

116TH CONGRESS
2D SESSION

S. 3170

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

JANUARY 9, 2020

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

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 13 (29 U.S.C. 213)—

7 (A) in subsection (a), in the matter pre-
 8 ceding paragraph (1), by inserting “(except sec-
 9 tion 7(r))” after “and 7”;

10 (B) in each of subsections (b), (e), (h), (i),
 11 and (j), by inserting “(except section 7(r))”
 12 after “provisions of section 7”;

13 (C) in subsection (d), by inserting “(except
 14 section 7(r))” after “6, 7”;

15 (D) in subsection (e), by striking “provi-
 16 sions of section 7” each place where the term
 17 appears and inserting “provisions of section 7
 18 (except section 7(r))”; and

19 (E) in subsection (f), by striking “6, 7, 11,
 20 and 12” and inserting “6, 7 (except section
 21 7(r)), 11, and 12”; and

22 (2) in section 14(d) (29 U.S.C. 214(d)), by in-
 23 serting “(except section 7(r))” after “7”.

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 (c) CLARIFYING APPLICATION OF UNPAID BREAK
 4 TIME PROVISION TO HOURLY AND SALARIED WORK-
 5 ERS.—Section 7(r)(2) of the Fair Labor Standards Act
 6 of 1938 (29 U.S.C. 207(r)(2)) is amended—

7 (1) by striking “(2) An” and inserting “(2)(A)
 8 Subject to subparagraph (B), an”;

9 (2) by striking “work time spent” and inserting
 10 “time spent during the work day”;

11 (3) by inserting “, unless otherwise required by
 12 Federal, State, or local law” before the period at the
 13 end; and

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

15 “(B) In the case of an employee who is compensated
 16 on an hourly basis, the employer shall compensate the em-
 17 ployee for reasonable break time under paragraph (1) if
 18 the employee is not entirely relieved from duty during the
 19 break.”.

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

21 (a) EXPANDING ACCESS.—The amendments made
 22 under subsections (a) and (b) of section 2 shall take effect
 23 on the date that is 120 days after the date of enactment
 24 of this Act.

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

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