

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3110
OFFERED BY MS. ADAMS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

**5 SEC. 2. BREASTFEEDING ACCOMMODATIONS IN THE WORK-
6 PLACE.**

7 (a) EXPANDING EMPLOYEE ACCESS TO BREAK TIME
8 AND PLACE.—The Fair Labor Standards Act of 1938 (29
9 U.S.C. 201 et seq.) is amended—

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

11 (2) in section 15(a)—

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

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

15 “(6) to violate any of the provisions of section
16 18D.”;

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

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

5 **“SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE**
6 **WORKPLACE.**

7 “(a) An employer shall provide—

8 “(1) a reasonable break time for an employee to
9 express breast milk for such employee’s nursing
10 child for 1 year after the child’s birth each time
11 such employee has need to express the milk; and

12 “(2) a place, other than a bathroom, that is
13 shielded from view and free from intrusion from co-
14 workers and the public, which may be used by an
15 employee to express breast milk.

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

21 “(2) Break time provided under subsection (a)(1)
22 shall be considered hours worked if the employee is not
23 completely relieved from duty during the entirety of such
24 break.

1 “(c) An employer that employs fewer than 25 employ-
2 ees shall not be subject to the requirements of this section,
3 if such requirements would impose an undue hardship by
4 causing the employer significant difficulty or expense
5 when considered in relation to the size, financial resources,
6 nature, or structure of the employer’s business.

7 “(d) No provision of this section or of any order
8 thereunder shall excuse noncompliance with any Federal
9 or State law or municipal ordinance that provides greater
10 protections to employees than the protections provided for
11 under this section.

12 “(e)(1) Subject to paragraph (2), before an employee
13 commences an action to recover liability under section
14 16(b) for a violation of paragraph (a)(2), the employee
15 shall inform the employer of the failure to provide ade-
16 quate place and provide the employer with 10 calendar
17 days after such notice is provided to come into compliance
18 with subsection (a)(2) with respect to such employee.

19 “(2) Paragraph (1) shall not apply in the case
20 that—

21 “(A) the employee has been discharged be-
22 cause the employee has made a request for
23 break time or place under this section or has
24 opposed any employer conduct related to this
25 section; or

1 “(B) the employer has indicated that the
2 employer has no intention of complying with
3 subsection (a)(2).”.

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

8 (c) GUIDANCE.—Not later than 60 days after the
9 date of enactment of this Act, the Secretary of Labor shall
10 issue guidance with respect to employer compliance with
11 section 18D of the Fair Labor Standards Act of 1938,
12 as amended by this Act, which shall be similar, with re-
13 spect to specific examples of compliance, to the guidance
14 relating to “Supporting Nursing Moms at Work” pub-
15 lished on the website of the Office on Women’s Health
16 of the Department of Health and Human Services as of
17 such date of enactment.

18 **SEC. 3. EFFECTIVE DATE.**

19 (a) EXPANDING ACCESS.—The amendments made
20 under section 2(a) shall take effect on the date that is
21 120 days after the date of enactment of this Act.

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

