

1       (c) *AUTHORIZATION OF APPROPRIATIONS.*—*To carry*  
 2 *out this section there is authorized to be appropriated to*  
 3 *the Secretary of Commerce \$300,000 for each of fiscal years*  
 4 *2023 through 2032, which shall be derived from existing*  
 5 *funds otherwise appropriated to the Secretary.*

6                   ***DIVISION KK—PUMP FOR***  
 7                   ***NURSING MOTHERS ACT***

8 ***SEC. 101. SHORT TITLE.***

9       *This division may be cited as the “Providing Urgent*  
 10 *Maternal Protections for Nursing Mothers Act” or the*  
 11 *“PUMP for Nursing Mothers Act”.*

12 ***SEC. 102. BREASTFEEDING ACCOMMODATIONS IN THE***  
 13 ***WORKPLACE.***

14       (a) *EXPANDING EMPLOYEE ACCESS TO BREAK TIME*  
 15 *AND SPACE.*—*The Fair Labor Standards Act of 1938 (29*  
 16 *U.S.C. 201 et seq.) is amended—*

17               (1) *in section 7 (29 U.S.C. 207), by striking sub-*  
 18 *section (r); and*

19               (2) *by inserting after section 18C (29 U.S.C.*  
 20 *218c) the following:*

21 ***“SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE***  
 22 ***WORKPLACE.***

23       *“(a) IN GENERAL.—An employer shall provide—*

24               *“(1) a reasonable break time for an employee to*  
 25 *express breast milk for such employee’s nursing child*

1       *for 1 year after the child's birth each time such em-*  
2       *ployee has need to express the milk; and*

3               “(2) a place, other than a bathroom, that is  
4       *shielded from view and free from intrusion from co-*  
5       *workers and the public, which may be used by an em-*  
6       *ployee to express breast milk.*

7       “(b) *COMPENSATION.*—

8               “(1) *IN GENERAL.*—*Subject to paragraph (2), an*  
9       *employer shall not be required to compensate an em-*  
10       *ployee receiving reasonable break time under sub-*  
11       *section (a)(1) for any time spent during the workday*  
12       *for such purpose unless otherwise required by Federal*  
13       *or State law or municipal ordinance.*

14               “(2) *RELIEF FROM DUTIES.*—*Break time pro-*  
15       *vided under subsection (a)(1) shall be considered*  
16       *hours worked if the employee is not completely re-*  
17       *lieved from duty during the entirety of such break.*

18       “(c) *EXEMPTION FOR SMALL EMPLOYERS.*—*An em-*  
19       *ployer that employs less than 50 employees shall not be sub-*  
20       *ject to the requirements of this section, if such requirements*  
21       *would impose an undue hardship by causing the employer*  
22       *significant difficulty or expense when considered in relation*  
23       *to the size, financial resources, nature, or structure of the*  
24       *employer's business.*

1       “(d) *EXEMPTION FOR CREWMEMBERS OF AIR CAR-*  
2 *RIERS.*—

3               “(1) *IN GENERAL.*—*An employer that is an air*  
4 *carrier shall not be subject to the requirements of this*  
5 *section with respect to an employee of such air carrier*  
6 *who is a crewmember*

7               “(2) *DEFINITIONS.*—*In this subsection:*

8                       “(A) *AIR CARRIER.*—*The term ‘air carrier’*  
9 *has the meaning given such term in section*  
10 *40102 of title 49, United States Code.*

11                      “(B) *CREWMEMBER.*—*The term ‘crew-*  
12 *member’ has the meaning given such term in sec-*  
13 *tion 1.1 of title 14, Code of Federal Regulations*  
14 *(or successor regulations).*

15       “(e) *APPLICABILITY TO RAIL CARRIERS.*—

16               “(1) *IN GENERAL.*—*Except as provided in para-*  
17 *graph (2), an employer that is a rail carrier shall be*  
18 *subject to the requirements of this section.*

19               “(2) *CERTAIN EMPLOYEES.*—*An employer that is*  
20 *a rail carrier shall be subject to the requirements of*  
21 *this section with respect to an employee of such rail*  
22 *carrier who is a member of a train crew involved in*  
23 *the movement of a locomotive or rolling stock or who*  
24 *is an employee who maintains the right of way, pro-*

1        *vided that compliance with the requirements of this*  
2        *section does not—*

3                *“(A) require the employer to incur signifi-*  
4                *cant expense, such as through the addition of*  
5                *such a member of a train crew in response to*  
6                *providing a break described in subsection (a)(1)*  
7                *to another such member of a train crew, removal*  
8                *or retrofitting of seats, or the modification or*  
9                *retrofitting of a locomotive or rolling stock; or*

10                *“(B) result in unsafe conditions for an in-*  
11                *dividual who is an employee who maintains the*  
12                *right of way.*

13                *“(3) SIGNIFICANT EXPENSE.—For purposes of*  
14                *paragraph (2)(A), it shall not be considered a signifi-*  
15                *cant expense to modify or retrofit a locomotive or roll-*  
16                *ing stock by installing a curtain or other screening*  
17                *protection.*

18                *“(4) DEFINITIONS.—In this subsection:*

19                *“(A) EMPLOYEE WHO MAINTAINS THE*  
20                *RIGHT OF WAY.—The term ‘employee who main-*  
21                *tains the right of way’ means an employee who*  
22                *is a safety-related railroad employee described in*  
23                *section 20102(4)(C) of title 49, United States*  
24                *Code.*

1           “(B) *RAIL CARRIER.*—*The term ‘rail car-*  
2           *rier’ means an employer described in section*  
3           *13(b)(2).*

4           “(C) *TRAIN CREW.*—*The term ‘train crew’*  
5           *has the meaning given such term as used in*  
6           *chapter II of subtitle B of title 49, Code of Fed-*  
7           *eral Regulations (or successor regulations).*

8           “(f) *APPLICABILITY TO MOTORCOACH SERVICES OP-*  
9           *ERATORS.*—

10           “(1) *IN GENERAL.*—*Except as provided in para-*  
11           *graph (2), an employer that is a motorcoach services*  
12           *operator shall be subject to the requirements of this*  
13           *section.*

14           “(2) *EMPLOYEES WHO ARE INVOLVED IN THE*  
15           *MOVEMENT OF A MOTORCOACH.*—*An employer that is*  
16           *a motorcoach services operator shall be subject to the*  
17           *requirements of this section with respect to an em-*  
18           *ployee of such motorcoach services operator who is in-*  
19           *volved in the movement of a motorcoach provided that*  
20           *compliance with the requirements of this section does*  
21           *not—*

22           “(A) *require the employer to incur signifi-*  
23           *cant expense, such as through the removal or ret-*  
24           *rofitting of seats, the modification or retrofitting*  
25           *of a motorcoach, or unscheduled stops; or*

1           “(B) result in unsafe conditions for an em-  
2           ployee of a motorcoach services operator or a  
3           passenger of a motorcoach.

4           “(3) SIGNIFICANT EXPENSE.—For purposes of  
5           paragraph (2)(A), it shall not be considered a signifi-  
6           cant expense—

7           “(A) to modify or retrofit a motorcoach by  
8           installing a curtain or other screening protection  
9           if an employee requests such a curtain or other  
10          screening protection; or

11          “(B) for an employee to use scheduled stop  
12          time to express breast milk.

13          “(4) DEFINITIONS.—In this subsection:

14          “(A) MOTORCOACH; MOTORCOACH SERV-  
15          ICES.—The terms ‘motorcoach’ and ‘motorcoach  
16          services’ have the meanings given the terms in  
17          section 32702 of the Motorcoach Enhanced Safety  
18          Act of 2012 (49 U.S.C. 31136 note).

19          “(B) MOTORCOACH SERVICES OPERATOR.—  
20          The term ‘motorcoach services operator’ means  
21          an entity that offers motorcoach services.

22          “(g) NOTIFICATION PRIOR TO COMMENCEMENT OF AC-  
23          TION.—

24          “(1) IN GENERAL.—Except as provided in para-  
25          graph (2), before commencing an action under section

1       16(b) for a violation of subsection (a)(2), an employee  
2 shall—

3               “(A) notify the employer of such employee  
4 of the failure to provide the place described in  
5 such subsection; and

6               “(B) provide the employer with 10 days  
7 after such notification to come into compliance  
8 with such subsection with respect to the em-  
9 ployee.

10       “(2) EXCEPTIONS.—Paragraph (1) shall not  
11 apply in a case in which—

12               “(A) the employee has been discharged be-  
13 cause the employee—

14                       “(i) has made a request for the break  
15 time or place described in subsection (a); or

16                       “(ii) has opposed any employer con-  
17 duct related to this section; or

18               “(B) the employer has indicated that the  
19 employer has no intention of providing the place  
20 described in subsection (a)(2).

21       “(h) INTERACTION WITH STATE AND FEDERAL  
22 LAW.—

23               “(1) LAWS PROVIDING GREATER PROTECTION.—  
24 Nothing in this section shall preempt a State law or  
25 municipal ordinance that provides greater protections

1       to employees than the protections provided for under  
2       this section.

3               “(2) *NO EFFECT ON TITLE 49 PREEMPTION.*—  
4       This section shall have no effect on the preemption of  
5       a State law or municipal ordinance that is pre-  
6       empted under subtitle IV, V, or VII of title 49, United  
7       States Code.”.

8       (b) *CLARIFYING REMEDIES.*—*The Fair Labor Stand-*  
9       *ards Act of 1938 (29 U.S.C. 201 et seq.) is amended—*

10           (1) *in section 15(a) (29 U.S.C. 215(a))—*

11               (A) *by striking the period at the end of*  
12               *paragraph (5) and inserting “; and”; and*

13               (B) *by adding at the end the following:*

14               “(6) *to violate any of the provisions of section*  
15               *18D.”; and*

16           (2) *in section 16(b) (29 U.S.C. 216(b)), by strik-*  
17               *ing “15(a)(3)” each place the term appears and in-*  
18               *serting “15(a)(3) or 18D”.*

19       (c) *AUTHORIZING EMPLOYEES TO TEMPORARILY OB-*  
20       *SCURE THE FIELD OF VIEW OF AN IMAGE RECORDING DE-*  
21       *VICE ON A LOCOMOTIVE OR ROLLING STOCK WHILE EX-*  
22       *PRESSING BREAST MILK.*—*Section 20168(f) of title 49,*  
23       *United States Code, is amended—*

24           (1) *by striking “A railroad carrier” and insert-*  
25               *ing the following:*



1           “(1) *IN GENERAL.*—*Except as provided in para-*  
2           *graph (2), a railroad carrier*”; and

3           (2) *by adding at the end the following:*

4           “(2) *TEMPORARILY OBSCURING FIELD OF VIEW*  
5           *OF AN IMAGE RECORDING DEVICE WHILE EXPRESSING*  
6           *BREAST MILK.*—

7           “(A) *IN GENERAL.*—*For purposes of ex-*  
8           *pressing breast milk, an employee may tempo-*  
9           *rarily obscure the field of view of an image re-*  
10          *recording device required under this section if the*  
11          *passenger train on which such device is installed*  
12          *is not in motion.*

13          “(B) *RESUMING OPERATION.*—*The crew of*  
14          *a passenger train on which an image recording*  
15          *device has been obscured pursuant to subpara-*  
16          *graph (A) shall ensure that such image recording*  
17          *device is no longer obscured immediately after*  
18          *the employee has finished expressing breast milk*  
19          *and before resuming operation of the passenger*  
20          *train.*”.

21 **SEC. 103. EFFECTIVE DATE.**

22          (a) *EXPANDING ACCESS.*—*The amendments made by*  
23          *section 102(a) shall take effect on the date of enactment of*  
24          *this Act.*

1       (b) *REMEDIES AND CLARIFICATION.*—*The amend-*  
2 *ments made by section 102(b) shall take effect on the date*  
3 *that is 120 days after the date of enactment of this Act.*

4       (c) *AUTHORIZING EMPLOYEES TO TEMPORARILY OB-*  
5 *SCURE THE FIELD OF VIEW OF AN IMAGE RECORDING DE-*  
6 *VICE ON A LOCOMOTIVE OR ROLLING STOCK WHILE EX-*  
7 *PRESSING BREAST MILK.*—*The amendments made by sec-*  
8 *tion 102(c) shall take effect on the date of enactment of this*  
9 *Act.*

10       (d) *APPLICATION OF LAW TO EMPLOYEES OF RAIL*  
11 *CARRIERS.*—

12           (1) *IN GENERAL.*—*Section 18D of the Fair*  
13 *Labor Standards Act of 1938 (as added by section*  
14 *102(a)) shall not apply to employees who are mem-*  
15 *bers of a train crew involved in the movement of a*  
16 *locomotive or rolling stock or who are employees who*  
17 *maintain the right of way of an employer that is a*  
18 *rail carrier until the date that is 3 years after the*  
19 *date of enactment of this Act.*

20           (2) *DEFINITIONS.*—*In this subsection:*

21           (A) *EMPLOYEE; EMPLOYER.*—*The terms*  
22 *“employee” and “employer” have the meanings*  
23 *given such terms in section 3 of the Fair Labor*  
24 *Standards Act of 1938 (29 U.S.C. 203).*

1           (B) *EMPLOYEES WHO MAINTAINS THE*  
2           *RIGHT OF WAY; RAIL CARRIER; TRAIN CREW.—*  
3           *The terms “employee who maintains the right of*  
4           *way”, “rail carrier”, and “train crew” have the*  
5           *meanings given such terms in section 18D(e)(4)*  
6           *of the Fair Labor Standards Act of 1938, as*  
7           *added by section 102(a).*

8           (e) *APPLICATION OF LAW TO EMPLOYEES OF MOTOR-*  
9           *COACH SERVICES OPERATORS.—*

10           (1) *IN GENERAL.—Section 18D of the Fair*  
11           *Labor Standards Act of 1938 (as added by section*  
12           *102(a)) shall not apply to employees who are involved*  
13           *in the movement of a motorcoach of an employer that*  
14           *is a motorcoach services operator until the date that*  
15           *is 3 years after the date of enactment of this Act.*

16           (2) *DEFINITIONS.—In this subsection:*

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

21           (B) *MOTORCOACH; MOTORCOACH SERVICES*  
22           *OPERATOR.—The terms “motorcoach” and “mo-*  
23           *torcoach services operator” have the meanings*  
24           *given such terms in section 18D(f)(4) of the Fair*

1           *Labor Standards Act of 1938, as added by sec-*  
 2           *tion 102(a).*

3   ***DIVISION LL—STATE, LOCAL,***  
 4       ***TRIBAL, AND TERRITORIAL***  
 5       ***FISCAL RECOVERY, INFRA-***  
 6       ***STRUCTURE, AND DISASTER***  
 7       ***RELIEF FLEXIBILITY***

8   ***SEC. 101. SHORT TITLE.***

9           *This division may be cited as the “State, Local, Tribal,*  
 10       *and Territorial Fiscal Recovery, Infrastructure, and Dis-*  
 11       *aster Relief Flexibility Act”.*

12   ***SEC. 102. AUTHORITY TO USE CORONAVIRUS RELIEF***  
 13       ***FUNDS FOR INFRASTRUCTURE PROJECTS.***

14       *(a) IN GENERAL.—Title VI of the Social Security Act*  
 15       *(42 U.S.C. 801 et seq.), as amended by section 40909 of*  
 16       *the Infrastructure Investment and Jobs Act, is amended—*

17           *(1) in section 602—*

18               *(A) in subsection (a)(1), by inserting “(ex-*  
 19               *cept as provided in subsection (c)(5))” after “De-*  
 20               *cember 31, 2024”;* and

21               *(B) in subsection (c)—*

22                   *(i) in paragraph (1)—*

23                           *(I) in the matter preceding sub-*  
 24                           *paragraph (A), by striking “paragraph*