

118TH CONGRESS
1ST SESSION

H. R. 3576

To expand access to breastfeeding accommodations in the workplace for certain employees of air carrier employers.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2023

Ms. HOYLE of Oregon (for herself, Ms. NORTON, Ms. CROCKETT, Ms. WILSON of Florida, Mr. MOULTON, Mr. MAGAZINER, Ms. TITUS, Ms. PORTER, Ms. CARAVEO, Ms. BONAMICI, Mr. BOWMAN, Mrs. CHAVEZ-DEREMÉR, Mrs. FOUSHEE, Ms. JAYAPAL, Mr. GRIJALVA, Ms. GARCIA of Texas, Ms. SCHAKOWSKY, Ms. LEGER FERNANDEZ, Mr. FROST, Mr. CARSON, Mr. NUNN of Iowa, Mr. SOTO, Mr. FITZPATRICK, Ms. TLAIB, Mr. PAPPAS, Ms. LEE of California, Mr. DOGGETT, Mr. JACKSON of Illinois, Ms. WILLIAMS of Georgia, Ms. KAMLAGER-DOVE, Mrs. SYKES, Ms. BARRAGÁN, Ms. SALINAS, Ms. DEAN of Pennsylvania, Mr. LYNCH, Mr. JOHNSON of Georgia, Ms. SCANLON, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expand access to breastfeeding accommodations in the workplace for certain employees of air carrier employers.

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 “AIR PUMP Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) AIR CARRIER.—The term “air carrier” has
4 the meaning given such term in section 40102 of
5 title 49, United States Code.

6 (2) AIR CARRIER EMPLOYER.—The term “air
7 carrier employer” means an air carrier that is an
8 employer.

9 (3) CREWMEMBER.—The term “crewmember”
10 has the meaning given such term in section 1.1 of
11 title 14, Code of Federal Regulations (or successor
12 regulations).

13 (4) CRITICAL PHASES OF FLIGHT.—The term
14 “critical phases of flight” has the meaning given
15 such term in 121.542 of title 14, Code of Federal
16 Regulations (or successor regulations).

17 (5) EMPLOYEE; EMPLOYER.—The terms “em-
18 ployee” and “employer” have the meanings given
19 such terms in section 3 of the Fair Labor Standards
20 Act of 1938 (29 U.S.C. 203).

21 **SEC. 3. BREASTFEEDING ACCOMMODATIONS IN THE WORK-**
22 **PLACE FOR CERTAIN EMPLOYEES OF AIR**
23 **CARRIER EMPLOYERS.**

24 (a) IN GENERAL.—An air carrier employer that, as
25 described in subsection (b), is subject to the requirements

1 of this section with respect to an employee who is a crew-
2 member shall provide—

3 (1) a reasonable break time for such an em-
4 ployee to express breast milk for such employee's
5 nursing child for 1 year after the child's birth each
6 time such employee has need to express the milk;
7 and

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

12 (b) APPLICABILITY.—An air carrier employer shall be
13 subject to the requirements of this section with respect
14 to an employee who is a crewmember provided that (as
15 defined and delimited by the Administrator of the Federal
16 Aviation Administration through regulations issued under
17 section 4)—

18 (1) in providing a break described in subsection
19 (a)(1) to such an employee, an air carrier employer
20 shall not be required to provide such break during
21 critical phases of flight; and

22 (2) compliance with the requirements of this
23 section does not—

1 (A) impact the safety or security of flight
2 or the operation of an aircraft in flight or on
3 the ground; or

4 (B) require the air carrier employer to
5 incur significant expense, such as through the
6 addition of a crewmember in response to pro-
7 viding a break described in subsection (a)(1) to
8 another crewmember, removal or retrofitting of
9 seats, or the modification or retrofitting of an
10 aircraft.

11 (c) SIGNIFICANT EXPENSE.—For purposes of sub-
12 section (b)(2)(B), modifying or retrofitting an aircraft by
13 installing a curtain or other screening protection shall not
14 be considered a significant expense.

15 **SEC. 4. ANTIRETALIATION.**

16 It shall be unlawful for any person to discharge or
17 in any other manner discriminate against any employee
18 because such employee has—

19 (1) filed any complaint or instituted or caused
20 to be instituted any proceeding under or related to
21 this Act; or

22 (2) testified or is about to testify in any such
23 proceeding.

1 **SEC. 5. RULEMAKING.**

2 Not later than 3 years after the date of enactment
3 of this section, the Administrator of the Federal Aviation
4 Administration, in consultation with the Secretary of
5 Labor, shall issue regulations, as appropriate, to define
6 and delimit the terms and conditions under section 3 for
7 all crewmember time onboard an aircraft.

8 **SEC. 6. REMEDIES.**

9 (a) ENFORCEMENT BY THE SECRETARY.—

10 (1) IN GENERAL.—The Secretary of Labor shall
11 receive, investigate, and attempt to resolve com-
12 plaints of violations of sections 3 and 4 in the same
13 manner that the Secretary of Labor receives, inves-
14 tigate, and attempts to resolve complaints of viola-
15 tions of section 18D and 15A(3) of the Fair Labor
16 Standards Act of 1938 (29 U.S.C. 218d).

17 (2) VIOLATIONS OF SECTION 3.—An air carrier
18 employer that violates section 3 shall—

19 (A) be considered to be in violation of sec-
20 tion 18D of the Fair Labor Standards Act of
21 1938 (29 U.S.C. 218d; 29 U.S.C. 215(a)(3));
22 and

23 (B) be subject to the penalties described in
24 sections 16 and 17 of such Act (29 U.S.C. 216;
25 217) with respect to such violation.

1 (3) VIOLATIONS OF SECTION 4.—An air carrier
2 employer that violates section 4 shall—

3 (A) be considered to be in violation of sec-
4 tion 15A(3) of the Fair Labor Standards Act of
5 1938 (29 U.S.C. 215(a)(3)); and

6 (B) be subject to the penalties described in
7 sections 16 and 17 of such Act (29 U.S.C. 216;
8 217) with respect to such violation.

9 (b) PRIVATE RIGHT OF ACTION.—An action alleging
10 a violation of sections 3 and 4 of this Act may be main-
11 tained against an air carrier employer in any Federal or
12 State court of competent jurisdiction by an employee who
13 is a crewmember or a representative of such employee for
14 and on behalf of the employee, or the employee and others
15 similarly situated, in the same manner, and subject to the
16 same remedies (including attorney’s fees and costs of the
17 action), as an action brought under section 16 of the Fair
18 Labor Standards Act of 1938 (29 U.S.C. 216) by an em-
19 ployee alleging a violation of section 18D or 15A(3) of
20 such Act (29 U.S.C. 218d; 29 U.S.C. 215(a)(3)).

21 **SEC. 7. EFFECTIVE DATE.**

22 This Act shall take effect on the date that is 180 days
23 after the date of enactment of this Act.

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