

106TH CONGRESS
2D SESSION

H. R. 3861

To amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2000

Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Ms. WOOLSEY, Mr. SHAYS, Mrs. MINK of Hawaii, Mr. CONYERS, Mrs. THURMAN, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. ABERCROMBIE, Mr. TIERNEY, and Mr. LEVIN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

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 “Pregnancy Discrimina-
5 tion Act Amendments of 2000”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Women with infants and toddlers are a rap-
2 idly growing segment of labor force today.

3 (2) Statistical surveys of families show that
4 over 50 percent of mothers with children less than
5 1 year of age are in the labor force.

6 (3) The American Academy of Pediatrics rec-
7 ommends that mothers breastfeed for at least the
8 1st year of a child's life and that arrangements be
9 made to allow a mother's expressing of milk if moth-
10 er and child must separate.

11 (4) Research studies show that children who are
12 not breastfed have higher rates of mortality, menin-
13 gitis, some types of cancers, asthma and other res-
14 piratory illnesses, bacterial and viral infections,
15 diarrhoeal diseases, ear infections, allergies, and obe-
16 sity.

17 (5) Research studies have also shown that
18 breastmilk and breastfeeding have protective effects
19 against the development of a number of chronic dis-
20 eases, including juvenile diabetes, lymphomas,
21 Crohn's disease, celiac disease, some chronic liver
22 diseases, and ulcerative colitis.

23 (6) Maternal benefits of breastfeeding include a
24 reduced risk for postpartum hemorrhage and de-

1 creased risk for developing osteoporosis, ovarian can-
2 cer, and premenopausal breast cancer.

3 (7) The health benefits to children from
4 breastfeeding translate into a threefold decrease in
5 parental absenteeism due to infant illness.

6 (8) Congress intended to include breastfeeding
7 and expressing breast milk as protected conduct
8 under the amendment made by the Pregnancy Dis-
9 crimination Act of 1978 to title VII of the Civil
10 Rights Act of 1964.

11 (9) Although title VII of the Civil Rights Act of
12 1964, as so amended, applies with respect to “preg-
13 nancy, childbirth, or related medical conditions”, a
14 few courts have failed to reach the conclusion that
15 breastfeeding and expressing breast milk in the
16 workplace are covered by the such title.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to promote the health and well-being of in-
19 fants whose mothers return to the workplace after
20 childbirth, and

21 (2) to clarify that breastfeeding and expressing
22 breast milk in the workplace are protected conduct
23 under the amendment made by the Pregnancy Dis-
24 crimination Act of 1978 to title VII of the Civil
25 Rights Act of 1964.

1 **SEC. 3. AMENDMENT TO TITLE VII OF THE CIVIL RIGHTS**
2 **ACT OF 1964.**

3 Section 701(k) of the Civil Rights Act of 1964 (42
4 U.S.C. 2000e(k)) is amended—

5 (1) by inserting “(including lactation)” after
6 “childbirth”, and

7 (2) by adding at the end the following: “For
8 purposes of this subsection, the term ‘lactation’
9 means a condition that may result in the feeding of
10 a child directly from the breast or the expressing of
11 milk from the breast.”.

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