

H.R. 4869, RESTROOM GENDER PARITY IN FEDERAL BUILDINGS ACT

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

ON

H.R. 4869

TO PROVIDE FOR RESTROOM GENDER PARITY IN FEDERAL BUILDINGS

MAY 12, 2010

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H.R. 4869, RESTROOM GENDER PARITY IN FEDERAL BUILDINGS ACT

WEDNESDAY, MAY 12, 2010

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, Hon. Edolphus Towns (chairman of the committee) presiding.

Present: Representatives Towns, Maloney, Cummings, Watson, Kaptur, Norton, Cuellar, Speier, and Issa.

Staff present: Adam Hodge, deputy press secretary; Carla Hultberg, chief clerk; Marc Johnson and Ophelia Rivas, assistant clerks; Mike McCarthy, deputy staff director; Jenny Rosenberg, director of communications; Joanne Royce, senior investigative counsel; Gerri Willis, special assistant; Alex Wolf, professional staff member; Lawrence Brady, minority staff director; John Cuaderes, minority deputy staff director; Rob Borden, minority general counsel; Frederick Hill, minority director of communications; Adam Fromm, minority chief clerk and Member liaison; Kurt Bardella, minority press secretary; Stephanie Genco, minority press secretary and communication liaison; Seamus Kraft, minority deputy press secretary; and Mark Marin, minority professional staff member.

Chairman TOWNS. The committee will come to order. Good morning and thank you all for being here.

Today's hearing will address the issue of equal access to restroom facilities. This is not a minor issue. I am certain that every woman in this room has frequently experienced the inconvenience as well as the discomfort caused by an insufficient number of women's restroom facilities. Women are often forced to wait in long lines to use public restrooms or walk further to find a restroom, while men rarely have the same problem.

The lack of restroom facilities for women has a number of causes. Many public buildings, including universities, airports, theaters, offices, and factories were built decades ago before women entered the work force in large numbers. Moreover, these buildings were designed and built at a time when contractors, architects, engineers, builders, and government procurement officials were overwhelmingly male and rarely considered the needs of women.

To be honest about it, while women have made a lot of progress, those professions are still dominated by men, and old habits die hard. Public restroom facilities for women have still not caught up to those for men.

Throughout history, public restrooms have been the site of institutional discrimination by race, physical ability, and gender. With laws such as the Civil Rights Act and the Americans with Disabilities Act, we have made great strides in dealing with race and disability discrimination. However, we have not done as well with gender discrimination. Today, women still lack equal access to restrooms in many places of employment, education, and recreation.

The fact that many Federal buildings do not provide as many restroom facilities for women as they do for men is simply unfair. It is time for that to change.

Within the last couple of decades, public appreciation of gender parity issues has gradually resulted in improvements in restroom gender parity. As of 2006, at least 21 States had adopted statutes addressing restroom gender parity. That is good, but we need to take the next step. That is why I introduced H.R. 4869, the Restroom Gender Act, with my colleague, Congressman Issa, from the great State of California.

[The text of H.R. 4869 follows:]



111TH CONGRESS
2D SESSION

H. R. 4869

To provide for restroom gender parity in Federal buildings.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2010

Mr. TOWNS (for himself, Mr. ISSA, Mr. VISCLOSKEY, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for restroom gender parity in Federal buildings.

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 “Restroom Gender Par-
5 ity in Federal Buildings Act”.

6 **SEC. 2. REQUIREMENT TO REVISE FEDERAL ACQUISITION** 7 **REGULATION.**

8 (a) IN GENERAL.—Not later than 2 years after the
9 date of enactment of this Act, the Federal Acquisition
10 Regulation shall be revised—

1 (1) to direct any Federal procurement execu-
2 tives involved in the acquisition, construction, or
3 major renovation (including contracting for the con-
4 struction or major renovation) of any facility to in-
5 crease infrastructure gender parity by—

6 (A) constructing buildings in such a way
7 that the number of toilets in women’s restrooms
8 will equal or exceed the number of toilets (in-
9 cluding urinals) in men’s restrooms; or

10 (B) if such a number is unachievable or
11 not feasible, receive a statement by the Admin-
12 istrator of General Services as to why such a
13 number of toilets is not needed; and

14 (2) to direct Federal procurement executives in-
15 volved in leasing buildings to give preference to the
16 lease of facilities that meet or exceed the female toi-
17 let to male toilet (including urinals) ratio of 1 to 1.

18 (b) GUIDANCE.—Not later than 90 days after the
19 date of promulgation of revised regulations under sub-
20 section (a), the Director for Federal Procurement Policy
21 shall issue guidance to all Federal procurement executives
22 providing direction and instructions to renegotiate the de-
23 sign of proposed facilities, renovations for existing facili-

5

3

1 ties, and leased facilities to incorporate improvements that
2 are consistent with this section.

○

Chairman TOWNS. The bill requires that all new Federal buildings, as well as major renovations of existing Federal buildings, have at least an equal number of restroom facilities for men and women. The passage of this bill would be a milestone on the path toward true gender parity.

I am proud to say that I introduced the bill with the support of the ranking member, Mr. Issa, who was an original cosponsor, and several other members of this committee. H.R. 4869 will ensure that, from now on, Federal buildings will be constructed with equal access to restroom facilities regardless of gender.

This hearing is the next step toward enacting this important legislation. I look forward to hearing the testimony of today's witnesses.

I will now yield 5 minutes to our ranking member, the gentleman from California, Congressman Darrell Issa, for his opening statement.

[The prepared statement of Hon. Edolphus Towns follows:]



Opening Statement
of
Chairman Edolphus Towns

Committee on Oversight and Government Reform

Hearing on H.R. 4869
the "Restroom Gender Parity in Federal Buildings Act"

May 12, 2010

Good morning and thank you all for being here.

Today's hearing will address the issue of equal access to restroom facilities.

This is not a minor issue.

I am certain that every woman in this room has frequently experienced the inconvenience, as well as the discomfort, caused by an insufficient number of women's restroom facilities.

Women are often forced to wait in long lines to use public restrooms, or walk further to find a restroom, while men rarely have the same problem.

The lack of restroom facilities for women has a number of causes.

Many public buildings, including universities, airports, theaters, offices, and factories, were built decades ago, before women had entered the workforce in large numbers.

Moreover, these buildings were designed and built at a time when contractors, architects, engineers, builders, and government procurement officials, were overwhelmingly male, and rarely considered the needs of women.

To be honest about it, while women have made a lot of progress, those professions are still dominated by men – and old habits die hard. Public restroom facilities for women have still not caught up to those for men.

Throughout history, public restrooms have been the site of institutional discrimination by race, physical ability, and gender. With laws such as the Civil Rights Act and the Americans with Disabilities Act, we have made great strides in dealing with race and disability discrimination.

However, we have not done as well with gender discrimination.

Today women still lack equal access to restrooms in many places of employment, education, and recreation. The fact that many Federal buildings do not provide as many restroom facilities for women as they do for men is simply unfair.

It's time for that to change.

Within the last couple of decades, public appreciation of gender parity issues has gradually resulted in improvements

in restroom gender parity. As of 2006, at least 21 states had adopted statutes addressing restroom gender parity.

That's good, but we need to take the next step.

That's why I introduced H.R. 4869, the Restroom Gender Parity Act.

The bill requires that all new Federal buildings, as well as major renovations of existing Federal buildings, have at least an equal number of restroom facilities for men and women. The passage of this bill would be a milestone on the path toward true gender parity.

I am proud to say that I introduced this bill with the support of the Ranking Member of the Committee, Mr. Issa, who was an original cosponsor. H.R. 4869 will ensure that, from now on, Federal buildings will be constructed with equal access to restroom facilities, regardless of gender.

This hearing is the next step toward enacting this important legislation. I look forward to hearing the testimony of today's witnesses.

###

Mr. ISSA. Thank you, Mr. Chairman, and thank you so much for your leadership on this important issue.

As people seldom realize in Congress, in order to move a piece of legislation, we hold hearings. In order to understand the final and best form of that legislation, we hold hearings. I think this is no exception. Your leadership by drafting a piece of legislation that attempts to create equal access is not only laudable but it is essential. As we view the legislation and with your leadership I hope that we can gain the most important part of the intent of this legislation, that is, that we get a one-to-one ratio in access.

In preparation for this hearing, I have reviewed a number of documents and discovered, for example, the Department of Defense facilities, those that are coed, require not one to one, because there is only about 17 percent women today in the military versus 83 percent for men. So the ratio there would be different. But I believe your leadership is essential, because that ratio is changing. So to find equal access there will be a different and ever-changing requirement. There is no need to build equal amounts of men's and women's rooms in the Pentagon today, but that is changing. We need to plan. We need to ensure that the architects designing new facilities design them based on the assumption that someday there will be roughly the same amount of men and women, potentially, or even, in some cases, more women than men.

Additionally, through your leadership on this issue, we have been reminded that the same number of facilities is not the same number of access. As Members of Congress were periodically invited to the Kennedy Center, Kennedy Center events typically tend to be equal men and equal women. Anyone who has ever been to a black tie event held at the Kennedy Center is well aware that there is a line at the men's room, but it pales in comparison to the one that wraps halfway around the building at the ladies' rooms. The Kennedy Center enjoys equal number of facilities for men and women. Equal in this case is not equal access.

So I join with the chairman in his leadership in recognizing that, by the time this bill becomes law, it has to create a mandate for equal access, for flexibility in design, so that the buildings of tomorrow and retrofitted buildings of today recognize that a longer line for one and a shorter line for the other, no matter which way it works, is inappropriate in our design.

Federal buildings should lead in that endeavor. The GSA and other organizations responsible need to begin upon this notice and hopefully begin in earnest, upon enactment, to realize that we want architectural plans to be a model for the rest of the world in providing one-to-one ratio of access based on not only what the ratios are today but planning for ratios that may change over time.

Mr. Chairman, I want to personally thank you for your leadership. This is an area in which this committee is taking a leadership position that I believe no other committee has even begun to look at in our oversight over Federal facilities, and the Federal work force makes us ideally suited to shepherd this legislation. I thank the chairman, and I yield back.

Chairman TOWNS. I thank the gentleman from California for his very kind statement.

I now yield 3 minutes to the gentlewoman from Washington, DC, Congresswoman Norton.

Ms. NORTON. Mr. Chairman, I appreciate this hearing, but it really says something that we have to hold a hearing on what really should be an administrative matter.

My friends on the other side of the aisle and us over here have a lot to disagree about, but I hope that gender parity when it comes to men and women who equally have to go to the bathroom is not one of them. The reason this has become an issue, of course, has been precisely been because some facilities were designed as if there were only men in the world, much less men who had to attend to their needs.

My friend, the ranking member, who mentions that the line is longer for women, you will notice that we said it should equal or exceed. But the reason I could perhaps inform him in a way that he could not be expected to know in part is that women spend longer in there. They are not always just attending to their wants, sir. We go and we have to attend to our looks as well. So you will see some people standing in line that don't have to go to the bathroom at all when they want to see how they look. All we want to make sure is that those who do want to attend to their needs are able to do so equally with men who have the same needs, and the last time I heard men and women really do have the same needs in this one sphere.

Thank you very much, Mr. Chairman.

Chairman TOWNS. Thank you very much.

I now yield 3 minutes to the gentleman from Maryland, Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman; and I thank you all for holding this hearing. I think it is a very important hearing.

We have seen the lines at sporting events, airports, museums. Women are usually standing in extraordinary lines waiting to use the restroom. It is a phenomenon that we have come to accept, that there will always be a wait for the women's facilities.

This type of gender discrimination should not exist in a time when we have a female Secretary of State, female Speaker of the House, two female Associate Justices and one on the way. It escapes me as to why women were treated as second-class citizens.

Restrooms are among the few remaining segregated spaces in the American landscape, and they remain among the more tangible relics of gender discrimination. It often goes unnoticed and is considered normal, natural, or acceptable. Buildings have not kept pace with the changing demographics of the past half century when more women than ever have entered the workplace than ever before.

However, as Members of Congress, we need not look far to see this discrimination. Just across the street at the Capitol building was an example of restroom gender inequality. According to the Journal of Planning literature, female Members of the U.S. House of Representatives would have to walk down a long hallway, turn left, then turn right into a small, windowless bathroom with only three stalls. By contrast, men walked only a few feet away from the House floor. Since then, ladies' restrooms have been added to the

first floor of the House and, most recently, in 2000, had three additional stalls added; and, according to Ms. Norton, that is definitely not enough.

In the early 1990's, in the Senate, Nancy Kassenbaum and my colleague from Maryland, Barbara Mikulski, were not allowed to use the Senators-only restroom, which was, in fact, a male-only restroom. They had to trek downstairs and stand in long lines with the tourists. Senate majority leader George Mitchell announced that he was having women's restrooms installed just outside the Senate chamber to accommodate the growing number of female Senators.

And then, in the 110th Congress, Mr. Chairman, I joined you all in cosponsoring the Restroom Gender Parity Act for Federal Buildings; and I join you again and do so gladly.

With that, Mr. Chairman, I submit the rest of my statement for the record; and, with that, I yield back.

[The prepared statement of Hon. Elijah E. Cummings follows:]

**Congressman Elijah Cummings
Opening Statement
Oversight and Government Reform Committee Hearing on
H.R. 4869, the Restroom Gender Parity in Federal Buildings Act
Wednesday, May 12, 2010, 10:00 am, 2154 Rayburn**

Thank you, Mr. Chairman for holding this hearing on a matter that most of have seen but few of us have discussed.

We have seen the lines: at sporting events, airports and museums.

Women are usually standing in extraordinary lines waiting to use the restroom. It is a phenomenon that we have come to accept-- that there will always be a wait for the women's facilities.

This type of gender discrimination should not exist. In a time when we have a female Secretary of State, a female Speaker of the House, and two female Associate Justices on the Supreme Court, it escapes me that women are treated as second class citizens.

Restrooms are among the few remaining sex-segregated spaces in the American landscape and they remain among the more tangible relics of gender discrimination. It often goes unnoticed and is considered normal, natural or acceptable. Buildings have not kept pace with the changing demographics of the past half century, when more women have entered the workforce than ever before.

However, as Members of Congress, we need not look far to see this discrimination.

Just across the street at the Capitol Building was an example of restroom gender inequality. According to the Journal of Planning Literature, female members of the U.S. House of Representatives would have to walk down a long hallway, turn left and then turn right into a small windowless bathroom with only three stalls.

By contrast, men walked only a few feet away from the House floor. Since then, ladies restrooms have been added to the first floor of the House and most recently in 2000 had three additional stalls added.

In the early 1990's in the Senate, Nancy Kassebaum and Barbara Mikulski were not allowed to use the "Senators Only" restroom, which in fact was a male only restroom. They had to trek downstairs and stand in line with the tourists. Senate Majority Leader George Mitchell announced that he was having a women's restroom installed just outside the Senate Chamber to accommodate the growing number of female Senators.

In the 110th Congress I cosponsored the Restroom Gender Parity in Federal Buildings Act and I am proud that I have renewed my support of this legislation this Congress. The Restroom Gender Parity in Federal Buildings Act would direct federal procurement executives involved in the acquisition, construction, or major renovation of any facility to ensure that the number of toilets in women's restrooms equals or exceeds the number of toilets and urinals in men's restrooms.

In leasing buildings, preference will be given to facilities that meet the one-to-one standard.

Throughout American history, public restrooms have reflected various forms of discrimination. Congress passed the Civil Rights Act in 1964 to prohibit racially segregated public restrooms; The Americans with Disabilities Act was passed in 1990 to ensure restrooms are accessible by persons with disabilities; and in 2010 we need to pass the Restroom Gender Parity in Federal Buildings Act to prohibit discrimination against women.

Thank you Mr. Chairman and I yield back.

Chairman TOWNS. I would like to thank the gentleman from Maryland for his statement; and, of course, now we will turn to our first panel of witnesses: U.S. Representative Steve Cohen from the State of Tennessee, the 9th District; and U.S. Representative Yvette Clarke, the 11th District of New York.

Now it is committee policy that all witnesses are sworn in, and so will you please stand and raise your right hands.

[Witnesses sworn.]

Chairman TOWNS. You may be seated. Let the record reflect that both witnesses answered in the affirmative.

Let me begin by saying I ask the witnesses to summarize their testimony in 5 minutes.

You know the rules about the lights. I don't have to explain that to you. You're very familiar with them. In fact, you turn them on and off. The yellow light means you have a minute left; and the red light means stop, of course. And then, of course, we will have time to ask questions.

So why don't I start with you first, Representative Clarke; and then we'll go to Congressman Cohen. Congresswoman Yvette Clarke, Brooklyn, New York.

STATEMENT OF HON. YVETTE CLARKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. CLARKE. Thank you very much, Chairman Towns, Ranking Member Issa, for inviting me to speak before the committee this morning.

I am here in support of H.R. 4969, the Restroom Gender Parity in Federal Buildings Act. This bill, which was introduced by Chairman Towns, with Ranking Member Issa, Representative Visclosky, and myself as original cosponsors, requires the Federal acquisition regulation be revised to require the number of toilets in women's restrooms equal or exceed the number of toilets and urinals in men's restrooms in all future Federal buildings or in major renovations of existing Federal buildings. Once passed, this legislation will align the Federal Government with the restroom gender parity laws that are already on the books of several States and municipalities, including Virginia, Texas, Pennsylvania, California, and New York.

As a former New York city councilwoman, I introduced the women's restroom equity bill, which created a two-to-one ratio of women's restrooms to men's restrooms. My bill became city law in 2005. Previously, New York City had required a one-to-one ratio for women's restrooms to men's restrooms.

Restroom parity refers to equity of access to public restrooms by all users. Though the issue of inadequate accommodations may seem trivial to some, restroom gender parity is an issue that impacts a women's health as well as her quality of life. Research underscores the potential health implications for women waiting in long restroom lines. These include abdominal pain, increased risk of cystitis, urinary tract infections, bladder infections, all of which can cause renal damage if not adequately treated. Pregnant women and older women suffering from incontinence are particularly impacted due to their need to visit the facilities more frequently than others. To avoid using inadequate restroom facilities, we women of-

tentimes forgo eating or drinking and will often “hold it”, which poses problems. Inadequate restrooms are more likely to affect women because they often have small children, may be breast feeding, have feminine hygiene needs, and usually have to wait in a long line.

According to Sarah A. Moore’s 2002 law review article, *Facility Hostility? Sex Discrimination and Women’s Restrooms in the Workplace*, gender discrimination in restrooms can be found where restrooms are unequal between men and women, when they are inadequate for women’s needs or are missing completely. Moore’s article aptly pointed out that unequal women’s restrooms may be found in many professional places of employment, including our Nation’s Capitol. A Congresswoman in the U.S. Capitol must plan her trips to the restroom properly or she may miss a vote, and I can attest to that.

Public restrooms have historically manifested many forms of discrimination. For example, restrooms used to be racially segregated and inaccessible to the disabled. Restrooms in airports where wealthier travelers go are much nicer than in bus stations. Gender discrimination is yet another form of restroom inequity.

According to a recent GAO report, most Federal Government buildings were constructed, on average, over 46 years ago. At that time, women were not in the work force in the large numbers that they are today. More importantly, issues of gender equality were a nonissue when many of the Federal Government buildings were designed and built, primarily because women were not empowered to the extent that they are now.

That was then. This is now. Now is the time to correct the oversights of yesterday by addressing the restroom gender parity issue. I ask that my colleagues on this committee join me on improving the health and lives of women by supporting the passage of H.R. 4869, the Restroom Gender Parity in Federal Buildings Act.

Chairman Towns, you are to be commended for acknowledging this inequity that has existed in our civil society for far too long. Let me thank you for your courage of conviction in bringing this longstanding issue to light and moving closer to addressing this inequity for women and their families, and I yield back the remainder of my time.

Thank you, Mr. Chair.

Chairman TOWNS. Thank you very much. Let me thank you for your statement and also thank you for the work that you’ve done on this issue; and, of course, we look forward to continuing to work with you on it.

I now yield 5 minutes to the gentleman from Tennessee, Mr. Cohen.

STATEMENT OF HON. STEVE COHEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. COHEN. Thank you, Mr. Chairman.

Chairman Towns, Ranking Member Issa, and members of the committee, I thank you for allowing me to testify on this important legislation. It is also an honor to sit next to Congresswoman Clarke, who is a Member of the great class of 2006 and has worked on this issue in New York, and to testify on the presence of the

photograph of the great Chairman John Conyers. As author of the Tennessee Women's Restroom Equity Act, I am pleased to address this issue here in Congress; and I am pleased it is being addressed.

The Council of State Governments has a model act passed in the 1990's on this issue, and so that is available. And the Council of State Governments saw this as an issue that all 50 States should be made aware of at least 15 years ago.

About half the States have passed some sort of restroom parity law by now as well as Mr. Powell, and the Federal Government needs to catch up, normally a world leader. But, in this case, Brandeis' opportunities for the States to be laboratories of democracy have also been laboratories for the Federal Government to learn, not just the other States.

Mr. Chairman, a lot of times, people, when I dealt with this bill many years ago, called it "potty parity." They made jokes. But the fact is it is not a joke. Not only is it not a joke to women, it is not a joke for men who go with women and have to wait while they are standing in line.

But it is also politically very popular. It's the right thing to do, and it's catching up with the cultural lag in our society.

We've seen long lines at women's restrooms when men have none, and that's gone on for years. It's just simply a fact that, on average, women take longer.

Congresswoman Clarke mentioned some needs, feminine hygiene, that, to be honest, didn't hit my mind immediately, but that's certainly an issue, and baby's needs. There's more equality now with dealing with children, but the women have oftentimes been the primary caretaker and taken women in the restroom with them as well.

There are many studies, including one at the University of Washington that's extensive, on the ratio that should be required and the need for this. And the fact is, thankfully, more women care about their appearance than men do, and so there is more time, and I'm thankful that occurs. There are also stalls. There's the removal of clothing. And when men remove their clothing, you've got to hang your coat up; and that takes more time, too.

So there's many reasons for the extensive time, additional time, and the need for more equity and proper accommodations for women.

I first recognized this need in Tennessee when I was at Starwood Amphitheater at a concert. The women's line just went on forever, and the men's line wasn't very long. In fact, there were women jumping in the men's line and joining in the men's restroom. A lot of beer was served at that concert. It wasn't fair; and I realized, you know, those women were in distress, as well as being a little inebriated. I noticed it; and, also, I had to wait for my friend in line and thought, well, you know, what am I going to do? I just hung out there near the restroom, not necessarily a place you want to hang during a concert.

So it's an inconvenience to males as well as females, but, to us, it is secondary. It wasn't conscious discrimination, but, like so many other things like institutional racism, sometimes it is there without people knowing it. It just happened over the years and has

been perpetuated, and this is somewhat institutional racial—gender discrimination.

These facilities were generally designed by architects who were predominantly men. Engineers constructed them; and, again, they were mostly men. It didn't seem like an issue to them, and they didn't have any concerns. In the Federal buildings at that time most Federal employees were men, and there was discrimination as well. Today, we have reversed a lot of that history, but still we have restrooms being built without restroom equity being taken into consideration.

It's not just by convenience. There are health consequences. Abdominal pain, cystitis, and urinary tract infections can occur. So we need access, and we need to step up.

Chairman Towns, you are to be commended for doing this and Ranking Member Issa. Sometimes for men it's not quite as easy an issue. It wasn't as easy on women, also. I tried to get Speaker DeBerry to be my sponsor the first time, and she got such ridicule she dropped off. I got another woman to be the sponsor. She got ridicule. Finally, we got a sponsor. But it was difficult for women sometimes to take on the issue as well as men, but it is an issue that is important for both genders.

As you consider this legislation, I would hope that some of the experience we had in Tennessee could be taken advantage of, that flexibility and discretion are needed. We had a two-to-one ratio, and that was I think the right ratio. But we found out that sports events in covered sports arenas—the Tennessee Titans, in originally Adelphia coliseum, now called LP Field, the upper deck had many, many more men who were getting inebriated and needed more men's restrooms.

So we went back and changed the law and allowed the board to determine the proper ratio so it could take into consideration those places like, as Chairman Issa mentioned, the Department of Defense, where there might be more of a likelihood that you would have a need for more men's facilities. But at mens' football games on Sundays you need more men's restrooms in the upper deck at Adelphia. We found that out. This applies to Federal buildings, and I think it's so important that it be passed and passed in a proper fashion.

Mr. Chairman, you have made great strides and we made great strides in this country in reducing gender discrimination. We did that better and we have done other laws such as this. But we need to work in this area, and I appreciate you and Ranking Member Issa for bringing forth the legislation, and I am proud to be a co-sponsor and willing to help in any way you can it becomes law. It's needed in America in 2010 and it's been needed before.

Thank you very much.

[The prepared statement of Hon. Steve Cohen follows:]

**Testimony of Representative Steve Cohen
Hearing on H.R. 4869
The Restroom Gender Parity in Federal Buildings Act
Wednesday, May 12, 2010**

Chairman Towns, Ranking Member Issa, and members of the Committee. Thank you for inviting me to testify today about this important legislation. It's also a pleasure to sit next to Congresswoman Clarke, who worked so hard on this issue in New York.

As the author of Tennessee's restroom gender parity laws, I'm pleased to see this issue brought to the federal level. About half the States have passed some sort of restroom parity law and it's about time that the federal government caught up.

Mr. Chairman, talking about so-called "potty parity" sounds like a joke, but this is actually no laughing matter. We've all seen the long lines at women's public restrooms while men sprint in and out of the men's room. It's simply a fact that, on average, women take longer to use the restroom. There are many reasons for this including the use of stalls, removing clothing and simple biology. But no matter the reason, we should ensure that our public buildings are properly equipped to accommodate these differences.

I first recognized the need for a restroom parity law in Tennessee while standing in line at the Starwood Amphitheatre in Nashville. The women's line was tremendously long and the men's line was barely noticeable. I thought, "This just isn't fair. This is really an issue of discrimination."

It's not conscious discrimination in most cases, of course. Many of our public facilities were simply built before we became attuned to this issue as a society. They were primarily designed by male architects, generally constructed by male engineers, and most of the regulators who set the building codes were male. Gender parity just did not

occur to them, especially when designing federal buildings that would house a workforce that was overwhelmingly male as well. But even many newer buildings suffer from a lack of restroom parity. That's why this legislation is so important.

And this isn't just a question of convenience. There can be serious health consequences if someone is forced to wait too long to use a restroom. These include abdominal pain, cystitis, and urinary tract infections. That's why we need the federal government to step in and ensure proper access for women.

As this Committee considers restroom parity legislation, I would note that it's useful to keep a degree of flexibility and discretion rather than mandating a set ratio of men's to women's restrooms. I learned this from my experience writing Tennessee's restroom parity laws.

The Tennessee Equitable Restrooms Act, which was enacted in 1994, requires any publicly or privately-owned facilities where the public congregates – like sports and entertainment arenas, convention centers, and amusement parks – to be equipped with sufficient restrooms. It also requires that more restrooms be provided for women than men at a ratio to be determined by the state building commission.

When the regulations were issued, they called for a ratio of two women's rooms for every one men's room, but this strict ratio did not allow for enough flexibility. When the new Adelphia Coliseum, now called LP Field, was built in Nashville for the Tennessee Titans in 1999, we found that the number of men at the games so surpassed the number of women that a two-to-one ratio ended up causing problems for the men. We had to go back and amend the law to convert certain restrooms in that arena for men. If possible, restroom parity laws should allow for adjusting the required ratio depending

on the event and the ratio of women to men expected to attend, though I recognize that this may be difficult to administer.

Of course, the legislation before this Committee applies only to federal buildings and not to the whole range of facilities covered under Tennessee's law. However, where possible it is useful to allow for some measure of flexibility and discretion to allow for special circumstances.

Mr. Chairman, we have made great strides in reducing gender discrimination in this country, but this is one area where we still have work to do. I think your bill takes an important first step toward achieving fairness by requiring at least a one-to-one ratio. I appreciate your legislation and I stand ready to help you in any way I can to see that it becomes law. Thank you and I would be pleased to answer any questions you may have.

Chairman TOWNS. Thank you.

Let me thank both of you for your statement; and let me begin by saying to you, Ms. Clarke, and to Representative Cohen, how and why did you get involved in this issue?

Ms. CLARKE. Mr. Chairman, I got involved in this issue because I realized during the holidays what distress women really are under. It's not just the stress of having to prepare for the holidays and being out in the public. It is maneuvering with children. I looked at the way that commerce was being impacted. I saw women who had to wait in line for the restroom and then have to wait on line for a checkout counter; and I saw people just sort of throw their hands up and say, I'm not even going to deal with it today.

I realized that there were adverse consequences, and I realized that over time we had actually been training young girls and women to hold it. It has just become a part of our conditioning and behavior that was totally unnecessary.

So we looked at this in the city of New York in particular where we are always in very crowded situations and realized there was something we could do about it, that in the development of our building codes we could create the conditions under which we could create a restroom equity. So I moved forward with my colleagues in the city of New York, and we made it happen.

So I believe it's possible that we can do this at the Federal level, and it will be a major leap forward so that young girls coming up today will not be conditioned in a way that I was to have to hold it every time we are in an environment where the line is so long and risk impairing our health.

So thank you very much for asking that question, Mr. Chairman.

Chairman TOWNS. Thank you. Thank you very much.

Mr. COHEN. Thank you, Mr. Chairman.

I can probably just say, similar to what Representative Clarke said, I mentioned in my testimony we passed our Tennessee bill in 1994, so it was at the Starwood Amphitheater when I noticed this extraordinary line, unbecoming but necessary conduct of some women jumping into the men's line and going into the men's room. And I just thought there is something happening here, and it is not necessarily good. I think that's some song I'm paraphrasing. I saw it at all kind of facilities, and it was just indicative of a history of lack of attention by, apparently, male-oriented architects and engineers, not intentional but just a pattern and a history of not thinking about it.

And then what I did, to be honest, I used women's lines—after I would be in line and I would be out and my date would still be in line or whatever, I'd use the women's line as a focus group; and I would ask them, what would you think about a law to do this? And, believe me, every one of them was real big in favor. And I told them write—I found out who their representatives were and who their senators were and told them to call them. We passed our bill.

Chairman TOWNS. Thank you very much.

You know, to be honest with you, my experience was that we were at a play; and, of course, I went to the men's room and came back. The second act was getting ready to start, and I was still looking for my wife, and she's nowhere to be found. So, finally, I'm

getting really agitated at the fact the second act is going to start. When it gets dark in there, you can't find your seat.

Finally, when she showed up, I said, "where were you?" She said, "I was in the line." You should have seen that line. She said it was all around the wall. I mean, people everywhere.

And then, about 3 weeks later, I was in the airport in Florida, and I saw this long line. And then, of course, being from New York, I thought they were giving away something. I wanted to make certain that I got some of it whatever they were giving away. And then I looked and I realized there were only women in the line. And then I looked and they were going to the bathroom. And I said, gee, this is ridiculous. Something needs to be done. And that's what precipitated me to get involved.

I talked to my ranking member, who I must admit also spoke to his wife about it as well. And, of course, he is now committed to being helpful. I want you to know I appreciate that. Thank you very much. Thank you very, very much.

On this note, I yield now to the ranking member for any questions that he might have.

Mr. ISSA. I think after you talked to Gwen and I talked to Kathy there shouldn't be too many questions.

With both of you having done different laws in different States, let me try to focus on the base legislation versus where we should go from here. Rep. Clark, Ms. Clarke, you did a mandate of two to one in New York.

Ms. CLARKE. That's correct.

Mr. ISSA. Was that based on a study?

Ms. CLARKE. That's correct. That's correct. Actually, there is a provision in the Federal Building Code that called for two-to-one ratio; and that's what we followed.

Mr. ISSA. OK. In checking on this, that Federal ratio, oddly enough, didn't count urinals. So the GSA setup is basically one to one if you count urinals, two to one if you don't count urinals. So it is a little ambiguous, and it's one of the things we hope to resolve.

Mr. Cohen, your legislation had to be modified based on an observation that no fixed ratio necessarily solved the problem; is that correct?

Mr. COHEN. Mr. Issa, that's accurate. Because we had the two-to-one ratio. And I think it was the University of Washington—there were like two universities that had scholars that had done a lot of research, and I believe that was one of them.

We took the two to one, and it worked in most facilities but didn't work at the Titan Stadium. I went up to the Titan Stadium, and I climbed up there and looked. I saw they didn't have enough facilities, and there was just a need to change it. So we did change it.

We gave some discretion to the State Building Association. But I would suggest that if you give discretion that you require that they give a reason—maybe set a standard and then require them to give a reason why they deviated from that standard and give some rational basis to require them to do some type of study and explain their decision.

Mr. ISSA. Well, H.R. 4869 currently is a one-to-one ratio and requires GSA—which, of course, doesn't control DOD which is a separate challenge for us—to have these various reasons. Current law on purchase—current law when GSA builds or purchases a building is a one-to-one ratio. Current practice in September 2000 when GSA leases is that they do an assessment based on the anticipated ratio of men to women in the building. Now I would assume that for both of you that flexibility of analyzing the current ratio and adjusting it if the ratio changes periodically would be a good part of the base bill. An all-men's prison, don't put in equal amounts of men's and women's rooms, I assume would be good judgment.

Ms. CLARKE. I would agree. We just want to keep into account visitors, which tend to be women and their children that may accompany them, because women oftentimes take their children, as well as correction officers where the ranks of corrections are becoming more and more women involved as well. So those would be some of the considerations.

Mr. ISSA. I think you're hitting the nail right on the head. You have those kind of ratios to consider.

Let me ask sort of an additional question. Our current legislation doesn't call for a new study based on certain criteria. Would such criteria—and I would like your input after the hearing, too—as to anticipated age of the people who are going to be in a building—you mention that. Obviously, the gender ratio, the attire—I think Ms. Norton sort of made it pretty clear at the Kennedy Center women may be needing to do more that would cause them to be even longer. Well, at a baseball game, we're all in shorts; and just going in and out it may be much quicker. Those and other items.

Do you believe that we should include in our legislation sort of the analysis so that we get it right the first time and what the legislation doesn't currently envision is a flexibility of design for future ratio changes? Are all those elements that, based on your two experiences in legislation, we should include in others?

Mr. COHEN. Mr. Issa, I agree that you need to include those things. But there's no question, no matter where you go, there are two types of business. And when you go in and you're a man, you don't have to take off any clothing. It can be done, and you're in and you're out. You don't do lipstick and you don't do anything and you're out.

Mr. ISSA. You're not a Californian, but OK. In Tennessee, you don't.

Mr. COHEN. Women have always got to remove clothing; and no matter where it is, whether it is coats or whatever, it's going to take more time. And so I won't give—in almost any business, any museum, or government building, there needs to be a two-to-one ratio.

Mr. ISSA. This is what I'm getting to, is our current base legislation was dropped as a one to one to correct, if you will, the past tendency to have less than one to one, even though the current GSA guidelines were one to one. And what I'm hearing today—and the chairman's leadership on this, obviously, is crucial—is that we need to, one, find out if two to one is the right ratio, find out when it is the right ratio, make sure our legislation adjusts for total occupancy, including visitors; and then we have to have sufficient flexi-

bility for the fact that we don't want to build twice as many women's rooms in a building that currently has nobody, but we need to be able to adjust as that changes in Federal buildings that last at least an average of 46 years. Is that pretty much what you're coming to us with?

The chairman's being indulgent with the time, but, very quickly, can you tell me, if we're looking at a 100-year building and we're in a 1962 building, is that what we need to make sure we get right here so that we not be arbitrary but also so that we get it right for equal access?

Ms. CLARKE. I would say those are some of the considerations.

The one thing that you probably—we probably all cannot anticipate is the length of stay for individuals within the restroom facility. Everyone is trying to rush out, yes. As we stated, women have extraordinary circumstances that oftentimes men don't have. We are always carrying handbags with us. There are always extra things that just aren't part of the male exercise each and every day. Women, on the other hand, have those significant challenges. And then you're talking about women of varying ages. So all of those factors would have to be taken into consideration in an environment where we know that there are going to be a lot of people traveling through.

A place like this, for instance, is a place where we know that there are going to be visitors in addition to those who work here, that are going to call for that type of ratio to be closely examined; and I think that you have come up with a number of the significant variables.

Mr. ISSA. Thank you. Thank you, Mr. Chairman.

Chairman TOWNS. I think the gentleman is raising some very interesting questions. Because when you look at the overall picture, one thing we might be able to do to help out a little bit is to put changing boards into the men's bathroom so that the men will be able to do some changing of the babies as well because they are not in our bathrooms. So I think that might be one thing to sort of help eliminate—

Mr. ISSA. We're both in the grandparent age. We're getting away with a lot by saying the next generation should have these changing rooms.

Chairman TOWNS. Thank you very much.

I now yield to the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I will be very brief.

First of all, I want to thank you all for your testimony. It has been extremely helpful. This legislation—similar legislation didn't get very far the last time. I think we need to approach this, as our chairman has, with the urgency of now so that we can make it happen; and we will certainly work with you all to try to make that happen. That's why I'm so glad, Mr. Chairman, that you held this hearing today. So now we have to move it along and get this through the House and get our Senate colleagues to act with some type of urgency.

Because, as you have laid it out, it is an urgent situation. And we can mess around and mess around and we will be making these same discussions, having these same discussions 10 years from now and so many women would have been deprived for so long.

So, with that, I just want to just thank you; and, with that, Mr. Chairman, I yield back.

Chairman TOWNS. I thank the gentleman from Maryland.

I yield to the gentlewoman from Washington, DC.

Ms. NORTON. No questions, Mr. Chairman.

Chairman TOWNS. I now yield to the gentlewoman from California, Ms. Watson.

Ms. WATSON. I am going to share with you my opening statement because I don't have a question, and I want to indicate how our Nation's Capitol is really slow in responding to this.

Restroom parity was brought to the national stage in 1974 when my good friend California Secretary of State March Fong Eu smashed a toilet bowl on the steps of our State Capitol to protest pay toilets in the State. I was in the California State Senate when we passed the first restroom parity bill, the California Restroom Equality Act introduced by then Senator Art Torres in 1987. His wife had taken several children to the Colosseum in Los Angeles; and, you know, at half-time they ran out. The kids had been waiting all through the game, and they ran out to go to the restroom, and the line was like around the stadium. So she took them to the men's restroom. Yes, they were in and out. So she took her children that she had with her to the men's restroom and then took this legislation to her husband and you know it got passed.

California understood then that many public buildings had insufficient facilities for women because of outdated notions of the prevalence of women in the workplace. Since then, many States and municipalities have adopted a similar statute, but today's bill would be the first Federal legislation to address restroom parity. Now we're 3,000 miles on the other side of the country, and we're just now getting our State Capitol to realize this is a human basic need and we need to correct it.

So throughout our history public restrooms have been the site of discrimination based on race, gender, and physical ability. In the old South, people had to—if you looked like me, you had to go to the back room, which was usually really a place that was filthy most of the time, uncared for, unkempt, and you were dressed in your Sunday-go-to-meeting clothes, and you had to go to the colored restroom. So the Civil Rights Act in 1964 eliminated this form of discrimination based on race. Just as in 1990 the Americans with Disabilities Act required reasonable access for disabled people to such facilities.

So with today's legislation we have the opportunity to finally address gender discrimination in Federal facilities by requiring that one-to-one ratio for any Federal building constructed for public use and by mandating that preference be given to buildings that meet that ratio when leasing new Federal buildings.

So I just want to thank our author and coauthor and for bringing this late—not you, but this country has been late. You see, we're always on the cutting edge in California. So thank you for catching up with us. Good luck. We should pass it out. Thank you, Mr. Chairman.

Chairman TOWNS. I would like to thank the gentlewoman from California for her comments. And of course we have tried hard to catch up. No doubt about it.

I now yield to the gentleman from Texas, Congressman Cuellar. Any questions you might have. No questions.

No other questions from the committee?

Well, let me thank both of you for your testimony. I look forward to working with you in terms of making this a reality. I think the time has come. You made the case. And, of course, we need to do something about it. I want to congratulate you on what you've done in New York. I want to congratulate you on what you've done in Tennessee. So we look forward, as Congresswoman Watson says, to catching up; and that's what we hope to be able to do. Thank you so much for your testimony.

Ms. CLARKE. Thank you.

Mr. COHEN. Thank you, Mr. Chairman.

Chairman TOWNS. We ask our second panel to come forward: Commissioner Robert Peck, Commissioner of Public Building Services for the General Services Administration; Dr. Kathryn Anthony, professor of architecture at the University of Illinois; and Sharon Pratt Dixon, former Mayor of Washington, DC.

Before you sit down, it is a longstanding policy that we swear all of our witnesses in. If you would be kind enough to raise your right hands.

[Witnesses sworn.]

Chairman TOWNS. Let the record reflect that they answered in the affirmative. You may be seated.

Let me begin by asking all witnesses to summarize their testimony in 5 minutes. Of course, the yellow light means you have a minute left; and the red light all over America means stop. And then, of course, we will have time to ask questions, of course, which is very important.

So why don't I begin with you, Commissioner Peck. Please present your testimony.

STATEMENTS OF ROBERT A. PECK, PUBLIC BUILDING SERVICE, U.S. GENERAL SERVICES ADMINISTRATION; KATHRYN H. ANTHONY, PROFESSOR, SCHOOL OF ARCHITECTURE, UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN; AND SHARON PRATT, FORMER MAYOR, WASHINGTON, DC

STATEMENT OF ROBERT A. PECK

Mr. PECK. Thank you, Mr. Chairman. I note the presence previously of Ranking Member Issa and other members of the committee. Thank you for inviting me to appear before you today to discuss H.R. 4869, the Restroom Gender Parity in Federal Buildings Act. Our administrator, Martha Johnson, is interested in this, too.

GSA supports restroom gender parity. We strive to provide welcoming, easily accessible, and comfortable facilities and equally accessible restrooms for our Federal work force and visitors. GSA's current standards achieve parity in most instances in buildings that we are now building and renovating, and they exceed private building code standards. In the few instances in which our current standards do not meet parity, GSA is revising our standards to ensure that the goal is achieved.

We own more than 1,500 Federal buildings on behalf of the American people, and we provide space to more than 1 million Fed-

eral employees. As you are aware in this committee, I believe, GSA has an aging portfolio of buildings. The average age of a GSA government building is 46 years.

We have over 500 buildings that were built before 1950, during a time in which there were fewer women in the work force or at least the perception that there were fewer women in the work force. As a result, most of our older buildings do not meet parity in restrooms, but as we modernize and as we construct new buildings we improve our facilities to meet the goal of parity.

We publish a facility standards document that establishes design standards and criteria for new construction and major alterations in GSA buildings, largely derived from industry standards, including the International Code Council standards. Our standards exceed industry building codes and generally meet restroom parity. In other words, we provide more restrooms for both men and women than the private codes generally require.

Since the early 1980's, our standards have prescribed the number of toilets required in men's and women's restrooms. In most instances, the number of toilets in women's restrooms equals the combined number of toilets and urinals in men's restrooms. In assembly areas such as training and conference facilities in our buildings, we require more toilets in women's restrooms than in men's restrooms and, in fact, the ratio of three to two.

There are, however, in our current standards three tiers out of eight—and the tiers are tiers in which we consider the number of people per restroom—three tiers out of eight in which our facility standards, although, again, higher than the building code requires, where we do not meet restroom parity. We are revising our standards to insure gender parity in all circumstances. We are issuing a new facilities standards document, and it will require parity across all of the tiers. And I would note that three of the eight tiers we are off by one, that there are three occasions on larger numbers of people per floor in which our current standards would allow more men's facilities than women's.

I should also note we recently surveyed our buildings, and it appears that in almost all of the new courthouses and other buildings we have been building over the last 15 years we've met the parity standards. As we continue to modernize older buildings in our inventory, we meet these parity requirements.

In addition to federally owned buildings—and your legislation contemplates this—we also lease a lot of facilities for the Federal Government. The GSA standard leasing solicitation for offers, an FSO, requires lessors to provide toilet fixtures, and it currently says based on the ratio of men and women who will occupy the leased space. I think that's a standard that is hard to contemplate, hard to predict, and we're going to change our standard to require that restroom parity be available in every leased facility where we can find it.

I just have to note that there are occasions in which we lease facilities in rural or very small areas, small towns, in which we don't have a lot of competition; and it may not be possible to find a leased facility that has parity. But those will be waiver instances; and, otherwise, we're going to require it.

As I mentioned, we support improving the quality and equality in restrooms wherever possible. We are going to address this issue as we undertake future construction, modernization, and leasing actions. We fully support the intention of this bill; and, as I say, we are moving today to make sure that in those few instances where we don't currently meet the standard that we will.

I want to thank you for inviting me to testify today; and, of course, I'm happy to answer any questions.

One other note is I would like—we will submit our current facility standards for your record that you can see them.

[The prepared statement of Mr. Peck follows:]

STATEMENT OF
ROBERT A. PECK
COMMISSIONER
PUBLIC BUILDINGS SERVICE
U.S. GENERAL SERVICES ADMINISTRATION
BEFORE THE
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
MAY 12, 2010



Good morning, Chairman Towns, Ranking Member Issa, and members of this Committee. My name is Robert A. Peck, Commissioner for the General Services Administration's (GSA's) Public Buildings Service. Thank you for inviting me to appear before you today to discuss H.R. 4869, the "Restroom Gender Parity in Federal Buildings Act."

GSA supports restroom gender parity. We strive to provide welcoming, easily accessible, and comfortable facilities, including restrooms, for our Federal workforce and visitors. When constructing, modernizing, and leasing buildings, we continually improve our buildings to meet the changing needs of our building population.

GSA is one of 30 landholding agencies in the U.S. Government, providing space for more than 1 million Federal employees and contractors. As this Committee is aware, GSA has an aging portfolio. The average age for a GSA building is 46 years. GSA has over 500 buildings that were built before 1950, during a time in which there were fewer women in the workforce. Through modernization and new construction efforts, GSA has continued to improve our facilities as our customers' needs have changed. GSA is pleased to work with this Committee on this issue.

Federally-Owned Facilities – GSA publishes a Facilities Standards document that establishes design standards and criteria for new construction and major and minor alterations in GSA buildings, largely derived from industry standards including the International Code Council. This document also applies to lease constructed buildings with Government Options to Purchase. GSA's application of these continually evolving standards has moved us closer to achieving the goal of restroom gender parity. Since the early 1980s, our standards have cited the number of toilets, including urinals, required in men's and women's restrooms. In most instances, the number of toilets, or water closets, in women's restrooms equals the number of toilets and urinals in men's restrooms. In assembly areas, such as training or conference facilities, GSA's Facilities Standards require more toilets in women's restrooms than men's restrooms. Specifically, GSA requires three women's toilets per every two men's toilets and/or urinals.

The application of the GSA Facilities Standards is mandatory and the provisions of this document are included as design requirements in every GSA contract with design professionals. These provisions apply to all stages of design and construction from project development through construction completion.

Leased Facilities – In addition to federally-owned buildings, this proposed legislation directs Federal procurement executives to give preference in leasing facilities that meet or exceed female to male toilets ratio (including urinals) of 1 to 1. GSA's standard Solicitation for Offer (SFO) for leasing requires lessors to provide toilet fixtures based on the ratio of men and women that will occupy the leased space. These requirements allow GSA to continually meet our customers' changing needs.

GSA supports improving the quality and equality in restrooms through easily accessible, comfortable, and welcoming restroom facilities. The issue of gender parity should be addressed as we undertake future construction, modernization, and leasing actions. GSA supports gender parity and the intent of this bill to provide equality for women in all aspects of the Federal workplace.

Thank you for inviting me to appear before you today, and we look forward to working with this committee on addressing this issue.

design, as well as maintenance and cleaning of light fixtures and servicing smoke detectors (if provided). Portable lifts or other appropriate equipment can be used to access these elements where approved by the Facility Manager; scaffolding should be avoided. The flooring materials within this space must be able to accommodate the loads and use of this equipment. Maintenance professionals should be included in Schematic and Design Development reviews to address these issues.

Mechanical, electrical and communication systems must be integrated into the lobby design. Fixture and outlet locations, and forms, sizes, finishes, colors and textures of exposed mechanical and electrical elements, must be coordinated with all other interior elements. It is desirable to conceal HVAC supplies and returns.

Elevator and Escalator Lobbies. Like entrance lobbies, elevator and escalator lobbies shall be designed to efficiently accommodate the movement of pedestrian traffic to other parts of the building. Adequate space should be provided to perform this function.

The elevator and escalator lobbies should be close to the main lobby and be visible from the main entrance. Visual supervision and physical control of the lobbies for elevators and escalators shall be a prime consideration for building security.

If unusually large pieces of equipment or furniture such as mechanical equipment or conference tables must be transported to a specific floor via an elevator, verify that the item can be moved into and through the lobby space.

Public Corridors. A complementary palette of materials should be used to establish a hierarchy in the treatment of spaces and corridors as they lead visitors from the entrance lobby to the main corridors and finally to departmental corridors. It is desirable to introduce as much natural light as possible into corridors, through windows, transoms or borrowed light.

Building Support Spaces

Placement of Core Elements and Distances. In buildings with large floor plates not all core elements need to be placed at each core location. How often each element needs to be repeated is governed by occupant needs and the following maximum radii and distances:

- **Elevators** should always be grouped in banks of at least two for efficiency. Travel distances from a given office or work station to an elevator shall not exceed 200 feet. Travel distances to stairs are governed by code.
- **Toilets** should also be placed within 200 feet of every office or work station.
- **Electrical rooms** must be stacked vertically and should be located so that the area of coverage does not exceed 12,000 square feet and the length of the branch circuits do not exceed 150 feet. Shallow, secondary closets off permanent corridors may be used for receptacle panelboards where the distance between the riser and the farthest work station exceeds 150 feet and a separate riser is not warranted.
- **Communication Closets** must be stacked vertically and shall be placed so that wiring runs do not exceed 150 feet.

Toilet Spaces. Toilet space includes general use toilets and associated vestibules, anteroom and contiguous lounge areas.

Toilet rooms for both sexes should also be located adjacent to the cafeteria.

Toilet rooms shall be screened from public view without the use of double door vestibules at entrances. All public and common use toilets must have facilities for the disabled and comply with ABAAS. All other toilets must have provision for future adaptation to accessible requirements.

Table 3-3
Number of Toilet Fixtures

Number of Persons Per Toilet Room	Men			Women	
	WC	Ur	Lav	WC	Lav
1 to 8	1	1	1	2	1
9 to 24	2	1	1	3	2
25 to 36	2	1	2	3	2
37 to 56	3	2	2	5	3
57 to 75	4	2	2	5	4
97 to 119	5	2	3	7	5
120 to 134	6	3	4	8	5
Above 135	1/20	1/40	1/30	1/15	1/24

To the extent possible, toilets shall be grouped to reduce plumbing runs. The layout of toilets should minimize circulation space. However, toilet rooms for assembly areas, such as training or conference facilities, must accommodate short-term, high-volume traffic. In those areas, there shall be three women's toilets for every two toilets and/or urinals for men. Circulation should be adequate to handle peak traffic. In areas where assembly occupancies exist, provide fixtures consistent with code requirements for this occupancy.

- A fold-down changing table for infants should be available in toilets for public use.
- Feminine product dispensers shall be in each women's restroom.
- Toilet seat covers shall be provided in each restroom.
- Toilets for public usage shall be equipped with the large commercial toilet paper dispensers.

- Verify and get approval from the building management for the selection and placement of the following:

- Commercial toilet paper dispensers
- Soap dispensers.
- Paper towel dispensers.
- Paper towel trash receptacles.
- Feminine hygiene products dispenser.
- Feminine products disposal.
- Toilet seat cover dispenser.

Toilet Partitions. All toilet partitions must be ceiling hung. They should be metal or similarly durable construction.

Toilet Accessories. Stainless steel is preferred for toilet accessories. Accessories should be integrated into the design of toilet rooms. Recessed and multi-function accessories that do not clutter the room are preferred.

3.8 Building Support Spaces

Toilet Rooms

Toilet counts must be sized to meet occupant loads for the floor. Counts for large assembly functions must be sized to accommodate short-term, high-volume demands. Toilet fixture counts in repair and alteration and/or modernization projects must be sized to meet revised occupant loads. Sight lines into toilet rooms must be completely screened without the use of double door entrance vestibules. Unisex and family restrooms are excluded from this requirement. GSA's toilet requirements differ from model building codes. GSA fixture counts shown in Table 3-1 supersede building code requirements.

Table 3-1

Number of Toilet Fixtures

Number of Persons per Toilet Room	Men			Women	
	WC	Ur	Lav	WC	Lav
1 to 8	1	1	1	2	1
9 to 24	2	1	1	3	2
25 to 36	2	1	2	3	2
37 to 56	3	2	2	5	3
57 to 75	4	2	2	6	4
76 to 96	4	2	3	6	5
97 to 119	5	2	3	7	5
120 to 134	6	3	4	9	5
Above 135	1/20	1/40	1/30	3/40	1/24

Locker Rooms

Locker rooms are finished spaces. Wet areas (toilet rooms and showers) must be separated from dry areas. Sight lines into locker rooms must be completely screened without the use of double door entrance vestibules. Locker rooms must be provided and located adjacent to fitness centers.

Fitness Centers

Fitness centers must be structurally capable of supporting the loads of the equipment they may contain. HVAC must be adequate to serve the space use. Finishes will be cleanable, and glass must be tempered safety type.

Custodial Spaces

Custodial spaces are devoted to the operation and maintenance of the building and include maintenance storage rooms, stockrooms, and janitor's closets. Locations and configurations of all custodial spaces must be coordinated and approved by the operations and building management staff.

Storage Rooms and/or Stockrooms

Storage rooms must be configured with an efficient layout to accommodate the specified contents and/or functions. Access to and from the room and internal room circulation must be sized to accommodate the delivery and removal of contents.

Janitor's Closets

Janitor's closets must be centrally located on each floor adjacent to the toilet rooms. Janitor closets must have direct access from the corridor; they must not be accessed through the toilet rooms. The closet must accommodate all the maintenance equipment, cleaning gear, and supplies required to serve the adjacent work areas. At a minimum, the closet must have a 600 mm (24 in.) square mop basin, a wall-mounted mop rack, and 900 mm (3 ft.) of 250 mm (10 in.) wide wall shelving; the floor area should be a minimum of 1.7 m² (18 sq. ft.).

Chairman TOWNS. Thank you very much, Commissioner Peck.
 Now I would like to call on Dr. Kathryn Anthony, the professor of architecture at the University of Illinois.

STATEMENT OF KATHRYN H. ANTHONY

Ms. ANTHONY. Chairman Towns, Ranking Member Issa, members of the committee, thank you so much for the invitation to appear before you today. It's an honor and one of the highlights of my professional career.

I'm the only female full professor in the school of architecture at the University of Illinois at Urbana-Champaign, where I've taught for 26 years. I have published widely on gender issues and design. I applaud the committee for addressing an issue near and dear to my heart and near and dear to the hearts and bladders of women and children all across the United States, one that is long overdue.

Ever since California led the way by passing the Nation's first potty parity legislation, many States and municipalities across the country have passed similar laws and ordinances to provide equal speed of access for women and men to public restrooms. Yet today marks a milestone. It's the first time that this issue is addressed at the Federal level. Congratulations.

I stand here today on behalf of your mothers, grandmothers, daughters, granddaughters, sisters, aunts, nieces, and countless female friends. No matter what our race, color, creed, age, size, shape, or political party, Democrat, Republican, independent, or green, we all share one frustrating experience. All too often, we watch our male counterparts zip out in and out of the restroom in a flash, while at the ladies room we are stuck waiting in long lines, and the men in our life have been stuck waiting for us. Why?

Much of our built environment, including that owned by the Federal Government, was constructed in a different era, one where women were not as prevalent in the public realm and in the work force as we are today. Until recently, most architects, contractors, engineers, building code officials, and clients were not concerned about this issue. They rarely contacted women about their restroom needs. Women were rarely employed in these male-dominated professions, nor were they in a position to effect change, but, finally, now we are.

Why is this important? The average person uses a toilet about six to eight times a day, as many as 2,920 times per year. By age 80, we will have taken 200,000 trips to the toilet and spent 2 years of our life in restrooms. No matter what our stature in life, whether we are the President of the United States, the First Lady, or the homeless person on the street, we are all use them.

We may laugh, and we may joke, but for millions of people around the world, boys and girls, men and women of all ages, especially pregnant and menstruating women, using the restroom is no laughing matter. Emergencies happen, accidents happen, urinary tract infections happen, delaying voiding can result in serious medical conditions. Unsanitary, unsafe restrooms in our Nation's schools force thousands of children's to wait to use their bathroom at home; and holding it in can take its toll.

Forcing half the population to wait in line for restrooms is a subtle yet powerful form of gender discrimination. Public restrooms

are just one of many instances where women and girls are disadvantaged by design, a topic I'm writing about in my new book. Even in the U.S. Capitol, until recently, Congresswomen and women Senators were forced to use restrooms far away from the House and Senate floors, causing some to miss important votes.

Public restrooms are a fundamental part of our Nation's infrastructure, just as important as our roads and bridges. Taking care of our bodies is just as important as taking care of our cars. Public restrooms are a health and safety issue. In this respect, we lag far beyond countries like Japan where clean, safe, available restroom are integral parts of urban landscape.

If it were up to me, contracting cutting-edge, well-designed, safe 21st century public restrooms should be part of another national stimulus package. They make downtowns more user friendly, they encourage walking and help combat obesity. It would be money well spent.

In an ideal world, I would call for even greater numbers of women's to men's fixtures, as is already the case in many States and municipalities with ratios of two to one, three to one or even four to one. Such ratios are most needed when large groups of people amass all at once, such as when a court session adjourns or when a group of schoolchildren visit.

In an ideal world, I would call for a mandatory retrofit to all existing buildings, not just renovation and new construction. Just as millions of persons with disabilities benefit every day from the Americans with Disabilities Act [ADA], millions of women and children would benefit every day from even greater potty parity laws. But, as a realist, I believe that this act paves the way for future changes that could have just as sweeping an impact as the ADA.

It's now time for the Federal Government to act. Today's proposed legislation is a small but significant step in the right direction, an achievement worth celebrating, one that you can all be proud of. It will have a positive impact on women and children across the USA and on the men who wait for them. That's one small step for Congress, one giant leap for humankind. Thank you.

[The prepared statement of Ms. Anthony follows:]

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TESTIMONY OF KATHRYN H. ANTHONY

BEFORE THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

UNITED STATES HOUSE OF REPRESENTATIVES

IN SUPPORT OF H.R. 4869

THE BIPARTISAN RESTROOM GENDER PARITY

IN FEDERAL BUILDINGS ACT

WASHINGTON, DC

MAY 12, 2010

Chairman Towns, Ranking Member Issa, members of the committee. Thank you so much for the invitation to appear before you today. It is an honor and one of the highlights of my professional career. I am the only female Full Professor in the School of Architecture at the University of Illinois at Urbana-Champaign, where I have taught for 26 years. I have published widely on gender issues in design.

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I stand here today on behalf of your mothers, grandmothers, daughters, granddaughters, sisters, aunts, nieces, and countless female friends. No matter what our race, color, creed, age, size, shape, or political party—Democrat, Republican, Independent, or Green--we all share one frustrating experience. All too often we watch our male counterparts zip in and out of the restroom in a flash, while at the ladies' room, we are stuck waiting in long lines. And the men in our life have been stuck waiting for us. Why?

Much of our built environment—including that owned by the federal government—was constructed in a different era, one where women were not as prevalent in the public realm and in the workforce as we are today. Until recently, most architects, contractors, engineers, building code officials, and clients were not concerned about this issue. They rarely contacted women about their restroom needs, women were rarely employed in these male-dominated professions, nor were they in a position to effect change. But, finally, now we are!

Why is this important? The average person uses a toilet about six to eight times a day, as many as 2,920 times per year. By age 80 we will have taken over 200,000 trips to the toilet and spent two years of our life in restrooms. No matter what our stature in life,

whether we are the President of the United States, the First Lady, or the homeless person on the street, we all use them.

We may laugh, and we may joke, but for millions of people around the world—boys and girls, men and women of all ages, especially pregnant and menstruating women—using the restroom is no laughing matter. Emergencies happen. Accidents happen. Urinary tract infections happen. Delaying voiding can result in serious medical conditions. Unsanitary, unsafe restrooms in our nation's schools force thousands of children to wait to use their bathroom at home, and "holding it in" can take its toll.

Forcing half the population to wait in line for restrooms is a subtle yet powerful form of gender discrimination. Public restrooms are just one of many instances where women and girls are disadvantaged by design, a topic I am writing about in my new book. Even in the US Capitol, until recently, Congresswomen and women Senators were forced to use restrooms far away from the House and Senate floors, causing some to miss important votes.

Public restrooms are a fundamental part of our nation's infrastructure, just as important as our roads and bridges. Taking care of our bodies is just as important as taking care of our cars. Public restrooms are a health and safety issue. In this respect we lag far behind countries like Japan where clean, safe, available restrooms are integral parts of the urban landscape. If it were up to me, constructing cutting-edge, well-designed, safe 21st century public restrooms should be part of another national stimulus package. They make downtowns more user friendly. They encourage walking and help combat obesity. It would be money well spent.

In an ideal world, I would call for even greater numbers of women's to men's fixtures, as is already the case in many states and municipalities with ratios of 2:1, 3:1 or even 4:1. Such ratios are most needed when large groups of people amass all at once, such as when a court session adjourns, or when a group of school children visit. In an ideal world, I would call for mandatory retrofits to all existing buildings, not just renovations and new construction. Just as millions of persons with disabilities benefit every day from the Americans with Disabilities Act (ADA), millions of women and children would benefit every day from even greater potty parity laws.

But as a realist, I believe that this Act paves the way for future changes that could have just as sweeping impacts as the ADA.

It is now time for our federal government to act. Today's proposed legislation is a small but significant step in the right direction, an achievement worth celebrating, one that you can all be proud of. It will have a positive impact on millions of women and children across the USA—and on the men who wait for them.

That's one small step for Congress, one giant leap for humankind.

Thank you.

Chairman TOWNS. Thank you very much, Dr. Anthony, for that very powerful statement.

Now we will have Sharon Pratt, the former Mayor of Washington, DC, and the only woman ever to be Mayor of Washington, DC. Ms. Pratt.

STATEMENT OF SHARON PRATT

Ms. PRATT. Hopefully, that will change.

Good morning, everyone.

Mr. Chairman, distinguished members of the House Committee on Oversight and Government Reform, I appreciate the opportunity to testify in support of H.R. 4869, the Restroom Gender Parity in Federal Buildings Act.

I believe an overwhelming number of Americans, especially women and girls, support the principles and purpose of this legislation. However, some may be hesitant about coming forward to support this legislation because it's so easy to make light of this effort and to mock those advancing this cause. As such, I truly appreciate the leadership you have provided, Chairman Towns, Congressman Issa, Congresswoman Clarke, Congresswoman Visclosky have provided in this matter.

I'm a native Washingtonian, as is my distinguished representative, Eleanor Holmes Norton, and except for 3 years in New York City I have lived here all my life. Not surprisingly, I have regularly patronized Federal buildings for meetings, major events, and recreation; and I can speak from personal observation and experience as a woman resident, as the former Mayor of this city, as the mother of two daughters, as a grandmother now of a granddaughter.

With regards to the disparity in restrooms, you can characterize it as follows: It is glaring, it is inconvenient, it is enormously inefficient, and it is downright unfair. Indeed, given the logistics associated with the restroom ritual, true parity would probably require a two-to-one ratio of toilets for women to men. Nonetheless, I am pleased to support and endorse in my way legislation that at least ensures some level of parity in this matter.

Our society has come a great distance in my lifetime. We certainly are a society today that now genuinely supports equal rights for women. However, it's a practical reality that a woman would be late for a meeting, miss much of a concert because there are built-in impediments to equally navigating the world at large. Stemming from an absence of parity in restrooms, women are still not equal.

Mr. Chairman and members of this committee, I heartily applaud you for your leadership on H.R. 4869.

[The prepared statement of Ms. Pratt follows:]

Testimony of the Honorable Sharon Pratt

Mr. Chairman and distinguished Members of the House Committee on Oversight and Government Reform, I appreciate the opportunity to testify in support of H.R.4869, the Restroom Gender Parity in Federal Buildings Act.

I believe an overwhelming number of Americans, especially American women and girls; support the principles and purpose of this legislation. However, some may be hesitant about coming forward to support this legislation because it is so easy to make light of this effort---and mock those advancing the cause.

As such, I very much appreciate the leadership you, Chairman Edolphus Towns, Congressman Darrell Issa, Congresswoman Yvette Clarke and Congressman Pete Visclosky have provided in this matter.

I am a native Washingtonian and except for three years in New York, I have lived here all of my life. Not surprisingly, I have regularly patronized federal buildings for meetings, major events and recreation. I can speak from personal observation and experience, as a woman resident, the former Mayor of this City, and as a mother who reared two daughters in this city, that the disparity in restrooms is glaring, inconvenient, enormously inefficient and downright unfair.

Indeed, given the logistics associated with the restroom ritual, true parity would probably require a 2 to 1 ratio of toilets for women to men. Nonetheless, I am pleased to support legislation that, at least, ensures some level of parity in this matter.

Our society has come a great distance in my lifetime. We certainly are a society that now genuinely supports equal rights for women. However, if the practical reality is a woman will be late for a meeting, miss much of a concert, because there are built-in impediments to equally navigating the world at large stemming from an absence of parity in restrooms---women are still not equal.

Mr. Chairmen and Members of this Committee, I heartily support H.R. 4869.

Chairman TOWNS. Thank you so much for your testimony.

Let me thank all three of you for your testimony. I think you've been very, very helpful; and let me just sort of ask a couple of questions.

First, Dr. Anthony, how can we get people to take this more seriously?

Ms. ANTHONY. Yeah, I think that is an excellent question. And so many people joke about this subject, but when it affects you personally, it is not funny. How we can get people to take it more seriously is, there are a lot of people out there with invisible issues that really desperately need bathrooms right away but we don't know who they are. They know who they are. We probably all know people who have these situations, but they may not all make them apparent to us.

Combat war veterans, people who have been injured may have serious situations with bladder control. Older men with prostate problems, also an issue. Anybody who has experienced that, imagine what it would feel like if you needed to relieve yourself and you couldn't find an open stall right away. That is what it feels like for women on a regular basis and for children on a regular basis.

There are a lot of people who have reasons why they would need to use a restroom right away—all sorts of colitis, other kinds of issues, people who have to change ostomy bags, a lot of people out there who really, really need better restrooms. So it is a health and safety and a medical issue.

Chairman TOWNS. Ms. Pratt, let me ask you, being the former executive of a city that has a tremendous amount of Federal buildings, do you think that if we would improve this situation that it might even assist us economically?

Ms. PRATT. Well, I would have to encourage—it would have to be a plus, in terms of encouraging use of Federal buildings. Because, to me, the overarching issue is just how illogical it is, how, you know, obviously inefficient and illogical it is. And you are discouraging at least a half, if not more, often, of the population from using your facilities. So I think it could only be a plus in terms of encouraging use of our Federal buildings.

Chairman TOWNS. Let me ask you, Commissioner, you know, I know you have a lot of issues over at GSA; how important is this issue at GSA? Is it a priority?

Mr. PECK. Well, let me answer two ways.

It is clearly an issue that, over the years, has been enough of an issue that we have changed our standards and brought our standards up to one of parity. I do want to say, it is not an issue I had given a lot of thought to until you scheduled the hearing, and I think that is quite useful.

In the kinds of buildings that we at GSA run—and I want to note, we are one of about 30 land-holding and building-owning agencies in the Federal Government—our buildings tend to be office buildings, courthouses, and laboratories where that kind of work of the government gets done. And for most of the square footage that we operate, people have the option of going to the bathroom at their will. So it is spread out during the day. And when we take surveys of tenant satisfaction in our building, we are not

finding complaints about the availability of facilities, either for men or women.

Having said that, and I noted in my testimony, we do have conference areas, assembly areas, we have offices that are run for Social Security, Internal Revenue, Citizenship and Immigration Services, in which the public does come into our facilities, and courthouses too obviously, and which it is important to us that people have a good experience when they come to the Federal building. And so, I think in those areas, in particular, where we already have a ratio required higher than 1:1, again, we believe we are on the right track, but, quite honestly, I would be interested in seeing more research on whether we are providing enough facilities.

Chairman TOWNS. Let me just ask you this before my time runs out, Dr. Anthony. You know, this is among the last bastions, of course, of gender discrimination. And I can't figure out, why are we still fighting this battle?

Ms. ANTHONY. Why are we still fighting this battle? I am glad you asked that question. I think it is a key question of the day. We are in the year 2010, and how come this issue hasn't already been addressed?

Things move very slowly. I am always amazed how, in our world of technology—you know, we have had the Internet and iPods and iPhones, and so many things have come about in our lifetime so quickly, but when it comes to this issue of restrooms, particularly for gender parity and restrooms, we have been moving at a snail's pace—at a snail's pace.

One of the reasons why is, I think women really need to have a voice on this issue, and we haven't had a voice on this issue until now. Look at who is here today and who is interested in this issue, and look at who is behind me. I think the fact that we are here is significant.

I think one of the reasons why: Women who are pregnant, big issue for them, they are often very busy and don't have time to come and do what I am doing today, nor have they had the opportunity or the invitation to come.

Our ADA was passed now about 20 years ago. That has been a long time. We had many issues that have come about throughout our course of history that have moved slowly, and others have moved more quickly. But this particular one, why now, and why is it one of the last bastions of gender discrimination? I think it has to do, in part, also, with the fact that toilets have been a taboo topic. We all use them, but they are a hidden part of our environment, a secret part of our environment that we don't talk about much. And we have to bring them out from under the rug.

One of my colleagues, Jack Sim, has been involved in a World Toilet Organization. He founded an international organization, about 50 member countries, been trying to improve sanitation conditions all over world. I applaud him. He has been noted as one of the most effective social entrepreneurs in the world. We need to do the same here in the United States: Get this issue out from under the rug and get us talking about it and legislating about it.

Chairman TOWNS. Thank you very much.

I now yield 5 minutes to the gentleman from Maryland, Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Mr. Peck, if a woman feels that there are not enough, say, restrooms in her workplace for females, both in the Federal buildings and in the private sector, where would she voice that concern? And how would that be handled?

Mr. PECK. Well, probably the same way that we get complaints if the heating or air conditioning aren't working or if the restroom facilities that we do have aren't working. And, of course, we run a lot of buildings; we sometimes get them.

She would generally take it to her supervisor, or, in most buildings, we pretty prominently let employees know that there is a number they can call to have their agency's facilities manager get in touch with the GSA building manager in those buildings where GSA actually manages it. Some agencies manage their own buildings even though we may own them. We have it pretty clear for people to know where they can go for their complaint of that nature.

Mr. CUMMINGS. And do you have any idea what the history is with regard to those complaints and remedies? And I understand that sometimes it can be very difficult, but do you have any knowledge of—say, for example—I guess what I am concerned about—you know, we are in a hearing now, and I hope and I do believe the bill will pass, but, in the meantime, I am just trying to figure out, you know, exactly what is going on and how those issues have been addressed.

And, I mean, is there any kind of protocol for that kind of thing, you know? I guess that is what I am trying—or is it just they have a complaint and then it is dropped into a black box that is never opened?

Mr. PECK. No, you know, Congressman Cummings, in both the private sector and public sector, while the issue of gender parity in restrooms is not a big issue, the issue of availability of facilities in general and their cleanliness is a huge issue in building management. And I would say, right behind complaints about whether a person's work station feels too warm or too cold—probably that is the largest number of complaints you get in a building—complaints or concerns about the adequacy of facilities and their cleanliness is right behind it.

So we do field those all the time. It is a serious issue. As I said, when we modernize buildings, you know, the one thing you know you are going to modernize in an old building are the restroom facilities.

I also, as I noted, we survey all our tenants on a rolling basis every 3 years. And so, where we do get complaints about the restroom facilities, we are pretty quick to address them. We grade our building managers on how people feel about their building.

So I have to tell you that the complaints we generally get are about whether the fixtures are working or the cleanliness in a facility, and I am not aware—and we did take a quick look. We don't seem to have a lot of complaints in our buildings, because they are mostly office space, of the adequacy of women's facilities.

Mr. CUMMINGS. Maybe one reason why you may not get as many complaints is because it has become accepted. You follow what I am saying?

Mr. PECK. Sure.

Mr. CUMMINGS. And people get to a point of saying, well, why even bother? And you still seem like—you are not really hitting my—I know it is not your intention to avoid my question—

Mr. PECK. No. Congressman, can I—

Mr. CUMMINGS [continuing]. So let me state it another way.

If, when somebody comes with a—cleanliness, I understand that is probably pretty easy to resolve. But when it comes to women in a workplace and they see a situation where it is just ridiculous with regard to the parity and they feel that they are experiencing some of the things that we have heard witnesses talk about already, I mean, you know—and I am not talking about just a 3-year survey because, again, I am talking about the urgency of this moment.

So what happens in the meantime? In other words, they have to wait, or do they have to wait for 10 years when you renovate the building, or 15 or 20? I mean, what—do you follow me?

Mr. PECK. Yes, sir.

Mr. CUMMINGS. So, in other words, if you really went in and you saw the need right now, how would that be resolved? I mean, would you say, OK, maybe we need to knock out that room down the hall there and create a bathroom? And is there any history of that? That is what I am trying to get to.

Mr. PECK. In my experience—and I held this job in the Clinton administration for 5 years also—I have not been—I was not aware of any complaints in our buildings—I will go back to your question of whether we are getting the complaints in the first place—I am not aware of any complaints in our buildings that indicate that we have an inadequate number of women's facilities versus men's.

And, again, I think one possible reason for that is that we are mostly an office environment. We don't get the surge that you get in a ball game in the seventh inning or at a concert during intermission. So people can, sort of, spread out their response to their need over the course of the day.

Whether people have given up, whether women have just sort of said, "I guess this is the way it is," I don't know. But I informally asked some of our senior managers last week at a meeting from around the country if they are aware of lines on the office floors or in our lobbies at restroom facilities, and these are people who are career employees, have been doing this in many cases for more than 20 years, and they are not aware.

But, again, I think it is the nature of our facilities in GSA. We don't run very many museums, for example, which have a very different—a very different issue.

Mr. CUMMINGS. I see my time is up. Thank you, Mr. Chairman.

Chairman TOWNS. Thank you very much.

I now yield to the ranking member, Congressman Issa of California.

Mr. ISSA. Thank you, Mr. Chairman.

And 5 minutes isn't enough, but it will do if you will all agree to answer our followup questions.

Commissioner, your table is, in my estimation, a fairly generous table. If you have no surge and if you have nine employees and, as a result of nine employees, you have three facilities, toilets, for

women and three facilities, one urinal and two toilets, for men, six toilets, nine people, that is pretty generous. Six toilets, 24 people is still probably sufficient. And then it continues that way with your guidelines.

Is it possible that, effectively, what we are talking about is you have too many facilities for men and too many facilities for women but not so many “too many” for women but a great deal more for men?

You know, looking at the Federal facility we are in—I have been here a long time, not as long as some people, but 10 years. I have never seen a line for the men’s or the women’s room in Rayburn Office Building.

Assuming this is built to that standard, and I suspect it is, are we really talking about a per-building adequacy that, in this case, does not envision the 7-Eleven on the freeway, which always has this huge line for the two facilities for 35 pumps outside; the facility at the Kennedy Center, which clearly is a disaster with equal number of men and women in that surge that occurs at intermission and so on? Are we talking about a standard that is more than just changing your core standard for office buildings but really about some of these other facilities?

And if you could briefly respond, more briefly than my question.

Mr. PECK. OK. I do think our standards for an office, as I have said, appear to be generous. I will also say that I think some of these standards probably have arisen as custom over time, not as a result of research. I think there are a lot of other facilities that the public goes to—we run some, we run a retail facility in the Reagan Building, we run the National Building Museum—in which we know that we need a different scale of facilities, higher even than what you see here probably, and perhaps a different ratio of men’s to women’s. And I think that, whatever you do, you should take that into account, that there are different kinds of facilities with different needs.

Mr. ISSA. And I will tell you something from observation. I noticed the tremendous amount of restrooms that are in this new billion-dollar building we call the Capitol Visitor Center. And when I asked about it, they said, “Well, it is based on the maximum occupancy.” And, apparently, we never get to 10 percent of the maximum occupancy. So that is an example where I guess they planned for an amount that has yet to occur.

Mr. PECK. I would think that maximum occupancy in that space must be pretty high.

Mr. ISSA. Huge.

Dr. Anthony, you probably—although it has been since 2007 for your major publication, you have studied this as a question of, what is parity? Do you know of much followup since your 2007 study?

And I ask this specifically because it appears as though GSA would benefit if this committee required more statistical analysis and study based on not just office buildings but based on the range of Federal buildings.

Ms. ANTHONY. Uh-huh, yeah. I am not aware of further studies on the subject, but I will say that building codes have been modified over the last few years. They are revised on a regular basis.

I am sure my colleague knows well about that, could speak to that issue probably better than I could.

But they have been changing to keep pace with this issue, and there have been modifications made to, for instance, major places of assembly over the last several years, to have more facilities for women than we have had in the past. So the building codes are the places to look. But, again, they are not necessarily state-of-the-art either. I think they are being adjusted on a regular basis.

One of the things I will also say that we do need and we have seen some changes in more unisex facilities, more family restrooms. So where we talk about parity, there is also the issue of the opposite-gender parent or grandparent going with the opposite-gender child or grandchild. So that is a place where, again, the numbers of men's and women's restrooms is a separate issue, but that is related and very important. So we need more family restrooms, we need more unisex restrooms to help in situations like that.

Mr. ISSA. Well, and when Mr. Cummings talked—and he has left right now—but after I spoke the first time, I got the feeling that he thought I was trying to delay the legislation. And I am hopeful that you can answer a question, not because I want to delay legislation, but because I want to get it right.

Do you believe that this committee should take apart the legislation relative to further study, not just to hearing, but further study, to get the numbers more broadly right in the sense of future flexibility, what the standards should be based on different types of facilities, such as a place that has surge versus one that doesn't, a place in which women are younger versus older, a place in which women are in evening gowns or slacks?

Is that worth our getting it right, in order to create, if you will, a more as-needed design to ensure that in all cases at least there is a good-faith effort to provide equal access?

Ms. ANTHONY. I think the building codes already do that. And I would suggest that, since this issue is on the table right now and it hasn't gotten this far ever before, I think you just keep going. I don't think you need further study on it. I don't think you need further research. I think the issue is clear from the testimony that we have all had that the problem has been around for generations and needs to be addressed now. And I think further study would just delay the issue and it might never get anywhere. So—

Mr. ISSA. OK. Then I just have one closing question. I brought it up earlier. Roughly 17 percent of the Pentagon are currently women; 83 percent are men. If this legislation were to come exactly at a time of retrofit, it would appear as though we would simply make sure that there were exactly the same number of women's rooms as men's rooms and same number of facilities at the Pentagon. Is that what you think should happen?

Ms. ANTHONY. I would go ahead with what has been proposed, because, again, the work force is changing. And who would have known 46 years ago, or the average age when many of these buildings were built, what would be happening today? I think, similarly, we can say today, how would we be able to project what the change will be in the future?

Mr. ISSA. Following up one last time, if you are in a building that has two-thirds women and one-third men, under this legislation we

are going to build exactly the same amount of facilities for women as men, even though there are more women than men. Is that OK with you, under this legislation? That is what is in the legislation if we don't do further study or amendments.

Ms. ANTHONY. Well, I think you do need to look at the building codes of what is appropriate and what are the appropriate ratios in the particular type of building. So we are talking about many different types of places. So——

Mr. ISSA. Ma'am, this legislation is not the building code. This legislation trumps the building code. This an order with certain limited exemptions for GSA, which, by the way, doesn't control DOD, so it wouldn't have an exemption for DOD for this.

And I ask that because I really want to get it right. And I just want you to understand that, if we move the current legislation the way it is or if we don't know how to modify it necessarily, that is what it would do. And I just want to make sure, because you have studied this more than anyone else here.

Ms. ANTHONY. I think what is being proposed is very good, and I would support it as is.

Mr. ISSA. Thank you.

Thank you, Mr. Chairman.

Chairman TOWNS. Thank you very much. Let me thank the gentleman for his questions.

I now yield to the Member of Congress who has more Federal buildings in her district than anybody else in the United States of America, Congresswoman Eleanor Holmes Norton.

Ms. NORTON. Thank you very much, Mr. Chairman. And whose subcommittee has primary jurisdiction over GSA, as well.

Now, to followup on the question of the ranking member, statutory law at the moment says what, Mr. Peck?

Mr. PECK. You know, we have not found a—we have not found a statutory provision——

Ms. NORTON. So there is no statute governing this matter.

Mr. PECK. As near as we can tell. There are OSHA regs for private sector, and we have our own code.

Ms. NORTON. So, as I understand the bill before us, it says, "equals or exceeds." This is obviously a bill aimed to make sure that women are not put in an unequal position.

The ranking member is correct; you may have a building which has more men than women who are employed in the building. I am not sure what that tells us, necessarily, about the number of visitors to the building. It may or may not tell us something.

But in light of the fact that the bill says "equals or exceeds," do you believe that you would have sufficient discretion to deal with buildings which may, in fact, have different genders that come at different times?

And remember who used to come here once and who comes here now. Remember that in the House of Representatives we have very few women now, and yet there is parity, as the ranking member said, here in the Rayburn and I think in most of the buildings.

Would this law keep you from exercising the appropriate flexibility as it now stands, the language?

Mr. PECK. As regards GSA, I don't believe so. I believe it could work. There is a provision in the legislation that says that the ad-

ministrator of General Services can issue a statement if the parity is unachievable or not feasible, and I think we would want that kind of discretion.

I would note, I mean, there are—and you have alluded to it. At one time, we would have built a land port of entry or border station with hardly any facilities for women, at least among the patrol force, because Customs didn't have more very many women agents. And now they do. And we don't want to factor into our planning the way the work force looks now because we think it will change and evolve, which makes it a little more complicated.

But, in any event, I think that the legislation gives us some discretion that is important—

Ms. NORTON. I regret that we have to do a bill at all. This is the kind of matter that I think should be done administratively. We are forced to do a bill because of what the experience does show.

Mr. PECK, as you know, I am also on the Homeland Security Committee, and I have a beef with the way in which we secure our buildings that is relevant, I think, to this hearing. I am going to give you an example of what I mean. We are talking about people visiting buildings, but you and I know of a building, a very new building, to which the public doesn't have access at all, whether they have to go to the lavatory or not. I refer to the brand-new Department of Transportation building along M Street.

Bad enough that the security involves a Federal employee having to come down to get even a staff member from the House of Representatives for admission to that building. But what I think is far worse—and I pick M Street for a reason. M Street is just being built up. We have our Southeast Federal Center bill. We are so pleased with the progress you are making on that construction.

But imagine a woman or parent who finds herself down there on M Street, and they say, "Oh, there is a Federal building. At last, we have a place we can go to use the lavatory, Johnny." But she gets to the door of the Department of Transportation, and even though there is a magnometer there to protect the public and the building, she is not admitted to the building to use the restroom, to use the cafeteria paid for by public funds.

How can you justify closing off lavatories to people outside of the building who have every reason to believe that a building paid for by taxpayers is one that should admit them, given the proper magnometers and security and perhaps even showing some identification?

Mr. PECK. Ms. Norton, as you know from our previous conversations, I share your concern about the lack of consistency in building access into buildings in Washington, DC. I have been having conversations with the Federal Protective Service, which has a role in this; with the Interagency Committee on Security, which has some control over this; and with some of the agencies, including the Department of Transportation, that have these rules.

I can only tell you that, so far, I have had only limited success in changing some of the standards. But I agree with you that, in many instances, our security standards do not and should not—our security concerns do not require that we keep people out of the public restrooms.

If I can note, by the way, our rules in GSA do require that, where restroom facilities are accessible to the public, that they include baby-changing stations so that they could be available for people to use——

Ms. NORTON. Oh, it is lovely if you could just get into the building in the first place.

Mr. PECK. Correct.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. Chairman, I think minimally, while we are concerned with visitors going in buildings, I think that there ought to be the presumption that a taxpayer has a right to come into a building to use the lavatory if she shows the right identification. That may be the only building available in some parts of downtown, for example, in many cities.

Thank you very much.

Chairman TOWNS. All right. Thank you very much for your questions.

Also, let me yield now to the gentlewoman from California, who has challenged us to catch up with California. So we want to——

Ms. WATSON. There was a question just raised by my colleague about a facility that already has an excess of women's restrooms. The bill is prospective, and it directs you from here on, when you are leasing or renovating, to be sure and——and it focuses on women. So I don't think that is going to be a problem even if they have a majority of women in a facility, because it is prospective and you will adjust based on what the need is. So I don't think that is going to be a problem.

I want to welcome all of you. And, particularly, Ms. Pratt, it is good to see you again, our FEMA leader of our Nation's capital.

Ms. PRATT. Thank you.

Ms. WATSON. I want to tell you the reason why it is imperative that we have equal access to restrooms. I am going to refer back to the California Legislature and the Senate.

When I was elected in 1978 to the California State Senate, I was only the second woman; the first one was elected in 137 years. To be present in the Senate for a vote, you have to be on the red carpet. When the first woman in the Senate was elected—her name was Rose Ann Vuich—after 137 years, there was no restroom available on the red carpet. So if she were somewhere else using a restroom out in the public hall, she could not be counted for the vote. So when they found out she hit one, they had to take a reprographics room and change it into a restroom. It was small like a closet. And they never put "women" or "ladies." They just put a rose up. It was "the rose room."

Now, here I come a year and a half later, and my name is not Rose. When I needed to go to the restroom, I would have to go to her to get the key.

Now, they were renovating the capitol. We had a major earthquake, and they had to renovate the Capitol. When they completely redid it, guess what? There was no women's restroom, Dr. Anthony, because there were only men who were architects. And when we said, you know, "You don't have a women's restroom on the red carpet," they said, "Oh, we didn't think of it."

So thank God we have you there. You know, I always thought that women should design kitchens and restrooms. And you can think about that.

So we brought it to their attention. They took a supply room, and they changed it into a women's restroom. And we said, you know, "We need a place to shower." You know, we needed to have equality with what the men had. And we had take them step by step all along the way. Because if you have to excuse yourself and a vote came up, you could not vote unless you were on the red carpet. So it was a matter of legally participating in our elected responsibilities. And so there is a justification, and in Federal buildings, absolutely.

So we need to modernize our thinking. There should not be a question. We don't need another study. Studies just delay a particular decision. We need to get about passing this bill. And I would recommend, Mr. Chairman, that we don't need any more testimony, any more questions. Let's process this bill.

Thank you very much. I yield back.

Chairman TOWNS. Let me thank the gentlewoman from California for her statement, of course. And we look forward to working with you to make this a reality.

And, of course, let me say to you, Commissioner Peck, you know, we will continue to talk with you as we move forward. But the point is that we really want to move this legislation forward. And, of course, you know, there is a thing called "amendments." If we think that, you know, it will strengthen it, but not to weaken it, you know, we want to do that. And, as I indicated, I think there are some things that we might need to do as we move along. But we will have dialog.

But we really, really want to get this done. And I also want to thank the ranking member for his work on it, as well. And, this time around, we hope to be able to move it all the way and it will become law.

I want to thank you, Dr. Anthony, for all of your work. I want you to know we have followed it, and you have really, really, really spent time and you, sort of, kept this in the forefront. And I want you to know that we appreciate, you know, your work.

And, of course, Ms. Pratt, for your work. And as the only female ever to be mayor of Washington, DC, we thought it was important to have you as a witness, because you have seen it, you know, from that point as a leader in this city and, of course, with all these Federal buildings, you know, in terms of the situation.

And I think that all of you have had experiences that you probably don't want to share, I am sure. You know, I was talking to one of our colleagues, and she indicated to me, says, "Yeah, do it, move it forward," she said, "because I went into the men's room," she said, "because, shoot, I couldn't wait." So I am sure there are a lot of stories like that where, you know, women have gone into the men's room. Because I know I was at a football game and some lady ran into the men's room. So, I mean, I can imagine there are others that have done that.

And I think that the time has come that we really need to move this legislation forward. And, of course, again, thank you for your

testimony. And I look forward to further input, you know, from you as we move forward.

And I agree with my colleague. We don't need a whole lot of studies. I think this thing has been studied. And I think that the fact that there is a change in the work force, we need to recognize it. Not only is there a change in the work force, there are just more women in the country than men. There are more female babies born than male babies. Women live longer than men. And all of these things are factors that we need to just, sort of, take into consideration and move forward with this legislation.

I want to thank you again for your testimony.

And this committee now stands adjourned.

[Whereupon, at 11:36 a.m., the committee was adjourned.]

[Additional information submitted for the hearing record follows:]

**Testimony of Terry O'Neill, President,
National Organization for Women and NOW Foundation

For the Committee on Oversight and Government Reform
United States House of Representatives
In Support of H.R. 4869
The Bipartisan Restroom Gender Parity in Federal Building Act
Washington, D.C.
May 12, 2010**

The National Organization for Women (NOW) is the oldest and largest feminist activist organization in the U.S., with 500,000 members and contributing supporters. NOW Foundation is our non-profit entity; both organizations advocate for women's full equality.

Legal scholar Sarah Moore has argued that restroom inequality is a form of subtle sexism or sex discriminatory behavior. It often goes unnoticed and is considered normal, natural, or acceptable. Clearly, the effects are to maintain the lower status of women. Only women must attend to feminine hygiene needs, only women breast-feed babies, women are more likely to accompany small children, and women are more likely to be forced to wait in line – public restroom deficiencies affect women and children even more adversely.

Thank you for the opportunity to present comments on a matter of significant importance to women's equality. Sex discrimination in the design and maintenance of public restroom facilities is a problem that continues to disadvantage women. We are pleased to endorse H.R. 4869, The Restroom Gender Parity in Federal Building Act, sponsored by Committee Chair Edolphus Towns and Ranking Member Rep. Darryl Issa, with 27 co-sponsors. The bill is an important step forward to reach an appropriate provision of restroom facilities based on duration and frequency of use, not just a 1:1 ratio between the sexes.

It is gratifying to learn that the General Services Administration (GSA) already provides for a ratio of 3:2 favoring women in assembly areas, like training facilities or conference facilities. Restroom facilities in federal parks and monument areas also should be logical candidates for a 3:2 or better ratio favoring women. Single-use (and gender-free) restrooms are a must in all types of facilities, if we are to be truly family-friendly and recognize diversity and special needs.

Hopefully, H.R. 4869 will lay the groundwork for the eventual widespread availability of single-use restroom facilities. We believe that single-use is necessary to best accommodate persons with disabilities, parents and caregivers with small children, elderly persons with special needs, transgendered individuals and all other persons desiring or needing single-use restrooms.

The Facts:

Research has demonstrated women take about twice as much time as men to use restroom facilities. Men take on average 83.6 seconds. Women take on average almost three minutes. On average, women take twice as long to urinate as men. Men take on average between 32 and 47 seconds. Women take on average between 80 and 97 seconds. Normal bodily functions --such as pregnancy or menstruation -- for women require additional time in the restroom and often affect the number of restroom visits. Normal bodily functions, including feminine hygiene needs, affect whether a woman can or cannot wait in line to use the restroom. Certain health consequences may occur as a result of waiting in line. This includes cystitis and other urinary tract infections, leading to renal damage. Urinary tract infections during pregnancy are associated with low birth weight babies at risk for medical complications. Other health conditions may be adversely affected in some individuals by having to wait for restroom use.

The Goal:

The goal should be potty parity. Potty parity is not the same number of restroom fixtures for women and men. Potty parity is equal wait times for men and women with the ultimate goal of no wait times for anybody. There are various ways of eliminating the longer wait times for women.

A Wisconsin law could be a model to eliminate gender disparity in wait times for restrooms. The law states:

The owner of a facility where the public congregates shall equip and maintain the restrooms...with a sufficient number of permanent or temporary toilets to ensure that women have a speed of access to toilets...that equals the speed of access that men have to toilets and urinals...when the facility...is used to its maximum capacity.

NOW would further recommend that all new construction and rehabilitation construction, to the extent feasible, allow for unisex or family single occupancy restrooms, complete with disability use design, baby changing facilities and other accessible-design amenities. Single-occupant, unisex and family use restrooms will allow buildings to have more flexibility when it comes to male: female ratios that change over time as well as increasing numbers of persons with disabilities as our population ages.

Further Considerations:*Severe Disability*

As the baby boomer population reaches retirement age, the numbers of those with Alzheimer's disease, Parkinson's disease, cancer, and other mental and physical disabilities are increasing rapidly. Today, more than 5 million persons suffer from Alzheimer's; in the past decade, the numbers have skyrocketed to epidemic proportions. Those afflicted by such infirmities are often unable to use a restroom alone -- yet now they are forced to do so. An anxious family member of the opposite gender must wait outside.

LGBT

Lesbian, gay, bisexual, and transgender populations experience harassment and even physical attacks in conventional single-sex restrooms. Transgender persons, especially transgender women, are particularly at risk in being forced to use single-sex restrooms. Today's transgender population can be at a loss in deciding which public restrooms to use because they do not fit neatly into either of the existing categories, men or women. To address this problem, many colleges and universities have instituted policies like at the University of New Hampshire, where the student senate passed a resolution in 2004 asking for one gender-free restroom in each academic building. Federal buildings' restrooms should take these special needs into account.

Men

To illustrate that men are also personally affected by our current state of gender inequality in restrooms, there are design issues that harm men. Although few discuss it publicly, some men question the lack of privacy in the standard men's room lineup of urinals, with users in full view of each other. In fact, a disorder called paruresis, making it impossible for someone to urinate in public if others are within seeing or hearing distance, affects more than 20 million Americans, or about 7 percent of the U.S. population. Compared to women, men reported significantly greater fear of urinating in public restrooms. These considerations should be taken in to account as well.

Social Class

There is a clear class difference when it comes to availability of clean, modern, family-friendly restrooms in public places. The question should be asked: why is it family restrooms with the best amenities are found in places like airports, which cater to upper- and middle-class visitors, whereas these types of restrooms are absent from places that cater to the less well-off, like long distance train or bus stations? Furthermore, restrooms in a Ritz-Carlton hotel lobby differ sharply from those of a Motel 6. The federal government has an obligation to assure that restroom facilities in all locations are of the same high quality.

In order to best meet these varying needs and concerns we recommend an increase the number of unisex and family restrooms. Unisex restrooms are single-user toilet rooms that can be used by either women or men and provide the kind of privacy that is desired by many. They are especially important for lesbian, gay, bisexual, transgender and inter-sex persons. Family restrooms can have multiple unisex toilet rooms within them, but may also have space allocated for other amenities and often share a common hand-washing and diaper-changing area. Designs that allow for accessible use by persons with disabilities should be incorporated.

Additional Concerns -

Deficiencies in restroom amenities that are often noticed include failure to provide sufficient supplies. Protective covers for toilet seats are not always available in each stall and often the supplies of protective covers are not well-maintained. The availability of protective covers in all restrooms for women and unisex/family bathrooms would be a plus. Further, we have noticed that the supply of hand soap is often not well maintained. In these times when the public is concerned about the spread of germs, it seems essential for public health reasons that sufficient quantities of hand soap in all public restrooms should be stressed.

Again, thank you for the opportunity to offer our views.