

116TH CONGRESS  
1ST SESSION

# S. 528

To amend title 40, United States Code, to provide a lactation room in public buildings, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

Mr. DAINES (for himself, Mr. COONS, Ms. DUCKWORTH, Mr. MERKLEY, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 40, United States Code, to provide a lactation room in public buildings, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fairness For  
5 Breastfeeding Mothers Act of 2019”.

6 **SEC. 2. LACTATION ROOMS IN PUBLIC BUILDINGS.**

7       (a) IN GENERAL.—Chapter 33 of title 40, United  
8 States Code, is amended—

1           (1) by redesignating sections 3315, 3316, and  
 2           3317 as sections 3316, 3317, and 3318, respectively;  
 3           and

4           (2) by inserting after section 3314 the fol-  
 5           lowing:

6   **“§ 3315. Lactation rooms in public buildings**

7           “(a) DEFINITIONS.—In this section:

8                   “(1) APPROPRIATE AUTHORITY.—The term ‘ap-  
 9                   propriate authority’ means—

10                           “(A) the head of a Federal agency;

11                           “(B) the Architect of the Capitol; and

12                           “(C) another official authority responsible  
 13                   for the operation of a public building.

14                   “(2) COVERED PUBLIC BUILDING.—

15                           “(A) IN GENERAL.—The term ‘covered  
 16                   public building’ means a public building that—

17                                   “(i) is open to the public; and

18                                   “(ii) contains a public restroom.

19                           “(B) INCLUSION.—The term ‘covered pub-  
 20                   lic building’ includes a building listed in section  
 21                   5101 or 6301.

22                   “(3) LACTATION ROOM.—The term ‘lactation  
 23                   room’ means a hygienic place, other than a bath-  
 24                   room, that—

25                           “(A) is shielded from view;

1 “(B) is free from intrusion; and

2 “(C) contains—

3 “(i) a chair;

4 “(ii) a working surface; and

5 “(iii) if the public building is supplied  
6 with electricity, an electrical outlet.

7 “(b) LACTATION ROOMS REQUIRED.—Except as pro-  
8 vided in subsection (c), the appropriate authority of a cov-  
9 ered public building shall ensure that the building contains  
10 a lactation room that is made available for use by mem-  
11 bers of the public to express breast milk.

12 “(c) EXCEPTIONS.—A covered public building may be  
13 excluded from the requirement in subsection (b) at the dis-  
14 cretion of the appropriate authority if—

15 “(1) the public building—

16 “(A) does not contain a lactation room for  
17 employees who work in the building; and

18 “(B) does not have a room that could be  
19 repurposed as a lactation room or a space that  
20 could be made private using portable materials,  
21 at a reasonable cost; or

22 “(2) new construction would be required to cre-  
23 ate a lactation room in the public building and the  
24 cost of the construction is not feasible.

1       “(d) NO UNAUTHORIZED ENTRY.—Nothing in this  
2 section authorizes an individual to enter a public building  
3 or portion of a public building that the individual is not  
4 otherwise authorized to enter.”.

5       (b) TECHNICAL AMENDMENT.—The table of sections  
6 for chapter 33 of title 40, United States Code, is amended  
7 by striking the items relating to sections 3315 through  
8 3317 and inserting the following:

“3315. Lactation rooms in public buildings.

“3316. Delegation.

“3317. Report to Congress.

“3318. Certain authority not affected.”.

9       (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall take effect 1 year after the date of enact-  
11 ment of this Act.

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