

FAIRNESS FOR BREASTFEEDING MOTHERS ACT OF 2017

MARCH 7, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1174]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1174) to provide a lactation room in public buildings, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE OF LEGISLATION

H.R. 1174, the Fairness for Breastfeeding Mothers Act of 2017, provides for lactation rooms in publicly accessible public buildings.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1174, the Fairness for Breastfeeding Mothers Act of 2017 would require public buildings, where it is feasible, to provide designated private and hygienic lactation spaces for nursing mothers that are available to the public. This bill would only require nursing spaces if a building is open to the public and if lactation rooms are available for federal employees.

Under current practice, federal agencies provide a designated, non-bathroom space for returning employees to pump breastmilk for their newborns, ensuring that new mothers are able to continue this practice even after returning to work. This bill extends this requirement to include not just employees, but visitors to federal facilities.

In Washington, D.C. alone, there are millions of tourists who visit federal facilities. There are also visitors to federal agencies for meetings and events. Increasingly, families understand the unique benefits of breastfeeding, and visitors to these buildings who have newborns and babies should have a private space to breastfeed or pump. The benefits of breastfeeding are well-documented—breastmilk contains antibodies and hormones that boost babies’ immune systems, and studies have shown lower risks of asthma, diabetes, respiratory infections, and other diseases among breastfed babies. Moreover, breastfeeding also has benefits for nursing mothers, who, research has shown, have lower risks of diabetes and certain forms of cancer.

HEARINGS

No hearings were held on H.R. 1174.

LEGISLATIVE HISTORY AND CONSIDERATION

On February 16, 2017, Delegate Eleanor Holmes Norton (D–DC) introduced H.R. 1174, the Fairness for Breastfeeding Mothers Act of 2017.

On February 28, 2017, the Committee on Transportation and Infrastructure met in open session. The Committee ordered the bill reported favorably to the House by voice vote with a quorum present.

In 2016, Del. Eleanor Holmes Norton (D–DC) introduced H.R. 4439, the “Fairness for Breastfeeding Mothers Act of 2016”. A version of that language was included in H.R. 4487, the “Public Buildings Reform and Savings Act of 2016”, which passed the House of Representatives by voice vote on May 23, 2016.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 1174.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 1174 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 2017.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1174, the Fairness for Breastfeeding Mothers Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL, *Director.*

Enclosure.

H.R. 1174—Fairness for Breastfeeding Mothers Act of 2017

H.R. 1174 would require that all federal buildings that are open to the public provide a space (other than a bathroom) to be used by members of the public as a lactation area. This requirement would only apply if federal employees working in such a federal building have access to a lactation room. Under current law, federal agencies are required to provide such a room in federal workplaces that is shielded from view and free from intrusion from coworkers and the public. In addition, standards for the General Services Administration (GSA) currently require the installation of lactation stations for all newly constructed federal buildings, as well as those undergoing building repairs, alterations, and modernizations.

Information from GSA suggests that a small percentage of the total federal inventory is open to the public and, of those, few have lactation rooms designated for use by federal employees. CBO is unaware of any comprehensive information on the number of lactation rooms in public buildings. Because CBO expects that the bill's

requirements would not affect many buildings, we estimate that implementing H.R. 1174 would cost less than \$500,000 annually; such spending would be subject to the availability of appropriated funds. That amount would cover installation costs for a few federal facilities that either do not currently have lactation rooms or would not otherwise be covered by current GSA standards.

Enacting H.R. 1174 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 1174 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1174 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide lactation rooms in public buildings.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 1174 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 1174 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office

pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1174 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title

Section 1 entitles the Act as the Fairness For Breastfeeding Mothers Act of 2017.

Section. 2. Lactation room in public buildings

Subsection (a) amends Chapter 33 of title 40, United States Code by inserting at the end a new section on lactation rooms in public buildings. The new section defines the covered agencies, buildings, and lactation rooms. The new section also requires public buildings to contain a lactation room for use by the public if the building is publicly accessible, contains a lactation room for employees, and is a reasonable cost and feasible.

Subsection (b) makes a clerical amendment to the table of sections in chapter 33 of title 40 to insert the new section.

Subsection (c) sets the effective date one year after enactment of the Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 40, UNITED STATES CODE

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SUBTITLE II—PUBLIC BUILDINGS AND WORKS

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PART A—GENERAL

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CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION

Sec.						
3301.	Definitions and nonapplication.	*	*	*	*	*
3317.	<i>Lactation room in public buildings.</i>	*	*	*	*	*

§ 3317. Lactation room in public buildings

(a) *DEFINITIONS.—In this section:*

(1) *APPROPRIATE AUTHORITY.—The term “appropriate authority” means the head of a Federal agency, the Architect of the Capitol, or other official authority responsible for the operation of a public building.*

(2) *COVERED PUBLIC BUILDING.—The term “covered public building” means a public building (as defined in section 3301) that is open to the public and contains a public restroom, and includes a building listed in section 6301 or 5101.*

(3) *LACTATION ROOM.—The term “lactation room” means a hygienic place, other than a bathroom, that—*
(A) is shielded from view;
(B) is free from intrusion; and
(C) contains a chair, a working surface, and, if the public building is otherwise supplied with electricity, an electrical outlet.

(b) *LACTATION ROOM REQUIRED.—Except as provided in subsection (c), the appropriate authority of a covered public building shall ensure that the building contains a lactation room that is made available for use by members of the public to express breast milk.*

(c) *EXCEPTIONS.—A covered public building may be excluded from the requirement in subsection (b) at the discretion of the appropriate authority if—*

- (1) *the public building—*
 - (A) does not contain a lactation room for employees who work in the building; and*
 - (B) does not have a room that could be repurposed as a lactation room or a space that could be made private using portable materials, at a reasonable cost; or*
- (2) *new construction would be required to create a lactation room in the public building and the cost of such construction is unfeasible.*

(d) *NO UNAUTHORIZED ENTRY.—Nothing in this section shall be construed to authorize an individual to enter a public building or portion thereof that the individual is not otherwise authorized to enter.*

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