

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.

(e) DEFINITIONS.—In this section:

(1) PERSONNEL.—The term “personnel” means an employee or contractor of a covered motor carrier.

(2) COVERED MOTOR CARRIER.—The term “covered motor carrier” means a motor carrier of passengers that—

(A) conducts regularly scheduled intercity service; and

(B) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

(3) 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.

(4) 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 covered motor carrier against another passenger or member of personnel of the covered motor carrier; and

(ii) within a vehicle of the motor carrier or in an area in which passengers are entering or exiting such a vehicle.

SEC. 4. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON PASSENGER COMMUTER AND INTERCITY RAIL.

(a) IN GENERAL.—Chapter 241 of title 49, United States Code, is amended by adding at the end the following:

“§24104. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each covered rail entity shall issue, in consultation with labor unions representing personnel with respect to the covered rail entity, 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 covered rail entity 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 rail entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—

“(1) advises passengers and personnel that the covered rail entity 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 rail entity’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 covered rail entity has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:

“(1) COVERED RAIL ENTITY.—The term ‘covered rail entity’ means an entity providing commuter rail passenger transportation or intercity rail passenger transportation.

“(2) PERSONNEL.—The term ‘personnel’ means an employee or contractor of a covered rail entity.

“(3) 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.

“(4) 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 covered rail entity against another passenger or member of personnel of the covered rail entity; and

(ii) within a vehicle of the covered rail entity or in an area in which passengers are entering or exiting such a vehicle.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 241 of title 49, United States Code, is amended by adding at the end the following:

“24104. Formal sexual assault and harassment policies.”.

SEC. 5. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES ON TRANSIT.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

“§5341. Formal sexual assault and harassment policies

“(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this section, each covered transit entity shall issue, in consultation with labor unions representing personnel with respect to the covered transit entity, 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 cov-

ered transit entity 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 transit entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—

“(1) advises passengers and personnel that the covered transit entity 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 transit entity’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 covered transit entity has acted with any requisite standard of care.

“(e) DEFINITIONS.—In this section:

“(1) COVERED TRANSIT ENTITY.—The term ‘covered transit entity’ means a State or local governmental entity, private nonprofit organization, or Tribe that—

“(A) operates a public transportation service; and

“(B) is a recipient or subrecipient of funds under this chapter.

“(2) PERSONNEL.—The term ‘personnel’ means an employee or contractor of a covered transit entity.

“(3) 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.

“(4) 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 covered transit entity against another passenger or member of personnel of the covered transit entity; and

“(ii) within a vehicle of the covered transit entity or in an area in which passengers are entering or exiting such a vehicle.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

“5341. Formal sexual assault and harassment policies.”.

SEC. 6. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR PASSENGER VESSELS.

(a) IN GENERAL.—Section 3507(d) of title 46, United States Code, is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6)(A) issue a formal policy with respect to sexual assault or harassment incidents that includes—

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

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

“(I) appropriate public outreach activities; and

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

“(iii) procedures that personnel should follow upon the reporting of a sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and how to provide the information and access required under paragraph (5);

“(iv) procedures that may limit or prohibit, to the extent practicable, future travel on the vessel by any passenger who causes a transportation sexual assault or harassment incident; and

“(v) training that is required for all appropriate personnel with respect to the policy required under this paragraph, including—

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

“(II) recognizing and responding to potential human trafficking victims; and

“(B) prominently display on the internet website of the vessel owner and, through the use of appropriate signage on each vessel, a written statement that—

“(i) advises passengers and crew members that the vessel owner has adopted a formal policy with respect to sexual assault or harassment incidents;

“(ii) informs passengers and personnel of the other major components of the vessel owner’s formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

“(iii) informs passengers and crew members of the procedure for reporting a sexual assault or harassment incident; and

“(7) have a formal policy in effect with respect to sexual assault or harassment incidents.”

(b) **REPORTING REQUIREMENT.**—Section 3507(g)(3)(A)(i) of title 46, United States Code, is amended by inserting “any sexual assault or harassment incident (as that term is defined in subsection (l) of this section) that constitutes a violation of law,” after “title 18 applies.”

(c) **STANDARD OF CARE.**—Compliance with the requirements of the amendments made by this section, and any policy issued thereunder, shall not determine whether the applicable owner of a vessel covered by such amendments has acted with any requisite standard of care.

(d) **DEFINITIONS.**—Section 3507(l) of title 46, United States Code, is amended to read as follows:

“(1) **DEFINITIONS.**—

“(1) **OWNER.**—In this section and section 3508, the term ‘owner’ means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

“(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) **SEXUAL ASSAULT OR HARASSMENT INCIDENT.**—The term ‘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 of a vessel to which this section applies or a member of the crew of

such a vessel against another passenger of such vessel or a member of the crew of such a vessel; and

“(ii) within—

“(I) such a vessel; or

“(II) an area in which passengers are entering or exiting such a vessel.”

(e) **IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this Act, the owner of a vessel to which section 3507 of title 46, United States Code, applies shall issue the formal policy with respect to sexual assault or harassment incidents required by the amendments made by this section.

SEC. 7. CIVIL PENALTIES FOR INTERFERENCE WITH CERTAIN TRANSPORTATION PERSONNEL.

(a) **IN GENERAL.**—Chapter 805 of title 49, United States Code, is amended by adding at the end the following:

“§ 80505. Interference with certain transportation personnel

“(a) **GENERAL RULE.**—An individual who physically or sexually assaults or threatens to physically or sexually assault an employee engaged in the transportation of passengers on behalf of a covered entity, or takes any action that poses an imminent threat to the safety of a vehicle of a covered entity that is transporting passengers, including rolling stock, motorcoaches, and ferries, is liable to the United States Government for a civil penalty of—

“(1) for calendar years 2020 through 2024, not more than \$35,000;

“(2) for calendar years 2025 through 2029, not more than \$40,000; and

“(3) for calendar year 2030 and thereafter, not more than \$45,000.

“(b) **COMPROMISE AND SETOFF.**—

“(1) **COMPROMISE.**—The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

“(2) **SETOFF.**—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

“(c) **COVERED ENTITY DEFINED.**—In this section, the term ‘covered entity’ means an entity that is 1 of the following:

“(1) A recipient of Federal funds under chapter 53 of this title.

“(2) A motor carrier of passengers that—

“(A) conducts regularly scheduled intercity service; and

“(B) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

“(3) An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of this title).

“(4) The owner of a vessel for which section 3507 of title 46 applies.

“(5) A transportation network company.”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 805 of title 49, United States Code, is amended by inserting after the item relating to section 80504 the following:

“80505. Interference with certain transportation personnel.”

(c) **GRADUATED FINES FOR INTERFERENCE WITH CABIN OR FLIGHT CREW.**—Section 46318(a) of title 49, United States Code, is amended by striking “penalty of not more than \$35,000.” and inserting the following: “penalty of—

“(1) for calendar years 2020 through 2024, not more than \$35,000;

“(2) for calendar years 2025 through 2029, not more than \$40,000; and

“(3) for calendar year 2030 and thereafter, not more than \$45,000.”

SEC. 8. FORMAL SEXUAL ASSAULT AND HARASSMENT POLICIES FOR TRANSPORTATION NETWORK COMPANIES AND FOR-HIRE VEHICLE COMPANIES.

(a) **REQUIREMENT.**—Not later than 180 days after the date of enactment of this Act, each transportation network company and for-hire vehicle company shall issue, in consultation with labor unions representing TNC drivers of each such transportation network company or FVC drivers of each for-hire vehicle company, if applicable, 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;

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

(C) TNC personnel or FVC personnel trained to receive reports;

(3) procedures that TNC personnel or FVC 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 use of the transportation network company platform by any passenger or TNC driver, or future use of the for-hire vehicle company service by any passenger or FVC driver, 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 such 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 transportation network company or for-hire vehicle company shall prominently display, on the internet website of the company and through the use of appropriate signage, a written statement that—

(1) advises passengers that the transportation network company or for-hire vehicle company has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers, TNC drivers, TNC personnel, FVC drivers, and FVC personnel of the other major components of the transportation network company’s formal policy or the for-hire vehicle company’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 transportation network company or for-hire vehicle company has acted with any requisite standard of care.

SEC. 9. DATA COLLECTION.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a program to annually collect and maintain data from each covered entity, or, as appropriate, a State or local entity that provides authorized transportation service, on—

(1) the number of transportation sexual assault or harassment incidents reported to

the covered entity or State or local entity that provides authorized transportation service, including—

(A) the number of incidents committed against passengers; and

(B) the number of incidents committed against personnel or, in the case of a transportation network company or for-hire vehicle company, a TNC driver or a FVC driver, respectively;

(2) the number of transportation sexual assault or harassment incidents reported to law enforcement by personnel of the covered entity or State or local entity that provides authorized transportation services; and

(3) any transportation sexual assault or harassment incidents compiled and maintained under section 3507(g)(4)(A)(i) of title 46, United States Code.

(b) **DATA AVAILABILITY.**—Subject to subsection (c), the Secretary shall make available to the public on the primary internet website of the Department of Transportation the data collected and maintained under subsection (a).

(c) **DATA PROTECTION.**—Data made available under subsection (b) shall be made available in a manner that—

(1) protects the privacy and confidentiality of individuals involved in a transportation sexual assault or harassment incident;

(2) precludes the connection of the data to any individual covered entity or a State or local entity that provides authorized transportation service; and

(3) is organized by mode of transportation.

(d) **PAPERWORK REDUCTION.**—Subchapter I of chapter 35 of title 44, United States Code, does not apply to this Act.

SEC. 10. CRIMINAL REPORTING PROCESS.

The Attorney General, in coordination with the Secretary of Transportation, shall expand the process required to be established under section 339B of the FAA Reauthorization Act of 2018 (Public Law 115-254) to provide for a streamlined process for any individuals involved in alleged transportation sexual assault or harassment incidents that constitute a violation of law to report those allegations to law enforcement in a manner that protects the privacy and confidentiality of individuals involved in such allegations and through the same primary internet websites as provided under subsection (b) of such section, as determined appropriate by the Attorney General.

SEC. 11. INSPECTOR GENERAL REPORT TO CONGRESS.

Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the inspector general of the Department of Transportation shall assess compliance with the provisions of this Act and the amendments made by this Act, including the accuracy of the reporting of transportation sexual assault or harassment incidents by covered entities.

SEC. 12. DEFINITION OF SEXUAL HARASSMENT.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall develop, and publish in the Federal Register, a definition of sexual harassment for purposes of the implementation of this Act and the amendments made by this Act.

(b) **CONSULTATION.**—In developing the definition under subsection (a), the Secretary shall consult with, and consider input from—

(1) labor unions representing transportation workers employed by covered entities; and

(2) national organizations that specialize in providing services to sexual assault victims.

SEC. 13. DEFINITIONS.

In this Act:

(1) **COVERED ENTITY.**—The term “covered entity” means an entity that is one of the following:

(A) An air carrier (as that term is defined in section 40102 of title 49, United States Code) that transports passengers for compensation.

(B) A foreign air carrier (as that term is defined in section 40102 of title 49, United States Code) that transports passengers for compensation.

(C) A State or local governmental entity, private nonprofit organization, or Tribe that—

(i) operates a public transportation service; and

(ii) is a recipient or subrecipient of funds under chapter 53 of title 49, United States Code.

(D) A motor carrier of passengers that—

(i) conducts regularly scheduled intercity service; and

(ii) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

(E) An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of title 49, United States Code).

(F) The owner of a vessel for which section 3507 of title 46, United States Code, applies.

(G) A transportation network company.

(H) A for-hire vehicle company.

(2) **FOR-HIRE VEHICLE COMPANY.**—The term “for-hire vehicle company” means an entity that—

(A) provides passenger transportation in a motor vehicle in exchange for compensation; and

(B) is authorized by a State or local government entity as a taxicab service, limousine service, livery service, black car service, sedan service, chauffeur service, or any other similar category of for-hire transportation service.

(3) **FVC DRIVER.**—The term “FVC driver” means an individual who is employed, contracted by, or otherwise affiliated with a for-hire vehicle company to provide transportation services to the public.

(4) **FVC PERSONNEL.**—The term “FVC personnel” means an employee or contractor of a covered for-hire vehicle company, other than a FVC driver.

(5) **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.

(6) **TNC DRIVER.**—The term “TNC driver” means an individual who is employed, contracted by, or otherwise affiliated with a transportation network company to provide transportation services (also known as ride-sharing) to the public.

(7) **TNC PERSONNEL.**—The term “TNC personnel” means an employee or contractor of a covered transportation network company, other than a TNC driver.

(8) **TRANSPORTATION NETWORK COMPANY.**—The term “transportation network company” —

(A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and

(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver.

(9) **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, personnel, TNC driver, or FVC driver of a covered entity, against a passenger, personnel, TNC driver, or FVC driver of the covered entity; and

(ii) within—

(I) a vehicle of the covered entity that is transporting passengers, including aircraft, rolling stock, motorcoaches, and ferries; or

(II) an area in which passengers are entering or exiting such a vehicle.

SEC. 14. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentlewoman from West Virginia (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. 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 H.R. 5139, as amended.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5139, the Stop Sexual Assault and Harassment in Transportation Act, as amended.

The number one goal in transportation of people, whether it is across town, across the ocean, in the air, on the ground, or on the sea, is that there should be comprehensive policies in place for those companies that are entrusted with their well-being. While it is estimated that 90 percent of U.S. companies have a sexual harassment policy on the books, one in five does not offer training to prevent such incidents. This can leave passengers vulnerable and personnel unequipped to adequately address incidents when they occur.

Some people may wonder whether this problem is as rampant as many may suggest and ask if there is enough robust, organized data out there that sheds light on this issue. Unfortunately, I have to say no. That is exactly the problem.

There is no accumulated data. There is no Federal clearinghouse for transportation-related sexual assault and harassment incidents.

The lack of centralized data leaves the traveling public in the dark about the risk. But in reality, sexual assault and harassment constitute a growing problem in transportation.

For example, FBI investigations of in-flight sexual assaults in passenger airplanes rose from 38 in 2014 to 119 in 2019. Those are only the ones that are reported. Many people don't report.

According to a 2018 national study, 17 percent of all respondents experienced sexual harassment while using mass transportation. Since 2016, 260 sexual assaults aboard cruise ships have been reported to the DOT. It is by far the most frequently reported crime on cruise ships.

In recent years, there may be no other industry that issue has plagued more than transportation network companies such as Uber and Lyft.

In September 2019, 14 women sued Lyft, citing the company's failure to address a sexual predator crisis among its drivers. Uber identified nearly 6,000 sexual assaults and attempted sexual assaults on its platform in 2017 and 2018 alone.

Anecdotal evidence suggests that sexual assault is a big problem with transportation network companies and traditional taxis alike, but TNCs and taxi companies don't share the data that would provide a complete picture of the problem.

In my own hometown—I live in Springfield, Oregon, but in our urban area of Eugene-Springfield, we had one of the TNCs operating. All of their drivers had been through their intensive background checks, which are laughable, but then the Eugene police insisted that they go through real background checks. They found 12 people totally disqualified by the own standards of that company, Uber: one murderer, one rapist, and 10 serious felons. They were picking up women alone from bars at 1 o'clock in the morning, et cetera. The company didn't know it.

In fact, those companies have fought—we are the last State that isn't bound by State law. They have been lobbying all the States to say you can't keep track of this; you cannot require more vigorous background checks. Unfortunately, 49 of the States have caved in to them, under threat of losing their services. My State hasn't. And, you know, this has to stop.

That is why the Committee on Transportation and Infrastructure passed my bill, H.R. 5139, the Stop Sexual Assault and Harassment in Transportation Act. This bill will:

One, require transportation providers to establish formal policies addressing sexual assault and harassment;

Two, direct employees to receive specific training for not just how to handle sexual assault or harassment incidents, but also how to recognize and respond to potential human trafficking activities, something that has been identified numerous times by flight attendants who have alerted authorities and other workers in transportation; and,

Three, charge the DOT with establishing the first-ever Federal clearinghouse for transportation-related sexual

assault, harassment, and child trafficking, to allow the traveling public to fully understand the scope of the problem and spur further action.

We can no longer allow sexual violence and abuse to persist on our roads, on our waters, or in our skies. We must be doing everything in our power to ensure our transportation system is safe for those who work in it and for everyone who uses it. This bill, which will allow us to finally track, respond to, and ultimately prevent sexual assault and harassment within all areas of our transportation system, brings us one step closer to attaining that goal.

I want to acknowledge and express my appreciation for the supporters of this bill. It has been endorsed by the American Association of Justice, the Association of Flight Attendants, the Air Line Pilots Association, the Association of Professional Flight Attendants, the National Center on Sexual Exploitation, Rights4Girls, Survivors for Solutions, and the Transportation Trades Department.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 7, 2020.

Hon. PETER DEFAZIO,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR CHAIRMAN DEFAZIO: This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 5139, the "Stop Sexual Assault and Harassment in Transportation Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 5139, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,
JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, February 7, 2020.

Hon. JERROLD NADLER,
Chairman, Committee on Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: Thank you for your letter regarding H.R. 5139, the Stop Sexual Assault and Harassment in Transportation Act, which was ordered to be reported out of the Committee on Transportation and Infrastructure on November 20, 2019. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that by foregoing formal consideration on H.R. 5139, the Committee

on Judiciary does not waive any future jurisdictional claims to provisions in this or similar legislation, and that your Committee will be consulted and involved on any matters in your Committee's jurisdiction should this legislation move forward. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving provisions within this legislation on which the Committee on Judiciary has a valid jurisdictional claim.

I appreciate your cooperation regarding this legislation, and I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of H.R. 5139.

Sincerely,
PETER A. DEFAZIO,
Chair.

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

Mr. Speaker, I rise in support of the goal of H.R. 5139 to prevent incidents of sexual assault and harassment in transportation.

Passengers should feel safe while traveling, and transportation workers should feel safe in their workplace. No one condones sexual misconduct in the transportation sector, or anywhere, for that matter.

That is why the Transportation and Infrastructure Committee and Congress took such a strong bipartisan stance against this type of behavior in air transportation in the FAA Reauthorization Act of 2018.

I appreciate Chair DEFAZIO working with the minority to address technical concerns with the bill to avoid unintended implementation issues.

I urge support of this legislation, and I reserve the balance of my time.

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

Mr. Speaker, I thank the gentleman for her support and the support of the other Republican members of the committee. There were some technical issues relating to particular modes of transportation, and the minority wanted to get this bill done, and we worked out those concerns. I think everybody should support this today. Hopefully, it will be unanimous.

Mr. Speaker, there was a section that got left out of my opening remarks, and this is a stunning number.

On U.S. airlines alone, 68 percent of flight attendants say they have experienced sexual harassment during their careers. In fact, on November 8, 2019, a flight of a major airline diverted due to a passenger groping another passenger. The risk of an unwelcome and even threatening environment is real for both passengers and transportation workers alike.

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

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

Mr. Speaker, I don't think there is any doubt that all Members support the intent of H.R. 5139. Like all of you, I want to help ensure that sexual misconduct in transportation is eliminated.

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

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington, D.C. (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I strongly support the Stop Sexual Assault and Harassment in Transportation Act, which would institute reporting requirements for incidents of sexual assault and harassment in passenger transportation carriers including airlines, vessels, buses, commuter and intercity passenger railroads, and transportation network companies like Uber and Lyft.

I am pleased that this bill includes provisions that direct the Department of Transportation to collect information on the number of sexual assault and harassment incidents and to make that information publicly available, which Representative Rick Crawford and I included in our bipartisan AWARE Act. I believe that until we collect this information, the full magnitude of the problem will not be understood. We have heard some of it reported by my good friend just now from Oregon just now.

In a 2018 survey of 2,000 flight attendants, one in five said they had been harassed, witnessed a passenger being sexually assaulted, or received a report of passenger-on-passenger sexual assault. Nearly 70 percent reported experiencing sexual harassment, and almost one in five reported being sexually assaulted by passengers.

In fiscal year 2014, 38 instances of in-flight sexual assault were reported to the Federal Bureau of Investigation. This number increased to 63 reported cases in 2017, but many instances of in-flight sexual assault remain unreported, because victims are fearful of contacting the authorities. FBI statistics indicate that as many as 75 percent of incidents go unreported.

On cruise ships, sex crimes outweigh any other major offense. A 2013 congressional report found that minors were victims in one-third of reported sexual assaults.

There was bipartisan support for a provision in the Federal Aviation Administration Reauthorization Act of 2018 to establish a sexual misconduct working group to develop best practices for addressing sexual misconduct on flights, employee training, and law enforcement notification.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Washington, D.C. (Ms. NORTON).

Ms. NORTON. This legislation builds upon that work, requiring passenger transportation carriers to establish formal policies, training, and reporting structures for sexual assault and harassment and adds penalties for individuals who physically or sexually assault or threaten to assault transportation personnel.

I support the passage of the Stop Sexual Assault and Harassment in Transportation Act so that every person can feel safe from violence and harassment while traveling.

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Mr. DEFAZIO. Mr. Speaker, I am prepared to close, and I have no further speakers. I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the House Judiciary Committee, I rise in strong support of H.R. 5139, the "Stop Sexual Assault and Harassment in Transportation Act," which establishes formal sexual assault and harassment policies for the transportation industry.

I would like to thank Congressman DEFAZIO for his leadership on this vital piece of legislation.

While the United States prides itself for being an innovator and leader in transportation, we are severely lacking in our protections of personnel and travelers from sexual assault and harassment.

There have been too many accounts of women and children being sexually assaulted on airplanes and groped on crowded trains, as well as flight attendants being sexually harassed daily in their workplaces.

According to a survey of students at San José State University conducted by Metro Magazine, almost two-thirds (63 percent) of respondents had experienced some form of harassment while using transit.

Verbal harassment was the most common form of harassment, with 41 percent experiencing "obscene/harassing language" and 26 percent being subjected to sexual comments.

Among non-verbal types of harassment, 22 percent had been stalked and 18 percent had been victims of indecent exposure.

With respect to physical harassment, 11 percent of students had experienced groping or inappropriate touching.

These facts and figures are representative of a larger issue of sexual assault and harassment in the public transportation industry across the country.

Things must change.

H.R. 5139 seeks to help prevent sexual assaults and sexual harassment on airplanes, buses, passenger vessels, commuter and intercity passenger railroads, and ridesharing vehicles by establishing formal policies to which transportation providers must adhere.

For example, passenger transportation providers are required to facilitate the reporting of sexual harassment and assault incidents, develop procedures that limit or prohibit future travel for individuals who perpetuate these incidents, as well as train personnel to recognize and respond to such incidents.

The bill also establishes a maximum civil penalty of \$35,000 for individuals who physically or sexually assault transportation personnel.

Furthermore, H.R. 5139 not only establishes a data collection program within the Department of Transportation regarding the number of incidents of sexual assault or harassment reported by transportation personnel and passengers each year, but it also streamlines the reporting process for individuals involved in an incident.

By doing so, individuals will be able to report allegations to law enforcement in a con-

fidential and separate manner from the reporting processes offered by the transportation provider.

It is simply not enough to condemn sexual harassment and assault.

It is time for actionable solutions that stop these incidents from occurring altogether, and this bill is a great step in that direction.

I encourage my fellow colleagues to vote in favor of H.R. 5139.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 5139, 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.

FRIENDLY AIRPORTS FOR MOTHERS IMPROVEMENT ACT

Mr. CARBAJAL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2638) to amend title 49, United States Code, to require small hub airports to construct areas for nursing mothers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2638

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 "Friendly Airports for Mothers Improvement Act".

SEC. 2. MOTHERS' ROOMS.

Section 47107(w) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "In fiscal year 2021" and all that follows through "the Secretary of Transportation" and inserting "The Secretary of Transportation";

(2) in paragraph (1)(B) by striking "one men's and one women's" and inserting "at least one men's and at least one women's";

(3) by striking paragraph (2)(A) and inserting the following:

"(A) AIRPORT SIZE.—

"(i) IN GENERAL.—The requirements in paragraph (1) shall only apply to applications submitted by the airport sponsor of—

"(I) a medium or large hub airport in fiscal year 2021 and each fiscal year thereafter; and

"(II) an applicable small hub airport in fiscal year 2023 and each fiscal year thereafter.

"(ii) APPLICABLE SMALL HUB AIRPORT DEFINED.—In clause (i)(II), the term 'applicable small hub airport' means an airport designated as a small hub airport during—

"(I) the 3-year period consisting of 2020, 2021, and 2022; or

"(II) any consecutive 3-year period beginning after 2020.";

(4) in paragraph (2)(B) by striking "the date of enactment of this Act complies with the requirement in paragraph (1)" and inserting "October 5, 2018, complies with the requirement in paragraph (1)(A)"; and

(5) in paragraph (2)(C) by striking "paragraph (1)" and inserting "paragraph (1)(A)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARBAJAL) and the gentlewoman from West Virginia (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.