GSA Federal Management Regulation Bulletin 2021-1 Nursing in the Federal Workplace (Supplement)

TO: Heads of Federal Agencies

SUBJECT: Persons who are Nursing in Public Buildings

1. What is the purpose of this bulletin? This bulletin clarifies the space requirements associated with the provision of lactation rooms in certain public buildings, reaffirms the availability of lactation space for Federal employees, as provided in section 4207 of subtitle C of title IV of the “Patient Protection and Affordable Care Act” (P.L. 111-148; March 23, 2010), and affirms the availability of lactation rooms for members of the public, as provided in the “Fairness for Breastfeeding Mothers Act of 2019” (P.L. 116-30; July 25, 2019). Lactation space in buildings leased by the Federal Government is not covered by the requirements of the “Fairness for Breastfeeding Mothers Act of 2019,” and is addressed in Federal Management Regulation (FMR) Bulletin 2011-B1

(August 30, 2011). Finally, this bulletin also reaffirms that a person may breastfeed their child on Federal Government property, if they are authorized to be present at that location (see 41 C.F.R. § 102-74.426).

1. What is the policy on providing lactation space to members of the public in public buildings under the jurisdiction, custody and control of GSA? In accordance with the “Fairness for Breastfeeding Mothers Act of 2019,” Federal agencies must provide members of the public who are authorized to be present at the location with a lactation room that is available for use to express breast milk.
2. Which facilities are required to provide a lactation room?

The “Fairness for Breastfeeding Mothers Act of 2019” (P.L. 116-30; July 25, 2019) requires that a public building (as defined in 40 U.S.C. § 3301) that is open to the public and contains a public restroom must provide a lactation room that is available to

members of the public who are authorized to be present at the location for use to express milk, unless the building qualifies for an exclusion. Buildings covered under this law include all federally owned buildings under the jurisdiction, custody and control of GSA and buildings listed in 40 U.S.C. §§ 5101 and 6301.

1. What are the space requirements for a lactation room in a public building covered by the “Fairness for Breastfeeding Mothers Act of 2019”?

The “Fairness for Breastfeeding Mothers Act of 2019” requires that a lactation room must be:

* 1. A space other than a bathroom;
	2. A hygienic place;
	3. Shielded from public view and free from intrusion; and
	4. Equipped with a chair, a working surface and, if the building is otherwise supplied with electricity, an electrical outlet.

GSA’s PBS-P100, *Facilities Standards for the Public Buildings Service*, establishes design standards and performance criteria for the GSA Public Buildings Service and sets forth minimum requirements for the provision of lactation rooms in all newly constructed and renovated public buildings under the jurisdiction, custody and control of GSA. A link to the PBS-P100 is provided here:

([https://www.gsa.gov/real-estate/design-construction/engineering-and-architecture/facilit](https://www.gsa.gov/real-estate/design-construction/engineering-and-architecture/facilities-standards-p100-overview) [ies-standards-p100-overview](https://www.gsa.gov/real-estate/design-construction/engineering-and-architecture/facilities-standards-p100-overview)).

* 1. Are there exceptions or exclusions to the provision of a lactation room in a public building?

The “Fairness for Breastfeeding Mothers Act of 2019” provides the following exceptions to the requirement to provide a public lactation space (at the discretion of the agency official with appropriate authority for the building) if:

* + 1. The building does not contain a lactation room for employees who work in the building and does not have a space that could be repurposed as a lactation room or that could be made private by using portable materials, at a reasonable cost; or
		2. The cost of new construction required to create a lactation room is not feasible.
	1. Which bulletin does this supplement? This bulletin supplements FMR Bulletin 2011-B1, “Nursing Mothers in the Federal Workplace,” issued August 30, 2011. In the

event of a conflict between this bulletin and FMR Bulletin 2011-B1, the provisions of this bulletin will control. This bulletin will remain in effect until expressly superseded or cancelled.

* 1. Whom should I call for further information? For further information, contact Chris Coneeney, Director, Office of Government-wide Policy, Real Property Policy Division, GSA, at 202-208-2956, or by email at realpropertypolicy@gsa.gov.