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

2 SEC. 2. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.
The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended as follows:

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

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

“SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.
“(a) An employer shall provide—
“(1) a reasonable break time for an employee to express breast milk for such employee’s nursing child for 1 year after the child’s birth each time such employee has need to express the milk; and
“(2) a place, other than a bathroom, that is shielded from view and free from intrusion from co-
workers and the public, which may be used by an
employee to express breast milk.

“(b)(1) Subject to paragraph (2), an employer shall
not be required to compensate an employee receiving break
time under subsection (a)(1) for any time spent during
the workday for such purpose.

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

“(c) An employer that employs less than 50 employ-
ees shall not be subject to the requirements of this section,
if such requirements 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.

“(d) Nothing in this section shall preempt a State
law or municipal ordinance that provides greater protec-
tions to employees than the protections provided for under
this section.

“(e) In the case that an employer receives notice that
the employer is not in compliance with subsection (a), the
employer shall be deemed not to have violated such sub-
section if the employer rectifies such violation not later
than 30 days after the date on which the employer receives such notice.”.

(3) In section 13—

(A) in subsection (a)—

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

and

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

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

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

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

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

(F) in subsection (h)—

(i) in the matter preceding paragraph (1), by striking “section 7” and inserting “sections 7 and 18D”; and
(ii) in the matter following paragraph
(2), by striking “or section 7” and inserting “, section 7, or section 18D”; (G) in subsection (i), by striking “section 7” and inserting “sections 7 and 18D”; and (H) in subsection (j), by striking “section 7” and inserting “sections 7 and 18D”.

(4) In section 15(a)— (A) by striking the period at the end of paragraph (5) and inserting “; and”; and (B) by adding at the end the following: “(6) to violate any of the provisions of section 18D.”.

(5) In section 16— (A) by striking “section 6 or section 7” in each place it appears and inserting “sections 6, 7, or 18D”; (B) by striking “6 or 7” in each place it appears and inserting “6, 7, or 18D”; and (C) by striking “6 and 7” in each place it appears and inserting “6, 7, and 18D”.

**SEC. 3. EFFECTIVE DATE.**

The amendments made under this Act shall take effect on the date that is 120 days after the date of enactment of this Act.
SEC. 4. GAO REPORT TO CONGRESS. 

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

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

(2) the types of nursing accommodations covered employers have implemented;

(3) the factors employers consider when making decisions on the expansion of nursing accommodations and the industries that face the most significant challenges in providing them; and

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