

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

May 26, 2021

The Honorable Bobby Scott
Chair
Committee on Education and Labor
U.S. House of Representatives
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Scott and Ranking Member Foxx:

The U.S. Chamber of Commerce strongly supports the amendment in the nature of a substitute to H.R. 3110, the “Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act,” expected to be offered during the Committee’s markup on May 26.

In 2010, Congress passed the Break Time for Nursing Mothers Act. This amended the Fair Labor Standards Act (FLSA) to require employers to provide a space for mothers to nurse (or more likely to express breast milk). It also required employers to provide a reasonable break time for workers to nurse. Because it amended the FLSA’s overtime provision, it did not cover workers exempt from overtime. It also lacked an enforcement mechanism.

The PUMP Act would expand coverage to those workers currently exempt and would provide workers with a remedy if an employer fails to provide an accommodation or a reasonable break time. The amendment in the nature of a substitute would make significant improvements to the PUMP Act. The most important of these is language to allow an employer 10 days to improve the space allocated for nursing mothers to express their breast milk before an employee can proceed with seeking relief from a court. This provision would assure that more employees can get the remedy they need in a timely and cost-effective manner rather than going through the costly and uncertain process of litigation.

Another important change is to direct the Department of Labor to issue guidance to assist employers in complying consistent with guidance that is currently posted on the website of the Office on Women’s Health of the Department of Health and Human Services.

The PUMP Act would allow nursing mothers to remain in the workplace in a way that would benefit both employers and workers. Employers would get clarity and a way to avoid litigation, and nursing mothers would be able to remain in the workforce. The amendment in the nature of a substitute represents the product of collaborative negotiations between employers and advocates for this bill. It is a sound compromise the Chamber is pleased to strongly support.

Sincerely,



Neil L. Bradley

cc: Members of the Committee on Education and Labor