

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

Strike all 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 The Fair Labor Standards Act of 1938 (29 U.S.C.
8 201 et seq.) is amended as follows:

9 (1) In section 7, by striking subsection (r).

10 (2) By inserting after section 18C the following:

11 **“SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE**
12 **WORKPLACE.**

13 “(a) An employer shall provide—

14 “(1) a reasonable break time for an employee to
15 express breast milk for such employee’s nursing
16 child for 1 year after the child’s birth each time
17 such employee has need to express the milk; and

18 “(2) a place, other than a bathroom, that is
19 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.

7 “(2) Break time provided under subsection (a)(1)
8 shall be considered hours worked if the employer requires
9 the employee to engage actively in work activities during
10 that time, and then only to the extent of the time spent
11 on such activities.

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 “(e) In the case that an employer receives notice that
23 the employer is not in compliance with subsection (a), the
24 employer shall be deemed not to have violated such sub-
25 section if the employer rectifies such violation not later

1 than 30 days after the date on which the employer receives
2 such notice.”.

3 (3) In section 13—

4 (A) in subsection (a)—

5 (i) by striking “of sections 6 (except”
6 and all that follows through “and 7 shall”
7 and insert “of sections 6, 7, and 18D (ex-
8 cept sections 6(d) and 18D in the case of
9 paragraph (1) of this subsection) shall”;
10 and

11 (ii) in paragraph (3), by striking “and
12 7” and inserting “7, and 18D”;

13 (B) in subsection (b), by striking “section
14 7” and inserting “sections 7 and 18D”;

15 (C) in subsection (d), by inserting “18D”
16 after “7,”;

17 (D) in subsection (e), by striking “section
18 7” and inserting “sections 7 and 18D”;

19 (E) in subsection (f), by inserting “18D”
20 after “7,”;

21 (F) in subsection (h)—

22 (i) in the matter preceding paragraph
23 (1), by striking “section 7” and inserting
24 “sections 7 and 18D”; and

1 (ii) in the matter following paragraph
2 (2), by striking “or section 7” and insert-
3 ing “, section 7, or section 18D”;

4 (G) in subsection (i), by striking “section
5 7” and inserting “sections 7 and 18D”; and

6 (H) in subsection (j), by striking “section
7 7” and inserting “sections 7 and 18D”.

8 (4) In section 15(a)—

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

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

12 “(6) to violate any of the provisions of section
13 18D.”.

14 (5) In section 16—

15 (A) by striking “section 6 or section 7” in
16 each place it appears and inserting “sections 6,
17 7, or 18D”;

18 (B) by striking “6 or 7” in each place it
19 appears and inserting “6, 7, or 18D”; and

20 (C) by striking “6 and 7” in each place it
21 appears and inserting “6, 7, and 18D”.

22 **SEC. 3. EFFECTIVE DATE.**

23 The amendments made under this Act shall take ef-
24 fect on the date that is 120 days after the date of enact-
25 ment of this Act.

1 **SEC. 4. GAO REPORT TO CONGRESS.**

2 Not later than 1 year after the date of enactment,
3 the Government Accountability Office shall issue a report
4 to Congress evaluating the implementation and expansion
5 of workplace accommodations for nursing mothers under
6 this Act, with a focus on assessing—

7 (1) the number of working mothers, both before
8 and after the Act's implementation, with access to
9 nursing accommodations;

10 (2) the types of nursing accommodations cov-
11 ered employers have implemented;

12 (3) the factors employers consider when making
13 decisions on the expansion of nursing accommoda-
14 tions and the industries that face the most signifi-
15 cant challenges in providing them; and

16 (4) actions taken by the Secretary of Labor to
17 enforce the provisions of this Act.

