

**H.R. 3110, PUMP for Nursing Mothers Act**

As ordered reported by the House Committee on Education and Labor on May 26, 2021

By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	*
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and \$500,000.			

**Bill Summary**

H.R. 3110 would amend the Fair Labor Standards Act (FLSA) to require more employers to offer employees who are nursing reasonable break times and to provide them with private lactation areas, other than restrooms, for two years after the birth of a child. The bill would extend those accommodations to groups of workers who are not now covered and would require the Department of Labor (DOL) to issue new guidance for compliance.

Section 207 of the FLSA requires employers to provide eligible employees (mostly hourly workers who are covered by the overtime rules contained in that section) unpaid break time and private lactation areas, other than restrooms, for one year after the birth of a child. Employers of fewer than 50 employees can receive an exemption if they demonstrate that compliance imposes a hardship. All federal agencies must meet similar standards.

H.R. 3110 would expand the current requirements to cover all workers who are nursing: managers and executives; professional, seasonal, and agricultural workers; and any others not currently eligible for accommodations. The bill also would extend the duration of the requirement by one year and lower the threshold for an exemption to employers with fewer than 25 employees.



## **Federal Costs**

CBO estimates that the requirement for DOL to issue guidance would have an insignificant cost; any spending would be subject to the availability of appropriated funds.

## **Mandates**

H.R. 3110 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). By expanding requirements related to lactation accommodations in the workplace, the bill would impose a mandate on all employers under FLSA jurisdiction. However, CBO estimates, the aggregate cost of complying with the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$85 million and \$170 million in 2021, respectively, adjusted annually for inflation).

Currently, 20 states and the District of Columbia have laws that require the same or greater accommodations for employees who are nursing. Thus, only employers in 30 states with no or more relaxed laws would need to invest additional resources to comply with the bill. The cost of the mandates would be for employers in the private and public sector, including employers no longer eligible for the hardship exemption, to provide accommodations to more employees and for a longer time.

Using census data and information from the Bureau of Labor Statistics, the Department of Health and Human Services (HHS), and the National Institutes of Health, CBO estimates that approximately 14,000 private employers would need to provide additional accommodations or request an exemption under the bill. CBO estimates that 2,000 employers would lose the hardship exemption because they have 25 or more employees.

Guidance from HHS lists several inexpensive methods to provide lactation areas, including sharing spaces among employers; using existing offices, closets, or storage areas; screening off areas in larger spaces; and providing single-person pop-up tents.

CBO estimates that for the aggregate cost of the mandates to exceed the threshold for the private-sector mandate, the cost per private-sector employer, on average, would need to be between about \$12,000 (if all covered employers provided accommodations) and \$85,000 (if all employers with fewer than 25 employees were exempt). Given the costs of the methods listed by HHS, CBO expects that the aggregate cost would fall below the threshold for private-sector mandates.

Because federal law already requires public-sector employers to provide lactation facilities, CBO estimates that the aggregate cost of compliance with the incremental changes in H.R. 3110 would be small. In addition, because public-sector employees accounted for just 12 percent of the U.S. workforce in 2020, CBO estimates that the aggregate cost would fall below the threshold for intergovernmental mandates.



The CBO staff contacts for this estimate are Meredith Decker (for federal costs) and Lilia Ledezma (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.