

Calendar No. 479

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-232 }

FRIENDLY AIRPORTS FOR MOTHERS
IMPROVEMENT ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2638



JUNE 10, 2020.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 2638]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred 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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 2638, the Friendly Airports for Mothers Improvement Act, is to amend title 49, United States Code, to require small hub airports to construct or maintain areas for nursing mothers, and for other purposes.

BACKGROUND AND NEEDS

Section 132 of the FAA Reauthorization Act of 2018¹ included the Friendly Airports for Mothers Act, which requires all medium and large hub airports in the United States to provide in each passenger terminal private, sanitary spaces for nursing mothers to express breast milk, as well as a baby changing table in at least one men's and one women's bathroom. The law mandates that medium and large hub airports comply with this requirement no later than fiscal year 2021. Noncompliant medium and large hub airports would become ineligible for Department of Transportation (DOT) Airport Improvement Grants beginning in fiscal year 2021.

¹Public Law 115-254.

The Friendly Airports for Mothers Improvement Act of 2019, S. 2638, would amend the existing statute to include small hub airports. It would require small hub airport compliance with section 47107(w) of title 49, United States Code, by no later than 2023. These small hub airports must be designated as such by the Federal Aviation Administration (FAA) for 3 consecutive years before meeting this threshold.

LEGISLATIVE HISTORY

S. 2638 was introduced on October 17, 2019, by Senator Duckworth (for herself and Senator Fischer) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Daines, Blumenthal, and Peters are additional co-sponsors. On December 11, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 2638 reported favorably without amendment.

A companion bill, the Small Airport Mothers' Rooms Act of 2019 (H.R. 3362), was introduced on June 19, 2019, by Representative Carol Miller and was referred to the Committee on Transportation and Infrastructure of the House of Representatives. There are eight cosponsors. On October 4, 2019, H.R. 3362 was reported by that Committee, and on December 16, 2019, H.R. 3362, as amended, was passed by voice vote under suspension of the rules in the House of Representatives.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 2638, Friendly Airports for Mothers Improvement Act			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on December 11, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

Under current law, federal Airport Improvement Grants may be made to large and medium hub airports only if they have a lactation room and baby-changing tables in the men's and women's restrooms. The bill would increase the number of changing tables required and extend this grant requirement to small airport hubs.

Large and medium hubs would have until 2021 to meet the proposed requirements while small hubs would have until 2023.

CBO estimates that enacting S. 2638 would not affect the federal budget because the bill would not change the level of funds authorized to be appropriated for airport development grants.

On August 2, 2019, CBO transmitted a cost estimate for H.R. 3362, the Small Airport Mothers' Rooms Act of 2019, as ordered reported by the House Committee on Transportation and Infrastructure on June 26, 2019. The bills are similar and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

Entities covered under the bill would be limited to airports designated as small hub airports for 3 consecutive years prior to the enactment of S. 2638 or for any 3-year period following the year 2020. In calendar year 2018, there were 69 airports classified by the FAA as small hubs, the majority of which had been in that category for 3 consecutive years.

ECONOMIC IMPACT

Enactment of this bill is not expected to have a significant negative impact on the Nation's economy. Any economic impact would be limited to small hub airport owners and operators who are required to provide mother's rooms and a baby changing table in at least one men's and one women's bathroom in each passenger terminal of the airport.

PRIVACY

The reported bill is not expected to have an adverse impact on the personal privacy of individuals. Providing dedicated space for air travelers who need to express breast milk is likely to enhance personal privacy.

PAPERWORK

The reported bill is not anticipated to have a significant increase in paperwork burdens. In those areas where the bill would require limited additional paperwork, it would be for the establishment and maintenance of mother's rooms and baby changing tables at small hub airports.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “Friendly Airports for Mothers Improvement Act”.

Section 2. Mother’s rooms.

This section would amend the Friendly Airports for Mothers Act to require a baby changing table in at least one men’s and one women’s restroom in each passenger terminal building at small hubs by fiscal year 2023 (large and medium hubs are required to comply with the requirement by fiscal year 2021).

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 49—TRANSPORTATION

* * * * *

Subtitle VII—Aviation Programs

* * * * *

PART B—AIRPORT DEVELOPMENT AND NOISE

* * * * *

CHAPTER 471—AIRPORT DEVELOPMENT

* * * * *

Subchapter I—Airport Improvement

* * * * *

§ 47107. Project grant application approval conditioned on assurances about airport operations

(a) * * *

(w) MOTHERS’ ROOMS.—

(1) IN GENERAL.—[In fiscal year 2021 and each fiscal year thereafter, the Secretary of Transportation] *The Secretary of Transportation* may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances that the airport owner or operator will maintain—

(A) a lactation area in the sterile area of each passenger terminal building of the airport; and

(B) a baby changing table in **one men's and one women's** *at least one men's and at least one women's* restroom in each passenger terminal building of the airport.

(2) APPLICABILITY.—

[(A) AIRPORT SIZE.—The requirement in paragraph (1) shall only apply to applications submitted by the airport sponsor of a medium or large hub airport.]

(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.

(B) PREEXISTING FACILITIES.—On application by an airport sponsor, the Secretary may determine that a lactation area in existence on **the date of enactment of this Act** *October 5, 2018, complies with the requirement in paragraph (1)(A),* notwithstanding the absence of one of the facilities or characteristics referred to in the definition of the term “lactation area” in this subsection.

(C) SPECIAL RULE.—The requirement in **paragraph (1)** *paragraph (1)(A)* shall not apply with respect to a project grant application for a period of time, determined by the Secretary, if the Secretary determines that construction or maintenance activities make it impracticable or unsafe for the lactation area to be located in the sterile area of the building.

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