***Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act** (H.R. 3110)*
A bicameral, bipartisan proposal to extend break time and space protections for nursing mothers in the workplace.

Nursing mothers should be provided the time and space they need to pump at work to keep themselves and their infants healthy.

Breastfeeding plays an important role in both maternal and infant health. The **benefits of breastfeeding** for infants include lower risks of asthma, obesity, and sudden infant death syndrome. For mothers, **breastfeeding reduces** the risks of high blood pressure and ovarian and breast cancer, among other benefits.

Yet, despite the recommendation from the **American Academy of Pediatrics** that infants be exclusively breastfed for the first six months after birth and continue to be breastfed for one year, mothers often **face barriers** to pumping breastmilk in the workplace, forcing many to choose between employment and breastfeeding. According to a national survey, workers who had **access** to private space and were provided a reasonable amount of break time to pump were twice as likely to breastfeed six months postpartum than workers who did not.

Working mothers are not sufficiently protected under current federal break time and space law.

Enacted in 2010, the break time for nursing mothers provision under the *Fair Labor Standards Act of 1938* require employers to provide (1) reasonable break time to express milk for one year after a child's birth and (2) a non-bathroom space free from view and intrusion for nursing employees to express breastmilk while at work. Unfortunately, gaps in the law limit the number of workers entitled to these protections and how workers can recover in court when their employers violate the requirements.

- *Current Law Excludes Millions of Workers of Child-Bearing Age*. Because the nursing mother provisions were added to the section of the FLSA providing overtime protections, workers who are statutorily excluded from overtime protections, including teachers, agricultural workers, and certain "white-collar" workers, are also excluded. As a result, the Economic Policy Institute estimates 8.65 million workers of childbearing age are excluded from nursing mother protections.

- *Current Law Limits How Workers Can Recover in Court When Employers Fail to Comply*. Because recovery under the FLSA is generally for unpaid overtime or minimum wage, employees are only able to hold their employers accountable for lost wages in court when employers do not provide break time and space. But, as the Labor Department has noted, "because employers are not required to compensate employees for break time to express breast milk, in most circumstances there will not be any unpaid minimum wage or overtime compensation associated with the failure to provide such breaks." Moreover, lost wages are often an **inadequate or inappropriate** form of relief where the violation resulted in forced resignation, infection, early cessation of breastfeeding, or diminished milk supply.

***Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act* Supports Working Mothers**

The *PUMP Act:*

- Extends break time and space protections to workers who are currently excluded from overtime protections, including agricultural workers, transportation workers, airline workers, and teachers;
- Ensures workers can recover appropriate forms of relief in court for violations, including reinstatement or back pay;
- Extends break time and space protections to workers up to two years after the employee gives birth or begins nursing a child;
- Ensures workers are covered by break time and space protections when they begin nursing a child, including an adopted child, or when they give birth, even if the infant is stillborn or the worker does not retain custody of the infant; and
- Clarifies that if a worker is not completely relieved of duty during breaks, such break time is considered hours worked and thus compensable.