

117TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself, Ms. MURKOWSKI, Mr. BOOKER, Mr. CASEY, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on _____

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”; and

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

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

18 “(a) IN GENERAL.—An employer shall provide—

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

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

1 “(b) COMPENSATION.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 an employer shall not be required to compensate an
4 employee receiving reasonable break time under sub-
5 section (a)(1) for any time spent during the workday
6 for such purpose unless otherwise required by Fed-
7 eral or State law or municipal ordinance.

8 “(2) RELIEF FROM DUTIES.—Break time pro-
9 vided under paragraph (1) shall be considered hours
10 worked if the employee is not completely relieved
11 from duty during the entirety of such break.

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

19 “(d) LAWS PROVIDING GREATER PROTECTION.—
20 Nothing in this section shall preempt a State law or mu-
21 nicipal ordinance that provides greater protections to em-
22 ployees than the protections provided for under this sec-
23 tion.”.

24 (b) CLARIFYING REMEDIES.—Section 16(b) of the
25 Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is

1 amended by striking “15(a)(3)” each place the term ap-
2 pears and inserting “7(r) or 15(a)(3)”.

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

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

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