

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S. 1658**

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

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Providing Urgent Maternal Protections for Nursing Mothers Act” or the  
5  
6 “PUMP for Nursing Mothers Act”.

7 **SEC. 2. BREASTFEEDING ACCOMMODATIONS IN THE WORK-  
8 PLACE.**

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

1 (1) in section 7 (29 U.S.C. 207), by striking  
2 subsection (r); and

3 (2) by inserting after section 18C (29 U.S.C.  
4 218e) the following:

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

7 “(a) IN GENERAL.—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) COMPENSATION.—

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

23 “(2) RELIEF FROM DUTIES.—Break time pro-  
24 vided under paragraph (1) shall be considered hours

1 worked if the employee is not completely relieved  
2 from duty during the entirety of such break.

3 “(c) EXEMPTION.—An employer that employs less  
4 than 50 employees shall not be subject to the requirements  
5 of this section, if such requirements would impose an  
6 undue hardship by causing the employer significant dif-  
7 ficulty or expense when considered in relation to the size,  
8 financial resources, nature, or structure of the employer’s  
9 business.

10 “(d) LAWS PROVIDING GREATER PROTECTION.—  
11 Nothing in this section shall preempt a State law or mu-  
12 nicipal ordinance that provides greater protections to em-  
13 ployees than the protections provided for under this sec-  
14 tion.”.

15 (b) CLARIFYING REMEDIES.—The Fair Labor Stand-  
16 ards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

17 (1) in section 15(a) (29 U.S.C. 215(a))—

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

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

21 “(6) to violate any of the provisions of section  
22 18D.”; and

23 (2) in section 16(b) (29 U.S.C. 216(b)), by  
24 striking “15(a)(3)” each place the term appears and  
25 inserting “15(a)(3) or 18D”.

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

2 (a) EXPANDING ACCESS.—The amendments made by  
3 section 2(a) shall take effect on the date of enactment of  
4 this Act.

5 (b) REMEDIES AND CLARIFICATION.—The amend-  
6 ments made by section 2(b) shall take effect on the date  
7 that is 120 days after the date of enactment of this Act.