

117TH CONGRESS
1ST SESSION

H. R. 4297

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

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2021

Mrs. MILLER-MEEKS introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act of 1938 to provide for certain accommodations for breastfeeding 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 “Supporting Working
5 Mothers Act”.

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

8 The Fair Labor Standards Act of 1938 (29 U.S.C.
9 201 et seq.) is amended as follows:

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

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

2 **“SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE**
3 **WORKPLACE.**

4 “(a) An employer shall provide—

5 “(1) a reasonable break time for an employee to
6 express breast milk for such employee’s nursing
7 child for 1 year after the child’s birth each time
8 such employee has need to express the milk; and

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

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

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

22 “(c) An employer that employs less than 50 employ-
23 ees shall not be subject to the requirements of this section,
24 if such requirements would impose an undue hardship by
25 causing the employer significant difficulty or expense

1 when considered in relation to the size, financial resources,
 2 nature, or structure of the employer’s business.

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

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

13 (3) In section 13—

14 (A) in subsection (a)—

15 (i) by striking “of sections 6 (except”
 16 and all that follows through “and 7 shall”
 17 and insert “of sections 6, 7, and 18D (ex-
 18 cept sections 6(d) and 18D in the case of
 19 paragraph (1) of this subsection) shall”;
 20 and

21 (ii) in paragraph (3), by striking “and
 22 7” and inserting “7, and 18D”;

23 (B) in subsection (b), by striking “section
 24 7” and inserting “sections 7 and 18D”;

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

3 (D) in subsection (e), by striking “section
4 7” and inserting “sections 7 and 18D”;

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

7 (F) in subsection (h)—

8 (i) in the matter preceding paragraph
9 (1), by striking “section 7” and inserting
10 “sections 7 and 18D”; and

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

14 (G) in subsection (i), by striking “section
15 7” and inserting “sections 7 and 18D”; and

16 (H) in subsection (j), by striking “section
17 7” and inserting “sections 7 and 18D”.

18 (4) In section 15(a)—

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

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

22 “(6) to violate any of the provisions of section
23 18D.”.

24 (5) In section 16—

1 (A) by striking “section 6 or section 7” in
2 each place it appears and inserting “sections 6,
3 7, or 18D”;

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

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

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

9 The amendments made under this Act shall take ef-
10 fect on the date that is 120 days after the date of enact-
11 ment of this Act.

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

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

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

21 (2) the types of nursing accommodations cov-
22 ered employers have implemented;

23 (3) the factors employers consider when making
24 decisions on the expansion of nursing accommoda-

1 tions and the industries that face the most signifi-
2 cant challenges in providing them; and
3 (4) actions taken by the Secretary of Labor to
4 enforce the provisions of this Act.

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