



SECTION BY SECTION

House Committee on Education and Labor
Chairman Robert C. "Bobby" Scott

Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act (H.R. 3110)

Section 1. Short Title

The *Providing Urgent Maternal Protections for Nursing Mothers Act*.

Section 2. Breastfeeding Accommodations in the Workplace

Section 2(a) amends the *Fair Labor Standards Act of 1938* (FLSA) by striking section 7(r) and moving the provisions for break time and space for nursing mothers to a new section 18D. By moving these protections out of section 7, workers who are exempt from section 7 pursuant to other FLSA provisions (e.g., agricultural employees, airline employees, and certain “white collar” employees) are no longer exempt from break time and space protections.

The new section 18D includes the following provisions that are *already in existing law*:

- Employers are required to provide a breastfeeding employee with reasonable break time and non-bathroom space free from intrusion and view to express breast milk as needed.
- Employers are not required to compensate an employee for such break time.
- Nothing in this section preempts state laws that provide greater protections.
- Employers with fewer than 50 employees can claim an exemption if compliance would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.

The new section 18D adds the following *new provisions and changes*:

- Changes the duration of the protections from one year after the child’s birth to two years after the employee gives birth or begins providing breast milk for a nursing child.
- Clarifies that if other federal, state, or local laws require that such break time be paid, an employer must compensate an employee for such break time.
- Clarifies that if an employee is not completely relieved of duty during break time, such time is considered “hours worked” for purposes of applying minimum wage and overtime requirements.
- Adds that nothing in this section excuses noncompliance with other federal or state laws or municipal ordinances that provide greater break time or space protections.
- Requires employees to inform their employers about inadequate space 10 days before filing suit for violating place requirements.
- Adds that an airline employer is not required to—
 - provide a crewmember break time during critical phases of flights, such as takeoff and landing,
 - completely relieve the nursing crewmember from duty during a pump break, or

- incur significant expense, when considered in relation to the size, financial resources, nature, or structure of the employer's business, to retrofit an aircraft.
- Directs the FAA Administrator, in consultation with the Secretary of Labor, to propose rules to identify how airlines should comply with private space requirements and amend its regulations to make clear that expressing breast milk will be considered a physiological need for which crewmembers can leave their stations.
- Adds conforming amendments to ensure congressional employees remain covered.

Section 2(a) also adds that a violation of the new section 18D is a prohibited act under the FLSA.

Section 2(b) amends the FLSA to make employers who violate break time and space protections for nursing mothers liable for legal and equitable relief as appropriate.

Section 2(c) requires the U.S. Secretary of Labor to issue guidance with specific examples of how to comply with the break time and space protections based on current guidance for providing break time and space from the Department of Health and Human Services (HHS) Office of Women's Health (OWH).

Section 3. Effective Date

This section states that amendments made under section 2(a) relating to extending break time and space protections to express breast milk in the workplace shall take effect 120 days after the date of enactment of the Act and that amendments under section 2(b) relating to remedies shall take effect on the date of enactment of the Act. This section also states that airline crewmembers will be covered one year after enactment.