

117TH CONGRESS  
1ST SESSION

# H. R. 3110

To amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. HERRERA BEUTLER, Ms. ROYBAL-ALLARD, Ms. ADAMS, and Ms. UNDERWOOD) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Providing Urgent Ma-  
5 ternal Protections for Nursing Mothers Act” or the  
6 “PUMP for Nursing Mothers Act”.

1 **SEC. 2. BREASTFEEDING ACCOMMODATIONS IN THE WORK-**  
2 **PLACE.**

3 (a) EXPANDING EMPLOYEE ACCESS TO BREAK TIME  
4 AND SPACE.—The Fair Labor Standards Act of 1938 (29  
5 U.S.C. 201 et seq.) is amended—

6 (1) in section 7, by striking subsection (r);

7 (2) in section 15(a)—

8 (A) by striking the period at the end of  
9 paragraph (5) and inserting “; and”; and

10 (B) by adding at the end the following:

11 “(6) to violate any of the provisions of section  
12 18D.”;

13 (3) in section 16(b) by striking “7(r)” each  
14 place the term appears and inserting “18D of this  
15 title”; and

16 (4) by inserting after section 18C the following:

17 **“SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE**  
18 **WORKPLACE.**

19 “(a) An employer shall provide—

20 “(1) a reasonable break time for an employee to  
21 express breast milk for such employee’s nursing  
22 child for 1 year after the child’s birth each time  
23 such employee has need to express the milk; and

24 “(2) a place, other than a bathroom, that is  
25 shielded from view and free from intrusion from co-

1 workers and the public, which may be used by an  
2 employee to express breast milk.

3 “(b)(1) Subject to paragraph (2), an employer shall  
4 not be required to compensate an employee receiving break  
5 time under subsection (a)(1) for any time spent during  
6 the workday for such purpose unless otherwise required  
7 by Federal or State law or municipal ordinance.

8 “(2) Break time provided under subsection (a)(1)  
9 shall be considered hours worked if the employee is not  
10 completely relieved from duty during the entirety of such  
11 break.

12 “(c) An employer that employs less than 50 employ-  
13 ees shall not be subject to the requirements of this section,  
14 if such requirements would impose an undue hardship by  
15 causing the employer significant difficulty or expense  
16 when considered in relation to the size, financial resources,  
17 nature, or structure of the employer’s business.

18 “(d) Nothing in this section shall preempt a State  
19 law or municipal ordinance that provides greater protec-  
20 tions to employees than the protections provided for under  
21 this section.”.

22 (b) CLARIFYING REMEDIES.—Section 16(b) of the  
23 Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is  
24 amended by striking “15(a)(3)” each place the term ap-  
25 pears and inserting “7(r) or 15(a)(3)”.

1 **SEC. 3. EFFECTIVE DATE.**

2 (a) EXPANDING ACCESS.—The amendments made  
3 under section 2(a) shall take effect on the date that is  
4 120 days after the date of enactment of this Act.

5 (b) REMEDIES AND CLARIFICATION.—The amend-  
6 ments made under section 2(b) shall take effect on the  
7 date of enactment of this Act.

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