract was supplemented and extended, and ultimately was to expire on December 31, 2000. The State assigned the contract to Sidney on June 30, 1997, and the Western Area Power Administration extended the contract until December 31, 2020.

IV. ANALYSIS

Pursuant to Reclamation Law and Policy, PUP is available only where it has been specifically authorized by Congress and, unless Congress specifically provides otherwise, only to Reclamation projects. While the Kinsey project referenced above was initially a federal project, the Sidney project has never been federal or had a federal nexus. Accordingly, Sidney is not and never was entitled to PUP.

Authority to produce and supply PUP is implied in the Town Sites and Power Development Act of 1906 (Act of April 16, 1906, ch. 1631, 34 Stat. 116). PUP is further contemplated under the Reclamation Project Act of 1939, at section 9(c), which provides that:

Any sale of electric power . . . made by the Secretary in connection with the operation of any project or division of a project, shall be for such periods, not to exceed forty years, and at such rates as in his judgment will produce power revenues at least sufficient to cover an appropriate share of the construction investment at not less than 3 per center per annum . . .

Thus, under the 1939 Act, PUP must also be "in connection with the operation of any project or division of a project." And under further Reclamation law and policy, PUP is only available to Reclamation projects for

which PUP was explicitly authorized. The Reclamation Act of 1902 provides that "the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress." § 6. So, without further authorization from Congress, Reclamation projects must be owned by the United States.

The Reclamation Manual at FAC 04-06 provides that PUP "is used to meet the electrical service requirements of a Reclamation project pursuant to congressional authorization." Further, the Reclamation Manual defines a Reclamation project as "those facilities or features of a project constructed/developed/or transferred to Reclamation under the authority of Federal Reclamation law (or the Water Conservation and Utilization Act) for which ownership is retained by the United States, unless otherwise authorized by Congress." As with the 1902 and 1939 Acts, under the Reclamation Manual PUP can only be provided to project facilities owned by the United States unless Congress authorizes otherwise.

The Flood Control Act of 1944 authorized the P-SMBP. Subsection (a) of Section 9 of that Act approved the general comprehensive plans set forth in H.D. 475 and S.D. 191, 78th Congress 2nd Session. S.D. 191, at page 22, provides:

In the plan proposed, irrigation pumping with its incidental power requirements plays a large part. The cost of such power will be an important element in the irrigators' annual expenses, and must be low if success is to be achieved. Experience and study indicate that the cost per kilowatt-hour should not exceed 2½ mills for energy delivered to major project pumping plants.

(The current PUP rate is of course much higher than the rate contemplated in 1944, but still a fraction of the market rate.)

Sidney was always a state project, and it is unclear why it was ever provided PUP. Without specific Congressional authority, non-federal projects are not eligible to receive PUP.

V. CONCLUSION

Without clear Congressional intent to the contrary, non-federal facilities are not eligible to receive PUP. Sidney is not and has never been federal, and has no federal nexus. Reclamation has no authority to provide power to Sidney at PUP rates.

If you have any questions, please contact Bryan Wilson in this office.

Mr. WITTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Speaker, I thank my colleagues for bringing this legislation forward, and especially Chairman GRIJALVA and Ranking Member BISHOP. I also thank Oregon senators, MERKLEY and WYDEN, for their efforts on this, too.

Irrigators in the Klamath Basin, which I represent, face another drought-stricken year. There have been a lot of things we have done to help them over time. I have been involved in these issues for more than 20 years now, and it is one of the most vexing water systems in the country when you try and parse it all together and make it all work, and couple that with Federal requirements and Tribal rights, and then get a drought year, we get in really bad shape.

This year, I welcomed Secretary of Interior David Bernhardt and Bureau of Reclamation Commissioner Brenda Burman to the Klamath Basin. They got a firsthand look at what our farmers were facing there. Secretary Bern-

hardt was the first Secretary of the Interior to visit the Klamath Basin in about 20 years, so we are really appreciative that he took time personally to come out there.

We are thankful to the Trump administration for listening to us. They have committed to provide funding to ensure we have the best science available to make better decisions by the Federal Government when it comes to the allocation of water.

Today, in this legislation, we are providing yet another tool to help farmers. This legislation will give the Bureau of Reclamation the authority to spend \$10 million each year over the next 4 years to implement measures including groundwater pumping and water movement through the Bureau of Reclamation facilities. This is simply essential for the survival of irrigated agriculture in the Basin.

Mr. Speaker, I look forward to continuing to work with Congress, the administration, and local officials to find durable, lasting solutions for the farmers, ranchers, fish, and Tribes in the Klamath Basin.

Mr. Speaker, I thank my colleagues for bringing this bill forward, and urge its passage.

Mrs. DINGELL. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. WITTMAN. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, I commend Congressman GREG WALDEN for his sponsorship of the House companion bill, H.R. 7116, that makes the needed noncontroversial technical corrections to the Klamath Basin Water Supply Act so that all the benefits can be accessed.

Congressman GIANFORTE is also supporting his constituents as the House sponsor of H.R. 3471, which mirrors Montana's provisions that are contained within S. 3758.

Again, I thank all my colleagues on both sides of the aisle who worked hard to resolve this issue so that folks in these regions can have certainty about the water that they so desperately need.

Mr. Speaker, I yield back the balance of my time.

Mrs. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, commend my colleague, Mr. WALDEN, for his leadership and trying to bring this together with Mr. GIANFORTE and finding an answer. I am going to miss my friend deeply so he better stay engaged to make sure we do this right.

I thank Mr. WITTMAN for working with him this afternoon on the passage of this and several other critical bills. And all the leadership of the Committee on Natural Resources. And, again, what happens when Republicans and Democrats work together, we can really get things done.

Mr. Speaker, this legislation will help address water conservation and the power challenges in the Klamath Basin.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

□ 1545

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, S. 3758.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENATOR KAY HAGAN AIRPORT TRAFFIC CONTROL TOWER

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4762) to designate the airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, as the "Senator Kay Hagan Airport Traffic Control Tower", and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The text of the bill is as follows:

S. 4762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The airport traffic control tower located at Piedmont Triad International Airport in Greensboro, North Carolina, and any successor airport traffic control tower at that location, shall be known and designated as the "Senator Kay Hagan Airport Traffic Control Tower".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the "Senator Kay Hagan Airport Traffic Control Tower".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STOP SEXUAL ASSAULT AND HARASSMENT IN TRANSPORTATION ACT

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5139) to protect transportation personnel and passengers from sexual assault and harassment, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Sexual Assault and Harassment in Transportation Act".

SEC. 2. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON AIR CARRIERS AND FOREIGN AIR CARRIERS.

(a) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41727. Formal sexual assault and harassment policies

"(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each air carrier and foreign air carrier transporting passengers for compensation shall issue, in consultation with labor unions representing personnel of the air carrier or foreign air carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

"(b) CONTENTS.—The policy required under subsection (a) shall include—

"(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

"(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

"(A) appropriate public outreach activities; and

"(B) confidential phone and internet-based opportunities for reporting;

"(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

"(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and

"(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

"(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

"(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).

"(c) PASSENGER INFORMATION.—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier or foreign air carrier and through the use of appropriate signage, a written statement that—

"(1) advises passengers and personnel that the carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

"(2) informs passengers and personnel of the other major components of the carrier's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

"(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

"(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the air carrier or foreign air carrier described in subsection (a) has acted with any requisite standard of care.

"(e) DEFINITIONS.—In this section:

"(1) PERSONNEL.—The term 'personnel' means an employee or contractor of an air carrier or foreign air carrier.

"(2) SEXUAL ASSAULT.—The term 'sexual assault' means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law,

including when the victim lacks capacity to consent.

"(3) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term 'transportation sexual assault or harassment incident' means the occurrence, or reasonably suspected occurrence, of an act that—

"(A) constitutes sexual assault or sexual harassment; and

"(B) is committed—

"(i) by a passenger or member of personnel of an air carrier or foreign air carrier against another passenger or member of personnel of an air carrier or foreign air carrier; and

"(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft."

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"41727. Formal sexual assault and harassment policies."

SEC. 3. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR CERTAIN MOTOR CARRIERS.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, each covered motor carrier shall issue, in consultation with labor unions representing personnel of the covered motor carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) CONTENTS.—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit, to the extent practicable, future travel with the covered motor carrier by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(c) PASSENGER INFORMATION.—A covered motor carrier shall prominently display, on the internet website of the covered motor carrier and through the use of appropriate signage, a written statement that—

(1) advises passengers that the covered motor carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers and personnel of the other major components of the covered motor carrier's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers of the procedure for reporting a transportation sexual assault or harassment incident.

(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered motor carrier has acted with any requisite standard of care.