

June 15, 2026

**The Honorable Mike Johnson**

Speaker of the U.S. House of Representatives  
H-232, The Capitol  
Washington, DC 20515

**Re: Strike Amendment 041 (the Fong Amendment) from H.R. 8870, the BUILD America 250 Act**

Dear Speaker Johnson:

We write as women who serve in state legislatures across the country to urge you, in the strongest possible terms, to strike Amendment 041, the Fong Amendment, before the BUILD America 250 Act (H.R. 8870) is brought to the House Floor. The amendment, adopted in the Transportation and Infrastructure Committee by a narrow 35–30 vote,<sup>1</sup> would extend the vicarious-liability shield of the Graves Amendment to app-based rideshare and delivery companies. In plain terms, it would make it far harder and, in the cases that matter most, effectively impossible to hold multibillion-dollar rideshare corporations accountable in court when a passenger or a driver is sexually assaulted on its platform.

**We hold different views on many things. On this we do not differ: under no circumstances should any corporation be shielded from liability for sexual assault.**

The scale of the harm is not speculative. In August 2025, a New York Times investigation by Emily Steel, drawing on sealed court records, reported that from 2017 through 2022 some 400,181 Uber trips in the United States generated reports of sexual assault or sexual misconduct, an average of roughly one report every eight minutes.<sup>2</sup> That figure dwarfs the 12,522 incidents the company had publicly disclosed for the same period.<sup>3</sup> The reporting also documented that the company developed safety tools its own experts believed could reduce assaults, and declined to fully deploy them.<sup>4</sup>

The courts are now reckoning with that record. More than 3,000 passengers from roughly 30 states have brought claims consolidated in *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation* (MDL No. 3084) in the Northern District of California. In February 2026, the first bellwether jury awarded a survivor \$8.5 million, finding the driver was acting as the

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<sup>1</sup>BUILD America 250 Act, H.R. 8870; Amendment 041 (Rep. Vince Fong) adopted in House Transportation & Infrastructure Committee markup, May 21–22, 2026, by a vote of 35–30. See Holland & Knight, “A Closer Look at the BUILD America 250 Act,” May 27, 2026.

<sup>2</sup>Emily Steel, “Uber’s Festering Sexual Assault Problem,” *The New York Times*, Aug. 6, 2025 (reporting, from sealed court records, 400,181 U.S. trips with reports of sexual assault or misconduct, 2017–2022 — roughly one every eight minutes).

<sup>3</sup>Uber, 2022 U.S. Safety Report (disclosing 12,522 sexual assault and misconduct reports for the same period); discrepancy detailed in the Aug. 6, 2025 New York Times investigation, *supra*.

<sup>4</sup>Steel, *supra* (documenting safety tools, including risk-prediction and rider–driver matching, that the company’s own experts believed could reduce assaults but that were not fully deployed).

company's apparent agent.<sup>5</sup> That same month, a federal panel consolidated sexual-assault cases against Lyft into a multidistrict litigation before the same court.<sup>6</sup> State and federal officials have opened their own inquiries, including the New Jersey Attorney General and a U.S. House oversight subcommittee.<sup>7</sup>

These numbers represent real people across the country: a passenger in New York fell asleep after a night out and woke to her driver in the back seat, with a hospital later confirming a sexual assault;<sup>8</sup> a rider in Texas whose roughly twenty-minute trip became a multi-hour ordeal ending in rape;<sup>9</sup> women in Utah and California subjected to unwanted touching and worse;<sup>10</sup> and, in Denver, a man kidnapped a dozen women and sexually assaulted two before his conviction on thirty counts.<sup>11</sup> The danger runs in both directions: investigators and survivors' advocates emphasize that this crisis harms passengers and drivers alike. Drivers, too, have been assaulted by strangers an algorithm placed in their cars with little to no safety restrictions.<sup>12</sup>

Proponents describe Amendment 041 as a narrow fix for "abusive litigation" and insurance costs. There is nothing narrow about the amendment, as it will serve to essentially eliminate Uber and Lyft's accountability for sexual assault. We urge you to look past the framing to the mechanics. The amendment imports the Graves Amendment model (49 U.S.C. § 30106) which strips vicarious liability from rental car companies. There is a critical qualitative difference between rental car companies and rideshare companies. Vicarious liability and common-carrier duty are precisely the theories on which survivors hold companies answerable, because with rideshare companies it is the company, not the individual driver, that controls the platform, runs the background check, dispatches the ride, and sets the safety rules. Stripping those theories away does not trim a frivolous claim; it forecloses the meritorious ones. An Arizona jury that held Uber accountable did so on exactly the agency theory this amendment is designed to extinguish.

We would ask the provision's defenders a simple question: can they name any other industry in America that Congress has granted immunity from liability for sexual assault committed

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<sup>5</sup>In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation, MDL No. 3084 (N.D. Cal., J. Charles R. Breyer). As of May 2026, more than 3,000 plaintiffs from approximately 30 states. In February 2026, the first bellwether jury awarded plaintiff Jaylynn Dean \$8.5 million, finding the driver was the company's apparent agent. See, e.g., "Lyft sexual assault cases consolidated as Uber hit with \$8.5M verdict," Daily Journal, Feb. 2026.

<sup>6</sup>In re: Lyft, Inc., sexual-assault litigation — 17 cases consolidated by the Judicial Panel on Multidistrict Litigation in February 2026 before Judge Rita F. Lin (N.D. Cal.). See, e.g., Consumer Notice, "Lyft Sexual Assault Lawsuits to be Consolidated in Federal Court," Feb. 2026.

<sup>7</sup>Office of the New Jersey Attorney General inquiry into Uber's representations regarding rider safety (reported by The New York Times, Oct. 2025); U.S. House Subcommittee on Cybersecurity, Information Technology, and Government Innovation investigation opened Sept. 24, 2025 (House Committee on Oversight and Accountability).

<sup>8</sup>Reported in The Independent, "Attacks every 8 minutes," Aug. 2025, and related coverage of a Brooklyn, N.Y. passenger whose hospital examination confirmed an assault after a ride home.

<sup>9</sup>Id. (Texas passenger whose roughly 20-minute trip became a multi-hour ordeal ending in an alleged rape at a motel).

<sup>10</sup>Id. (incidents reported in Utah and California, including unwanted touching and a driver's misconduct while a passenger was ill).

<sup>11</sup>People v. John Pastor-Mendoza (Denver): convicted on 30 counts, including kidnapping and sexual assault, for impersonating rideshare drivers and abducting twelve women, 2018–2022. See CBS News Colorado; Westword.

<sup>12</sup>Steel, supra; see also Feminist Majority Foundation, "Every Eight Minutes," Aug. 2025 (noting the crisis affects passengers and drivers alike).

through its service? We are aware of none. The Graves Amendment itself expressly preserves liability for an owner's own negligence or criminal wrongdoing, and it concerns vehicle crashes, not sexual violence. Common carriers such as airlines, buses, and taxis have long owed their passengers a heightened duty of care, not a shield from their own responsibility. Carving out a singular exception for the most powerful platforms in the mobility economy would be without precedent.

This amendment would also run directly against Congress's own recent and bipartisan actions. Just four years ago, in the *Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2022*, the first substantive amendment to the *Federal Arbitration Act* in roughly a century, Congress decided that survivors of sexual assault must be free to bring their claims in open court, rather than be forced into private arbitration.<sup>13</sup> Amendment 041 would take back with one hand what that law extended with the other. It allows survivors to reach the courthouse, only to bar the door once they are inside. Congress should not, in the space of a single, unrelated transportation bill, reverse a protection it so recently and deliberately enacted.

The amendment would also override the considered work of state legislatures responding to documented harms in our own communities. This year alone, Virginia enacted HB 1273 and HB 1469, signed by Governor Spanberger, tightening driver background checks and identity verification and requiring in-app recording options.<sup>14</sup> And in Colorado, after a multiyear effort led by a legislator who was sexually assaulted by a Lyft driver, the General Assembly passed HB 26-1424, with the Governor expected to sign it into law. That measure cracks down on driver impersonation and account-sharing, and strengthens the state's ability to hold companies accountable.<sup>15</sup> A federal vicarious-liability shield would preempt precisely the accountability these laws were written to secure.

State legislatures must retain the ability to identify a problem in their communities and to enact meaningful, responsive policy. That is the constitutional design, and it is a practical one: these harms look different in Denver than in Norfolk, and the people closest to them are best positioned to respond. It is telling and deeply troubling that when Uber and Lyft could not prevail in state legislatures, city councils, or in the courtroom, they turned to Congress to change the rules for everyone at once.

This matters all the more because of what these companies have spent years, and billions of dollars, telling the public about themselves. Uber markets itself as a safe ride home and has built campaigns around the image of friends out for the night and the responsible choice not to drive. It has partnered with Mothers Against Drunk Driving, with Feeding America, and with the

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<sup>13</sup>Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, Pub. L. No. 117–90, signed Mar. 3, 2022, amending the Federal Arbitration Act (9 U.S.C. ch. 4) — the first substantive amendment to the FAA in roughly a century — enacted with bipartisan support.

<sup>14</sup>Virginia HB 1273 (Del. Jackie Glass) and HB 1469 (Del. Lily Franklin), signed by Gov. Abigail Spanberger, 2026; effective July 1, 2026. See Virginia Mercury and Route Fifty, May 2026.

<sup>15</sup>Colorado HB 26-1424, passed by the General Assembly in May 2026 (predecessor HB 25-1291 passed both chambers in 2025 but was vetoed). See Colorado Public Radio and Colorado Newsline, 2026.

American Red Cross, and Lyft has done the same.<sup>16</sup> Companies that sell safety and positive community impacts as their products, that control the platform, take payment for the ride, pay the driver, and shape the marketing, cannot credibly disclaim responsibility when that promise fails catastrophically. It is unacceptable to sell a promise of safety and then turn away when the stakes are highest.

Uber tells the world that its first value is to “Do the right thing. Period.”<sup>17</sup> We want to take the company at its word. Doing the right thing here is straightforward: it means not seeking, and not quietly accepting, a federal shield from accountability for sexual assault. To our knowledge, since Amendment 041 was adopted, neither Uber nor Lyft has publicly asked Congress to remove it. Their silence prompts the only question that matters: do the right thing for whom?

**We respectfully and urgently ask you to strike Amendment 041 from H.R. 8870 before the bill reaches the House Floor. Survivors deserve their day in court. States deserve the authority to protect their residents. And no corporation, however large, should be permitted to write itself out of responsibility for the gravest harms committed on the platform it controls.**

Thank you for your attention to this urgent matter.

Respectfully,

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Senator Cathy Kipp, Colorado  
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Speaker of the House Julie McCluskie, Colorado  
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<sup>16</sup>See Uber Newsroom (“Decide to Ride” with Mothers Against Drunk Driving; #UberMADD); Uber–Feeding America partnership (over \$1 million committed, 2019); American Red Cross Disaster Responder Program (Uber, 2026); Lyft “Round Up & Donate” with the American Red Cross and LyftUp disaster response.

<sup>17</sup>Uber, Environmental, Social, and Governance / governance reporting, “Our values” (“Do the right thing. Period.”).

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Lyft CEO, David Risher