

**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

September 28, 2021

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce strongly supports H.R. 3110, the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act, as reported from the Education and Labor Committee and as anticipated to be improved via manager's amendment. We hope this legislation will be further refined as the legislative process continues to address the unique issues related to the air travel sector.

This legislation would update the Break Time for Nursing Mothers Act, which became law in 2010. This law amended the Fair Labor Standards Act (FLSA) to require employers with more than 50 employees to provide a space for mothers to either nurse or, more likely, to express breast milk. It also requires employers to provide reasonable breaks for workers to nurse. Because the legislation amended the FLSA's overtime provision, it did not cover workers exempt from overtime. It also lacks an enforcement mechanism.

The PUMP Act would expand coverage to those workers currently exempt and would provide workers with a remedy if employers fail to provide accommodation or reasonable breaks. The bill as passed by the Education and Labor Committee and the manager's amendment would improve upon the introduced version of H.R. 3110 in several key areas:

- Employers would be allowed 10 days to improve space allocated for nursing mothers before employees could proceed with seeking relief from the courts. This provision would assure that more employees can get the accommodations they need in a timely manner rather than triggering a drawn out, costly, and uncertain litigation process.
- Department of Labor would be required to issue guidance that is consistent with the existing information from the Office on Women's Health of the Department of Health and Human Services' website in order to assist employers with compliance.
- The number of employees necessary for employers to be eligible for the hardship exemption would be made consistent with other provisions of law.

This legislation should be improved to provide a reasonable exemption for the air travel sector. The limitations on space on airplanes would make compliance with this legislation impractical and in some cases impossible. We hope this issue is addressed as the bill makes its way through the legislative process.

The PUMP Act is a win-win for nursing mothers and the companies that employ them. Employers would get clarity and a way to avoid litigation, and nursing mothers would be able to remain in the workforce. The bill as reported by the Education and Labor Committee and augmented by the manager's amendment is the product of collaborative negotiations between employers and advocates for this bill. The Chamber is pleased to strongly support this legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley". The signature is fluid and cursive, with a prominent loop at the end of the last name.

Neil L. Bradley