working on the frontline combatting against the pandemic. We must stand in solidarity with our friends and neighbors by denouncing the vitriol and anti-Asian sentiment. Our response to this pandemic should have been a unifying moment for our country. Instead, the administration has actively sought to inflame racial tensions. Today, we say "no more" to the anti-Asian rhetoric from the White House. I am proud to cosponsor this bill and I want to thank my colleague from New York Representative GRACE MENG, for her leadership on this issue and urge all my colleagues to support its passage.

Ms. JOHNSON of Texas. Madam Speaker, I rise today in support of this resolution that condemns all forms of anti-Asian sentiment during this COVID–19 pandemic. This public health crisis has caused significant pain and suffering to communities across our nation, and we are especially concerned about an apparent increase in verbal and physical attacks, as well as discrimination, against Asian Americans.

Our society must clearly state that this xenophobia must not and will not be accepted. Asian Americans are not responsible for the spread of COVID–19, and yet they have been repeatedly harassed, discriminated, and even attacked by some who wrongly believe they are at fault. There are over two thousand reported incidences of coronavirus-related discrimination by the Asian Pacific Policy and Planning Council. We must better protect our vulnerable communities during times of turmoil, and it is even more egregious that many of these same victims are simultaneously fighting this pandemic as doctors, nurses, and other frontline providers.

Therefore, I am proud to support this resolution that explicitly calls on all public officials to condemn and denounce all anti-Asian sentiment in any form. Additionally, I am pleased that this legislation recognizes that the health and safety of all Americans, no matter their background, must be our utmost priority.

On behalf of the constituents of the 30th Congressional District of Texas, I am proud to support this resolution condemning anti-Asian sentiment during this pandemic, and I urge my colleagues to vote in favor of this legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1107, the previous question is ordered on the resolution and the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JORDAN. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

PREGNANT WORKERS FAIRNESS ACT

Mr. SCOTT of Virginia. Madam Speaker, pursuant to House Resolution 1107, I call up the bill (H.R. 2694) to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. SPANBERGER). Pursuant to House Resolution 1107, the amendment in the nature of a substitute recommended by the Committee on Education and Labor, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pregnant Workers Fairness Act''.

SEC. 2. NONDISCRIMINATION WITH REGARD TO REASONABLE ACCOMMODATIONS RELATED TO PREGNANCY.

It shall be an unlawful employment practice for a covered entity to—

(1) not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;

(2) require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in section 5(7);

(3) deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee;

(4) require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee; or

(5) take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

SEC. 3. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person alleging a violation of title VII of such Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(A) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of such Act (2 U.S.C. 1301)) or any person alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this Act provides to the Board or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(B), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Board or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Board or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person alleging a violation of section 411(a)(1) of such title shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(C), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(d) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the Commission or any person alleging a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures

this Act provides to the Commission or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(D), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person alleging a violation of that section shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(E), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(f) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this Act or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(2) PROHIBITION AGAINST COERCION.—It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual having exercised or enjoyed, or on account of such individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

(3) REMEDY.—The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) LIMITATION.—Notwithstanding subsections (a)(3), (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment practice involves the provision of a reasonable accommodation pursuant to this Act or regulations implementing this Act, damages may not be awarded under section 1977A of the Revised Statutes (42 U.S.C. 1981a) if the covered entity demonstrates good faith efforts, in consultation with the employee with known limitations related to pregnancy, childbirth, or related medical conditions who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such employee with an equally effective opportunity and would not cause an undue hardship on the operation of the covered entity.

SEC. 4. RULEMAKING.

Not later than 2 years after the date of enactment of this Act, the Commission shall issue regulations in an accessible format in accordance with subchapter II of chapter 5 of title 5, United States Code, to carry out this Act. Such regulations shall provide examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term ''Commission'' means the Equal Employment Opportunity Commission;

(2) the term ''covered entity''—

(A) has the meaning given the term ''respondent'' in section 701(n) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(n)); and

(B) includes—

(i) an employer, which means a person engaged in industry affecting commerce who has 15 or more employees as defined in section 701(b) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and section 411(c) of title 3, United States Code;

(iii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); and

(iv) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(3) the term ''employee'' means—

(A) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(C) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code;

(D) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); or

(E) an employee (including an applicant) to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term ''person'' has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a));

(5) the term ''known limitation'' means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(6) the term ''qualified employee'' means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if—

(A) any inability to perform an essential function is for a temporary period;

(B) the essential function could be performed in the near future; and

(C) the inability to perform the essential function can be reasonably accommodated; and

(7) the terms ''reasonable accommodation'' and ''undue hardship'' have the meanings given such terms in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) and shall be construed as such terms are construed under such Act and as set forth in the regulations required by this Act, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation.

SEC. 6. WAIVER OF STATE IMMUNITY.

A State shall not be immune under the 11th Amendment to the Constitution from an action in a Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

SEC. 7. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall be construed to invalidate or limit the powers, remedies, and procedures under any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions.

SEC. 8. SEVERABILITY.

If any provision of this Act or the application of that provision to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this Act and the application of that provision to other persons or circumstances shall not be affected.

The SPEAKER pro tempore. The bill shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2694, the Pregnant Workers Fairness Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1100

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in support of H.R. 2694, the Pregnant Workers Fairness Act. No one should have to choose between financial security and a healthy pregnancy. Unfortunately, our pregnancy antidiscrimination laws urgently need to be updated to provide reasonable accommodations for workers.

Current Federal law does not clearly guarantee pregnant workers' rights to reasonable accommodations in the workplace, such as water, seating, bathroom breaks, and lifting restrictions. These basic protections are critical to protecting pregnant workers from the tragic consequences of unsafe working conditions, and they are particularly important today, as early evidence suggests that pregnancy leads to elevated risk of severe illness from COVID–19.

In 2015, the Supreme Court allowed pregnant workers to bring claims for

reasonable accommodations under the Pregnancy Discrimination Act in the landmark case of Young v. UPS. However, that decision set an unreasonably high standard for pregnancy discrimination. Under the Young standard, workers must prove that the accommodations they were denied were provided to other workers who were similar in their inability to work.

This standard is onerous, in part, because it assumes that workers can access their coworkers' personal health information and establish a comparable group of workers. It also creates a perverse legal framework in which companies that treat all of their workers poorly can treat their pregnant workers poorly as well.

Since the Young decision, courts have ruled against pregnant workers seeking accommodations most of the time.

In the absence of Federal action, nearly three dozen States and localities have filled the void by establishing their own protections for pregnant workers. This patchwork approach is bad for workers who are frequently left without strong protections and bad for multistate employers who have to comply with different States' workplace standards.

The Pregnant Workers Fairness Act is a bipartisan proposal that will finally establish clear, nationwide protections that guarantee pregnant workers the basic rights to reasonable accommodations.

It will also grant victims of pregnancy discrimination the same remedies as victims of discrimination on the basis of race, color, religion, sex, or national origin under Federal civil rights laws. Similar to the Americans with Disabilities Act, employers are not required to make accommodations if it imposes an undue hardship on the employer's business.

This legislation has broad support across the political spectrum and across our communities. Labor unions, civil rights groups, and the business community, including the Chamber of Commerce, have all endorsed this proposal.

Madam Speaker, I include in the RECORD a letter led by the nonprofit A Better Balance and over 200 worker advocacy organizations calling for Congress to pass the Pregnant Workers Fairness Act.

SEPTEMBER 14, 2020.

Re Pregnant Workers Fairness Act.

DEAR MEMBER OF CONGRESS: As organizations committed to promoting the health and economic security of our nation's families, we urge you to support the Pregnant Workers Fairness Act, a crucial maternal and infant health measure. This bipartisan legislation promotes healthy pregnancies and economic security for pregnant women and their families and strengthens the economy.

In the last few decades, there has been a dramatic demographic shift in the workforce. Not only do women now make up almost half of the workforce, but there are more pregnant workers than ever before and they are working later into their pregnancies. The simple reality is that some of these women—especially those in physically demanding jobs—will have a medical need for a temporary job-related accommodation in order to maintain a healthy pregnancy. Yet, too often, instead of providing a pregnant worker with an accommodation, her employer will fire her or push her onto unpaid leave, depriving her of a paycheck and health insurance at a time when she needs them most.

Additionally, pregnancy discrimination affects women across race and ethnicity, but women of color and immigrants may be at particular risk. Latinas, Black women and immigrant women are more likely to hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers, such as cashiers, home health aides, food service workers, and cleaners, making reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging. American families and the American economy depend on women's income: we cannot afford to force pregnant women out of work.

In 2015, in Young v. United Parcel Service, the Supreme Court held that a failure to make accommodations for pregnant workers with medical needs will sometimes violate the Pregnancy Discrimination Act of 1978 (PDA). Yet, even after Young, pregnant workers are still not getting the accommodations they need to stay safe and healthy on the job and employers lack clarity as to their obligations under the law. The Pregnant Workers Fairness Act will provide a clear, predictable rule: employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship.

The Pregnant Workers Fairness Act is modeled after the Americans with Disabilities Act (ADA) and offers employers and employees a familiar reasonable accommodation framework to follow. Under the ADA, workers with disabilities enjoy clear statutory protections and need not prove how other employees are treated in order to obtain necessary accommodations. Pregnant workers deserve the same clarity and streamlined process and should not have to ascertain how their employer treats others in order to understand their own accommodation rights, as the Supreme Court's ruling currently requires.

Evidence from states and cities that have adopted laws similar to the Pregnant Workers Fairness Act suggests that providing this clarity reduces lawsuits and, most importantly, helps ensure that women can obtain necessary reasonable accommodations in a timely manner, which keeps pregnant women healthy and earning an income when they need it most. No woman should have to choose between providing for her family and maintaining a healthy pregnancy, and the Pregnant Workers Fairness Act would ensure that all women working for covered employers would be protected.

The need for the Pregnant Workers Fairness Act is recognized across ideological and partisan lines. Thirty states and D.C. have adopted pregnant worker fairness measures with broad, and often unanimous, bipartisan support. Twenty-five of those laws have passed within the last seven years. These states include: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Minnesota, Nebraska, New Mexico, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, West Virginia, Vermont, Virginia, and Washington. Lawmakers have concluded that accommodating pregnant workers who need it is a measured approach grounded in family values and basic fairness.

The Pregnant Workers Fairness Act is necessary because it promotes long-term economic security and workplace fairness. When accommodations allow pregnant women to continue to work, they can maintain income and seniority, while forced leave sets new mothers back with lost wages and missed advancement opportunities. When pregnant women are fired, not only do they and their families lose critical income, but they must fight extra hard to re-enter a job market that is especially brutal on the unemployed and on pregnant women.

The Pregnant Workers Fairness Act is vital because it supports healthy pregnancies. The choice between risking a job and risking the health of a pregnancy is one no one should have to make. Women who cannot perform some aspects of their usual duties without risking their own health or the health of their pregnancy, but whose families cannot afford to lose their income, may continue working under dangerous conditions. There are health consequences to pushing women out of the workforce as well. Stress from job loss can increase the risk of having a premature baby and/or a baby with low birth weight. In addition, women who are not forced to use their leave during pregnancy may have more leave available to take following childbirth, which in turn facilitates breastfeeding, bonding with and caring for a new child, and recovering from childbirth.

For all of these reasons, we urge you to support the Pregnant Workers Fairness Act.

We also welcome the opportunity to provide you with additional information.

Sincerely,

A Better Balance, American Civil Liberties Union, National Partnership for Women & Families, National Women's Law Center, 1,000 Days, 9to5, 9to5 California, 9to5 Colorado, 9to5 Georgia, 9to5 Wisconsin, Advocates for Youth, AFL–CIO, African American Ministers In Action, Alianza Nacional de Campesinas, All-Options, American Association of University Women (AAUW), American Association of University Women, Indianapolis (AAUW), American College of Obstetricians and Gynecologists, American Federation of State, County, and Municipal Employees (AFSCME), American Federation of Teachers, Asian Pacific American Labor Alliance, Association of Asian Pacific Community, Health Organizations (AAPCHO), Association of Maternal & Child Health Programs, Association of Women's Health, Obstetric and Neonatal Nurses.

Black Mamas Matter Alliance, Breastfeeding Mother, Building Pathways, California Breastfeeding Coalition, California Women's Law Center, California Work & Family Coalition, Casa de Esperanza: National Latin@ Network, for Healthy Families and Communities, Center for American Progress, Center for Parental Leave Leadership, Center for Public Policy Priorities, Center for Reproductive Rights, Centro de Trabajadores Unidos (United Workers Center), Child Care Law Center, Child Welfare League of America, Chinese Progressive Association (San Francisco), Church World Service, Citizen Action of NY, CLASP, Clearinghouse on Women's Issues, Closing the Women's Health Gap, Coalition on Human Needs, Coalition of Labor Union Women, Coalition of Labor Union Women, Philadelphia Chapter, Communications Workers of America (CWA), Congregation of Our Lady of the Good Shepherd, U.S. Provinces.

DC Jobs with Justice, Disability Rights Education and Defense Fund (DREDF), Disciples Center for Public Witness, Economic

Policy Institute, EMC Strategies, Equal Pay Today, Equal Rights Advocates, Family Equality, Family Values@ Work, Farmworker Justice, Feminist Majority Foundation, Friends Committee on National Legislation, Futures Without Violence, Gender Justice, Grassroots Maternal and Child Health, Leadership Initiative, Hadassah, The Women's Zionist Organization of America, Inc., Healthy and Free Tennessee, Healthy Mothers/Healthy Babies Coalition of Georgia, Healthy Work Campaign, Center for Social Epidemiology, HER Development, Hoosier Action, Illuminate Colorado, In Our Own Voice: National Black Women's Reproductive Justice Agenda, Indiana AFL-CIO.

Indiana Breastfeeding Coalition, Indiana Catholic Conference, Indiana Chapter of Unite Here Local 23. Indiana Coalition Against Domestic Violence, Indiana Friends Committee on Legislation, Indiana Institute for Working Families, Indiana Statewide Independent Living Council, Indianapolis Urban League, Indy Chamber, Interfaith Worker Justice, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Jewish Women International Jobs With Justice, Justice for Migrant Women, Kansas Breastfeeding Coalition, Inc., Kentucky Equal Justice Center, KWH Law Center for Social Justice and Change, Labor Council for Latin American Advancement (LCLAA), Labor Project, LatinoJustice PRLDEF, Legal Aid at Work, Legal Momentum, The Women's Legal Defense and Education Fund, Legal Voice, Louisiana Partnership for Children and Families.

Main Street Alliance, Maine Women's Lobby, Majaica, LLC , Make the Road New York, MANA, A National Latina Organization March of Dimes, Marion County Commission on Youth, Inc. Massachusetts Coalition for Occupational Safety & Health, Metro-Detroit Chapter of the Coalition of Labor Union Women (CLUW), Michigan Immigrant Rights Center MOBB United for Social Change, MomsRising, Monroe County NOW, MS Black Women's Roundtable, Mujeres Unidas y Activas, NAACP, NARAL Pro-Choice America, NARAL Pro-Choice Colorado, National Advocacy Center of the Sisters of the Good Shepherd, National Advocates for Pregnant Women, National Asian Pacific American Women's Forum (NAPAWF), National Center for Law and Economic Justice, National Center for Lesbian Rights, National Center for Transgender Equality, National Coalition Against Domestic Violence, National Consumers League.

National Council for Occupational Safety and Health (COSH), National Council of Jewish Women, National Council of Jewish Women—California, National Domestic Workers Alliance, National Education Association, National Employment Law Project, National Employment Lawyers Association, National Health Law Program, National Immigration Law Center, National Network to End Domestic Violence, National Organization for Women, National Partnership for Women and Families, National Resource Center on Domestic Violence, National WIC Association, NC National Organization for Women (NC NOW), Nebraska Appleseed, NETWORK Lobby for Catholic Social Justice, New Working Majority, NJ Citizen Action; NJ Time to Care Coalition, North Carolina Justice Center, Oxfam America, PA NOW, Parent Voices CA, Path Ways PA, PhilaPOSH.

Planned Parenthood Federation of America, Prevent Child Abuse NC, Physicians for Reproductive Health, Poligon Education Fund, PowHer New York, Pride at Work, Public Citizen, Quetzal, Restaurant Opportunities Centers United, RESULTS, RICLUW, San Francisco CLUW Chapter, Service Employees International Union, SEIU 32BJ, Sexuality Information and Education Council of the United States (SIECUS), SisterReach, Shriver Center on Poverty Law, Silver in the City (Indianapolis, IN), Solutions for Breastfeeding, Southern CA Coalition for Occupational Safety & Health, Southwest Pennsylvania National Organization for Women, Southwest Women's Law Center, TASH, Technology Concepts Group International, LLC, The Greenlining Institute.

The Leadership Conference on Civil and Human Rights, The Little Timmy Project, The Ohio Women's Public Policy Network, The Zonta Club of Greater Queens, TIME'S UP Now, Ujima Inc: The National Center on Violence Against Women in the Black Community, Ultra Violet, UnidosUS, United Electrical, Radio and Machine Workers of America, United Food and Commercial Workers, International Union (UFCW), United Food and Commercial Workers Local 227, Union for Reform Judaism, United for Respect, United State of Women, United States Breastfeeding Committee, United Steelworkers, United Way of Kentucky, University of Illinois at Chicago, School of Public Health, Division of Environmental & Occupational Health Sciences, Vision y Compromiso, Voices for Children in Nebraska, Voices for Progress, Warehouse Worker Resource Center, Western Center on Law and Poverty.

William E. Morris Institute for Justice, Arizona, Women4Change, Women's Achievement Network and Development Alliance, Women & Girls Foundation, Women Employed, Women of Reform Judaism, Women's Center for Education and Career Advancement, Women's Employment Rights Clinic Golden Gate University, Women's Foundation of California, Women's Fund of Greater Chattanooga, Women's Fund of Rhode Island, Women's Law Project, Women's March, Women's Rights and Empowerment Network, Work Equity, Workers' Center of Central New York, Worker Justice Center of New York, Worksafe, Workplace Fairness, YWCA Greater Cincinnati, YWCA Mahoning Valley, YWCA McLean County, YWCA New Hampshire, YWCA Northwestern Illinois, YWCA of Van Wert County, YWCA USA, ZERO TO THREE.

Mr. SCOTT of Virginia. Madam Speaker, I want to thank Mr. NADLER and Mr. KATKO for their leadership on this legislation.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to H.R. 2694, the Pregnant Workers Fairness Act.

House Republicans have long supported protections in Federal law for all workers, but especially pregnant workers, and we believe employers should provide reasonable accommodations for pregnant workers, empowering them to achieve their highest potential.

I speak not only as a concerned Congresswoman on this issue but also as a mother and a grandmother. Discrimination of any type should not be tolerated, and no one should ever be denied an opportunity because of unlawful discrimination.

However, there are already important protections under Federal law to prevent workplace discrimination, including Federal laws that rightfully protect pregnant workers.

Take the Pregnancy Discrimination Act and the Americans with Disabilities Act, for example. These Federal laws ensure workers are not being unlawfully discriminated against and receive reasonable accommodations related to pregnancy, childbirth, or related medical conditions.

My Republican colleagues and I agree with the underlying goal of H.R. 2694. That is why Republican Members on the Education and Labor Committee negotiated in good faith with Chairman SCOTT to make important and necessary improvements to the bill, and I thank Chairman SCOTT for his willingness to do so.

H.R. 2694, as introduced, did not require a pregnant worker, in order to be eligible for an accommodation, to be able to perform the essential functions of the job with a reasonable accommodation. This is a sensible provision now included in the bill with additional language that a temporary limitation, which prevents performance of an essential function, may qualify for a reasonable accommodation.

Further, a definition of ''known limitations'' related to pregnancy, childbirth, or related medical conditions was also initially excluded, but the bill now includes such a definition and a requirement that employees communicate the known limitation to the employer. This provision will help workers and their employers understand their rights and responsibilities more clearly.

Additionally, the original version of H.R. 2694 appeared to allow employees a unilateral veto over offered accommodations, but the bill now clarifies that reasonable accommodations will typically be determined through a balance and interactive dialogue between workers and employers, similar to the process implemented under the ADA.

The bill also now includes a provision ensuring that if an employer makes a good faith effort to determine a reasonable accommodation through the interactive process with the employee, the employer is not liable for damages.

Finally, H.R. 2694, as introduced, did not limit its application to employers with 15 or more employees, as do title VII of the Civil Rights Act and the ADA. The bill now includes a 15-employee threshold.

These bipartisan changes were considered and incorporated in the bill passed out of the committee in January. Unfortunately, despite the necessary improvements made to the original bill, an important issue remains unresolved. Namely, the legislation before us today does not currently include a longstanding provision from the Civil Rights Act that protects religious organizations from being forced to make employment decisions that conflict with their faith.

To address this omission, Republicans offered an amendment to include

this narrow but longstanding provision when the bill was considered by the committee. The Civil Rights Act protection, which already exists under current law, ensures religious organizations are not forced to make employment decisions that conflict with their faith. Unfortunately, committee Democrats defeated this amendment on a party-line vote.

The purpose of America's nondiscrimination laws, and the agencies enforcing them, is to give all Americans equal opportunities to succeed. That being said, overzealous government intervention often causes more harm than good. In the case of H.R. 2694, by failing to include a longstanding Civil Rights Act provision, we are doing just that. As it is currently written, H.R. 2694 will create legal risks for religious organizations and their religiously backed employment decisions.

Last year, a Democrat-invited witness at the committee hearing on H.R. 2694 highlighted Kentucky's recently enacted pregnancy accommodation law as a template for Congress to follow.

Madam Speaker, I would like to read that again. Last year, a Democrat-invited witness at the committee hearing on H.R. 2694 highlighted Kentucky's recently enacted pregnancy accommodation law as a template for Congress to follow. Kentucky's law includes a religious organization protection very similar to the one found in the Civil Rights Act and incorporated in the Republican-sponsored amendment.

At least 16 States and the District of Columbia in their pregnancy discrimination or pregnancy accommodation laws also include a provision similar to the Civil Rights Act religious organization protection. Even if certain Members believe including such a provision in H.R. 2694 is somehow unnecessary, it would do no harm to include the protection and, in doing so, address the concerns I have raised. I remain perplexed why Chairman NADLER and Chairman SCOTT continue to oppose the current law protection.

The First Amendment guarantees all Americans the freedom of religion, and for over 240 years, Supreme Court decisions and laws written by Congress have maintained strong protections for religious liberty. H.R. 2694 should do so as well.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), the sponsor of this legislation and the chairman of the Judiciary Committee.

Mr. NADLER. Madam Speaker, pregnancy is not a disability, but sometimes pregnant workers need an easy fix, such as a stool or an extra bathroom break, to stay on the job.

These accommodations are short in duration and typically cost very little to provide, but they can mean the difference between keeping your job or putting your pregnancy at risk. But for as long as women have been in the workforce, instead of being accommodated, they have been fired or forced out on leave when they become pregnant.

These policies have become even more pronounced during the COVID–19 pandemic. We have seen a wave of employers firing pregnant workers rather than finding ways for them to safely return to work.

These policies, as they too often do, are falling disproportionately on women of color and low-wage, hourly workers who suddenly find themselves without a paycheck, without health insurance, and pregnant in the middle of a global pandemic.

The bipartisan Pregnant Workers Fairness Act will fix how pregnancy accommodation is treated under the Pregnancy Discrimination Act.

Courts have said that employers must provide an accommodation to a pregnant employee if they accommodate nonpregnant employees similar in their inability or ability to work. That means pregnant workers must have perfect knowledge of the medical and employment histories of every other employee in their workplace, which is nearly impossible.

In fact, a recent study by A Better Balance found that in over two-thirds of cases, courts denied an accommodation because pregnant workers could not meet this test.

I include in the RECORD a letter in support of this bill from A Better Balance.

SEPTEMBER 11, 2020.

Re The Pregnant Workers Fairness Act (H.R. 2694).

DEAR REPRESENTATIVE: On behalf of A Better Balance, I write to express our strong support for the Pregnant Workers Fairness Act (''PWFA''; H.R. 2694). This legislation will ensure pregnant workers, particularly low-income workers and women of color, are not forced to choose between their paycheck and a healthy pregnancy. The bill will require employers to provide reasonable accommodations for pregnant workers unless doing so would impose an undue hardship on the employer, similar to the accommodation standard already in place for workers with disabilities.

Nearly forty-two years after the passage of the Pregnancy Discrimination Act, pregnant workers still face rampant discrimination on the job and treatment as second-class citizens, as I explained in detail in my Congressional testimony before the House Education & Labor Civil Rights and Human Services Subcommittee in October 2019 as well as A Better Balance's May 2019 report, Long Overdue. We urge you to support healthy pregnancies, protect pregnant workers' livelihoods, and end the systemic devaluation of women of color and vote YES on the Pregnant Workers Fairness Act and NO on any Motion to Recommit in connection with this legislation.

A Better Balance is a national non-profit legal organization that advocates for women and families so they can care for themselves and their loved ones without sacrificing their financial security. Since our founding, we have seen day in and day out the injustices that pregnant workers continue to face because they need modest, temporary pregnancy accommodations and have led the movement at the federal, state, and local level to ensure pregnant workers can receive the accommodations they need to remain healthy and working. As I wrote in my 2012 Op-Ed in The New York Times ''Pregnant and Pushed Out of Job,'' which sparked the PWFA's introduction in Congress, ''For many women, a choice between working under unhealthy conditions and not working is no choice at all.''

Through our free, national legal helpline, we have spoken with hundreds of pregnant workers, disproportionately women of color, who have been fired or forced out for needing accommodations, often stripping them of their health insurance when they need it most, driving them into poverty, and at times, even homelessness. Other women we have assisted were denied accommodations but needed to keep working to support themselves and their families and faced devastating health consequences, including miscarriage, preterm birth, birth complications, and other maternal health effects.

In the past few months alone, we have heard from women across the country who continue to face termination or are forced out for needing pregnancy accommodations. A retail store employee from Missouri who is pregnant and due in November 2020 called us after she was forced to quit her job because her employer refused to let her carry a water bottle on the retail floor even though she was experiencing severe dehydration due to hot temperatures in the store this summer. A massage therapist from Pennsylvania called us in June 2020 requesting to return to work on a part-time basis on the advice of her OB–GYN after experiencing cramping in her uterus. Her employer responded that they would not accommodate her and cut off all communication with her after that, forcing her out of work just three months before she was due to give birth. A nurse we spoke with from Pennsylvania who was six months pregnant requested to avoid assignment to the COVID–19 unit. Though her hospital was not overwhelmed by the pandemic, had many empty beds, and other workers were being sent home, her employer refused her request and made heartless comments mocking her need for accommodation. She decided not to jeopardize her health and lost pay for missing those shifts as a result. She also worried about being called to the COVID unit shift constantly.

Without the law on their side, these women had little legal recourse because they lived in a state without a state-level pregnant workers fairness law. On the other hand, when a pregnant worker in upstate New York—where a state pregnancy accommodation is already in place—requested to telecommute in June 2020 due to underlying health issues, she was quickly able to engage her employer in a good faith interactive process and her employer approved her request, allowing her to stay attached to the workforce and maintain a healthy pregnancy amidst the pandemic. The COVID–19 pandemic has certainly shone a spotlight on the critical need for clarity around pregnancy accommodations but let us be clear: the need for this law preceded our current public health crisis and will remain in place beyond the pandemic.

CURRENT FEDERAL LAW IS FAILING PREGNANT WORKERS: THE PREGNANT WORKERS FAIRNESS ACT IS THE SOLUTION

Gaps in federal law mean many pregnant workers in need of accommodation are without legal protection in non-PWFA states. As we explained in our report Long Overdue, ''While the P[regnancy] D[iscrimination] A[ct] bans pregnancy discrimination, it requires employers to make accommodations only if they accommodate other workers, or

if an employee unearths evidence of discrimination. The Americans with Disabilities Act requires employers to provide reasonable accommodations to workers with disabilities, which can include some pregnancy-related disabilities. However, pregnancy itself is not a disability, leaving a gap wherein many employers are in no way obligated to accommodate pregnant workers in need of immediate relief to stay healthy and on the job.''

Original analysis we conducted for Long Overdue found that even though the 2015 Supreme Court Young v. UPS case set a new legal standard for evaluating pregnancy accommodation cases under the Pregnancy Discrimination Act, in over two-thirds of cases decided since Young employers were permitted to deny pregnancy workers accommodations under the Pregnancy Discrimination Act. That statistic, as devastating as it is, does not account for the vast majority of pregnant workers who do not have the resources to vindicate their rights in court. Beyond being resource strapped, most pregnant workers we hear from do not have the desire to engage in time-consuming and stressful litigation. They want to be able to receive an accommodation so they can continue working at the jobs they care about while maintaining a healthy pregnancy.

THE PREGNANT WORKERS FAIRNESS ACT IS A CRITICAL ECONOMIC SECURITY, MATERNAL HEALTH, AND RACIAL JUSTICE MEASURE

Pregnant workers that are fired or pushed out for needing accommodations face significant economic hardship. In addition to losing their livelihood, many of these workers lose their health benefits at a time when they need them most, forcing them to switch providers, delay medical care, and/or face staggering health care costs associated with pregnancy and childbirth. We worked with one woman who was eight months pregnant and whose hours were cut after she needed an accommodation which meant she also lost her health insurance. As a result, she asked her doctor if they could induce her labor early so that she would not be left facing exorbitant medical bills. In the long term, being pushed out for needing pregnancy accommodations also exacerbates the gender wage gap, as it means losing out on many types of benefits such as 401K and retirement contributions, social security contributions, pensions, as well as opportunities for promotion and growth.

Most pregnant workers may not need accommodations. However, for those who do, reasonable accommodations can avert significant health risks. For instance, in a Health Impact Assessment of state level pregnant workers fairness legislation, the Louisville, Kentucky Department of Public Health and Wellness concluded, ''Accommodating pregnant workers, upon their request, is critical for reducing poor health outcomes . . . Improving birth outcomes makes a sustainable impact for a lifetime of better health.'' The report noted that those poor health outcomes can include miscarriage, preterm birth, low birth weight, preeclampsia (a serious condition and leading cause of maternal mortality), among other issues. According to the March of Dimes, in the U.S., nearly 1 in 10 babies are born pre-term and the preterm birth rate among Black women is nearly fifty percent higher than it is for all other women. Preterm birth/low birthweight is a leading cause of infant mortality in America. The Pregnant Workers Fairness Act is a key measure to reduce poor maternal and infant health outcomes.

Pregnancy accommodations are one of myriad solutions needed to address the Black maternal health crisis. Systemic racism has led to the shameful reality that Black women in this country are three to four times likelier to die from pregnancy-related causes than white women, and Black babies are more than two times as likely to die in the first year of life than white babies. At the same time, we know Black women also face devastating health consequences when they are unable to obtain needed pregnancy accommodations to maintain their health and the health of their pregnancies. When Tasha Murell, a Black woman who worked at a warehouse in Tennessee, received a doctor's note saying she needed a lifting restriction and complained of extreme stomach pain, she was forced to continue lifting on the job. One day, she told a supervisor she was in pain and asked to leave early. Her manager said no. Tragically, she had a miscarriage the next day. Tasha was not alone. Three more of her co-workers, also Black, miscarried after supervisors dismissed their requests for reprieve from heavy lifting. As Cherisse Scott, CEO of Memphis-based Sister Reach, explained ''It doesn't surprise me that this is the culture of that workplace. I think it's important to look at the fact that since we arrived here in chains, we [African-American women] were regarded as producers to fuel a labor force that couldn't care less for us. . .'' The Pregnant Workers Fairness Act will ensure pregnant workers and their health are valued and that Black mothers, especially, are not treated as expendable on the job.

THE PREGNANT WORKERS FAIRNESS ACT IS A BIPARTISAN BILL THAT HAS THE SUPPORT OF THIS COUNTRY'S LARGEST BUSINESS GROUPS

The Pregnant Workers Fairness Act is not a partisan bill. Not only does it have strong bipartisan support in Congress, but thirty states and five cities including Tennessee, Kentucky, South Carolina, West Virginia, Illinois, Nebraska, and Utah already have laws requiring employers to provide accommodations for pregnant employees. All of the laws passed in recent years are highly similar to the federal legislation, and all passed with bipartisan, and often unanimous, support. Many, including Tennessee's and Kentucky's, were championed by Republican legislators.

Pregnant workers are a vital part of our economy. Three-quarters of women will be both pregnant and employed at some point during their lives. Ensuring pregnant workers can remain healthy and attached to the workforce is an issue of critical importance, especially as this country faces an unprecedented economic crisis. That is why leading business groups like the U.S. Chamber of Commerce, Society for Human Resources Management, many major corporations, and local chambers around the country including, Greater Louisville Inc., one of Kentucky's leading chambers of commerce, support this measure. The PWFA will provide much needed clarity in the law which will lead to informal and upfront resolutions between employers and employees and help prevent problems before they start. Furthermore, accommodations are short term and low cost. The Pregnant Workers Fairness Act will help employers retain valuable employees and reduce high turnover and training costs. The reasonable accommodation framework is also borrowed from the American with Disabilities framework so employers are already familiar with the standard. Furthermore, keeping pregnant workers employed saves taxpayers money in the form of unemployment insurance and other public benefits.

THE PREGNANT WORKERS FAIRNESS ACT USES A FAMILIAR FRAMEWORK THAT PROVIDES KEY PROTECTIONS TO PREGNANT WORKERS AND CLARITY TO EMPLOYERS

The Pregnant Workers Fairness Act has several key provisions that will address the inequality pregnant workers continue to face at work. Employers, including private employers with fifteen or more employees, will be required to provide reasonable accommodations to qualified employees absent undue hardship on the employer. Both the term ''reasonable accommodation'' and ''undue hardship'' have the same definition as outlined in the American with Disabilities Act. Similar to the Americans with Disabilities Act, employers and employees must engage in an interactive process in order to determine an appropriate accommodation. In order to prevent employers from pushing pregnant employees out on leave when they need an accommodation, the bill specifies that an employer cannot require a pregnant employee to take leave if another reasonable accommodation can be provided. The bill also includes clear anti-retaliation language such that employers cannot punish pregnant workers for requesting or using an accommodation. This is critical as many pregnant workers often do not ask for accommodations because they are afraid they will face repercussions for requesting or needing an accommodation.

Critically, the Pregnant Workers Fairness Act is also very clear that a pregnant worker need not have a disability as defined by the Americans with Disabilities Act in order to merit accommodations under the law. Rather, the bill indicates that pregnant workers with ''known limitations related to pregnancy, childbirth, and related medical conditions'' are entitled to reasonable accommodations. ''Known limitations'' is defined as a ''physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability'' as set forth in the Americans with Disabilities Act. This addresses two of the challenges the Americans with Disabilities Act has presented for pregnant workers: first, because pregnancy is not itself a disability under current disability law, a pregnant worker who has no complications but seeks an accommodation in order to avoid a complication, will not be able to get an accommodation under the Americans with Disabilities Act. Second, even though Congress expanded the Americans with Disabilities Act in 2008, courts have interpreted the ADA Amendments Act in a way that did little to expand coverage even for those pregnant workers with serious health complications. As one court concluded in 2018, ''Although the 2008 amendments broadened the ADA's definition of disability, these changes only have had a modest impact when applied to pregnancy-related conditions.''

Now, more than ever, the Pregnant Workers Fairness Act is an urgent maternal health, racial justice, and economic security measure to keep pregnant workers healthy and earning a paycheck. We cannot delay justice and fairness for pregnant workers any longer. For the sake of this country's pregnant workers and our nation's families, we implore Congress to put aside its many differences and pass this legislation with a strong bipartisan vote. We ask every Member of Congress to vote YES on the Pregnant Workers Fairness Act. It is long overdue.

Sincerely,

DINA BAKST,
Co-Founder & Co-President,
A Better Balance.

Mr. NADLER. Madam Speaker, that is why the Pregnant Workers Fairness Act moves away from proving discrimination and creates an affirmative right to accommodation. Using the framework and language of the Americans with Disabilities Act, the bill requires employers to provide reasonable accommodations to pregnant workers, as long as the accommodation does not impose an undue hardship on the employer.

Courts know exactly how to interpret that language. Employers know exactly what their responsibilities will be. But most importantly, women will have the certainty they can safely stay on the job.

That is why over 200 organizations have endorsed the legislation and why 30 States have passed pregnancy accommodations laws similar to the PWFA.

Providing reasonable accommodations to pregnant workers helps businesses, workers, and families. Passing this bill is long overdue.

I thank Mr. KATKO for working with his Conference on this bill and Chairman SCOTT, Chairwoman BONAMICI, Eunice Ikene, and the committee staff for shepherding the bill to the floor today.

I urge a ''yes'' vote.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. KATKO), the lead Republican sponsor of the Pregnant Workers Fairness Act.

Mr. KATKO. Madam Speaker, I am a Republican, and I rise in strong support of the Pregnant Workers Fairness Act.

I was proud to join Chairman NADLER and Representatives HERRERA BEUTLER, MCBATH, and SCOTT in introducing this bill.

Simply put, no mother-to-be or mother in this country should have to choose between being a parent and keeping her job.

Unfortunately, current Federal law lacks adequate protections to ensure pregnant workers are able to remain healthy in the workplace. With 30 States having already passed laws to provide these protections, the need and support for a Federal standard is clear.

This bipartisan bill provides pregnant workers with an affirmative right to reasonable accommodations in the workplace, while creating a clear and navigable standard for employees to follow.

These accommodations, as simple as providing an employee with extra restroom breaks or a stool to sit on, should not be controversial.

The arguments against this bill made by some Members of my own party are based on inaccuracies and wrongfully detract from the importance of this commonsense policy.

Reflecting the widespread support for this legislation, the bill has received numerous endorsements from the business community, as well as over 180 women's health, labor, and civil rights organizations.

Madam Speaker, I include in the RECORD a letter of support from a coalition of business groups, including the Chamber of Commerce, the Society for Human Resource Management, and the National Retail Federation.

SEPTEMBER 14, 2020.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: We urge Congress to pass the Pregnant Workers Fairness Act (H.R. 2694). This bill would provide pregnant employees with important workplace protections while also making sure employers have clear and flexible options to ensure pregnant employees can remain at work for as long as they wish to do so.

The Pregnant Workers Fairness Act (PWFA), as passed by the House Education and Labor Committee, is a balanced approach that clarifies an employer's obligation to accommodate the known limitations of employees and job applicants that accompany pregnancy. The PWFA uses an interactive, reasonable accommodation process similar to the Americans with Disabilities Act and specifies a pregnant employee may take leave only after the employer and employee have exhausted the possibility of other reasonable accommodations.

This bipartisan bill is a strong reminder that through good faith negotiations, legislative solutions to important workplace questions and problems can be found. We believe that Congress should pass the PWFA with no changes.

Sincerely,

H.R. POLICY ASSOCIATION,
INTERNATIONAL FRANCHISE ASSOCIATION,
NATIONAL RETAIL FEDERATION,
RETAIL INDUSTRY LEADERS ASSOCIATION,
SOCIETY FOR HUMAN RESOURCE MANAGEMENT,
U.S. CHAMBER OF COMMERCE.

Mr. KATKO. Madam Speaker, an excerpt from that says that this bipartisan bill is a strong reminder that through good faith negotiations, legislative solutions to important workplace questions and problems can be found.

It is high time for our Nation to provide women in the workforce with the basic rights and respect they deserve. I strongly urge my colleagues to support passage of this important legislation.

□ 1115

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at the sole subcommittee hearing on H.R. 2694 and at the committee markup, Democrat members encouraged the committee to follow the examples of States that had enacted pregnancy accommodation laws. However, the majority of these States have laws that are different from H.R. 2694 because they do include important protections for religious organizations.

At least 16 States and the District of Columbia have pregnancy discrimination or pregnancy accommodations laws that include a religious organization protection similar to section 702 of the Civil Rights Act. The States include Arkansas, Hawaii, Iowa, Maine, Nebraska, New Jersey, New York, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Wisconsin, and Wyoming. It is a broad range of States in the country.

Our attitude is the States can do this, and we already have very, very good protections at the Federal level. Unless we are going to follow the example of the States and include this very important section 702 of the Civil Rights Act, then maybe we should leave this up to the States. We should be following their example and put that provision in this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, section 702 is not repealed by this law, and according to the Congressional Research Service, which studied this issue, all in all, State statutes providing for pregnancy accommodation generally incorporate generalized longstanding religious exemptions. In most cases, exemptions allow religious institutions to favor co-religionists. States typically do not enact separate or specialized religious exemptions for pregnancy accommodation laws.

Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the chair of the Subcommittee on Civil Rights and Human Services.

Ms. BONAMICI. Madam Speaker, I rise in strong support of H.R. 2694, the Pregnant Workers Fairness Act.

As a mom and a policymaker, I know how important it is to protect the economic security of pregnant workers and working families; yet 41 years after the passage of the Pregnancy Discrimination Act, Federal law falls short of guaranteeing that all pregnant workers have reasonable workplace accommodations to protect their health and the health of their baby.

Reasonable accommodations can range from providing seating, water, and light duty to excusing pregnant workers from tasks that involve dangerous substances. But when pregnant workers do not have access to the accommodations they need, they are at risk of losing their job, being denied a promotion, or not being hired in the first place.

Unfortunately, pregnant workers suffer workplace discrimination at alarming rates. According to a survey from the National Partnership for Women and Families, more than 60 percent of the women have experienced pregnancy discrimination on the job. Women of color are overrepresented in low-wage, physically demanding jobs and are, therefore, disproportionately harmed by a lack of access to reasonable accommodation.

Last year, I chaired an Education and Labor Committee hearing on pregnancy discrimination. We heard very

compelling testimony demonstrating that far too many pregnant workers are denied access to reasonable workplace accommodations despite the existing Federal law providing for equal treatment on the job.

Now my home State of Oregon is helping to lead the way by passing bipartisan legislation that requires reasonable accommodations for pregnant workers. The new law has protected pregnant women and also provided certainty to the business community. But we need to make sure that all pregnant workers, regardless of where they live, can access the protections they need to stay safe and healthy in the workplace.

The bipartisan Pregnant Workers Fairness Act is our opportunity to address pregnancy discrimination and protect the health, well-being, and economic security of pregnant and parenting workers and their families. By clarifying the right of pregnant workers to fair treatment in the workplace, we will finally guarantee that pregnant workers get the accommodations they need without facing fear of discrimination or retaliation.

Madam Speaker, I thank Chairman SCOTT and Chairman NADLER for their leadership. I urge my colleagues to support this bipartisan bill.

Madam Speaker, I include in the RECORD a letter from the National Women's Law Center in support of this legislation.

SEPTEMBER 11, 2020.

DEAR MEMBER OF CONGRESS: On behalf of the National Women's Law Center, we urge you to pass the Pregnant Workers Fairness Act (H.R. 2694) and vote no on any motion to recommit. The National Women's Law Center (''the Center'') has worked for over 45 years to advance and protect women's equality and opportunity—and since its founding has fought for the rights of pregnant women in the workplace. For the last eight years, the Center has been a leader in advocating for the Pregnant Workers Fairness Act, and for pregnancy accommodation protections in states across the country. The Pregnant Workers Fairness Act would clarify the law for employers and employees alike, requiring employers to make reasonable accommodations for limitations arising out of pregnancy, childbirth, and related medical conditions, just as they already do for disabilities. Providing accommodations ensures that women can work safely while pregnant instead of being pushed out of work at a time when their families need their income the most.

Even before the COVID–19 pandemic, pregnant workers were all too often denied medically needed accommodations—including simple accommodations like a stool to sit on during a long shift or a bottle of water at a workstation. As the United States enters the sixth month of COVID–19 lockdown, the need for clarity regarding employers' obligations to provide accommodations for pregnant workers has only increased. Across the country, as new information emerges about the risks COVID–19 poses during pregnancy, pregnant workers are urgently seeking, and far too often being denied, accommodations like proper personal protective equipment, telework, moving to a less crowded work area or changing start times so as not to risk riding public transit during peak hours. The Pregnant Workers Fairness Act uses an already-familiar framework modeled on the Americans with Disabilities Act (ADA) to ensure that when such a request is made, employers and employees can engage in an interactive process to determine whether the employee's pregnancy related limitations can be reasonably accommodated without an undue hardship to the employer. This will help ensure that employees are not forced to choose between a paycheck and a healthy pregnancy.

The Pregnant Workers Fairness Act will close gaps and clarify ambiguities in the law that have left too many pregnant workers unprotected for too long. The Pregnancy Discrimination Act (PDA), passed in 1978, guarantees the right not to be treated adversely at work because of pregnancy, childbirth, or related medical conditions, and the right to be treated at least as well as other employees ''not so affected but similar in their ability or inability to work.'' Unfortunately, many courts interpreted the PDA narrowly and allowed employers to refuse to accommodate workers with medical needs arising out of pregnancy, even when they routinely accommodated other physical limitations. In Young v. UPS, the Supreme Court held that when an employer accommodates workers who are similar to pregnant workers in their ability to work, it cannot refuse to accommodate pregnant workers who need it simply because it ''is more expensive or less convenient'' to accommodate pregnant women too. The Young decision was an important victory for pregnant workers, but the standard it set out still left many important questions unanswered and created uncertainty for employers and employees about when exactly the PDA requires pregnancy accommodations. In addition, the Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations for employees with disabilities. However, courts have consistently held that pregnancy is not a disability. The Pregnant Workers Fairness Act would fill the holes left in these protections with a common-ground and commonsense approach that ensures pregnant workers are accommodated when the accommodations they need are reasonable and do not pose an undue hardship to employers.

Accommodating pregnant workers is not only good for working women and families, it is good for business. Moreover, today, women make up about half the workforce. More women are continuing to work while they are pregnant, through later stages of pregnancy. For example, two-thirds of women who had their first child between 2006 and 2008 worked during pregnancy, and 88 percent of these first-time mothers worked into their last trimester. When employers accommodate pregnant workers, businesses reap the benefits of avoiding the costs of turnover and keeping experienced employees on the job. And since pregnancy is temporary, pregnancy accommodations are, by definition, short-term; many of these accommodations are low and no cost.

The time is now to pass the Pregnant Workers Fairness Act. Thirty states and the District of Columbia have enacted provisions explicitly granting pregnant employees the right to accommodations at work, from Massachusetts, New York, and California, to South Carolina, Utah, Nebraska, West Virginia and Tennessee. Millions of pregnant workers have benefited from these protections, but a pregnant employee's ability to work safely should not depend on where she lives.

We strongly urge you to support pregnant workers by voting for the Pregnant Workers Fairness Act and rejecting any motion to recommit. If you have any questions, please contact me.

Sincerely,

EMILY J. MARTIN,

Vice President for Education & Workplace Justice, National Women's Law Center.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at the Rules Committee hearing on H.R. 2694 earlier this week, the bill's sponsor, Chairman NADLER, said it is not necessary to incorporate into H.R. 2694 the Civil Rights Act's provision that protects religious organizations. He stated that because H.R. 2694 does not repeal this provision, it will still be effective if H.R. 2694 becomes law.

Color me skeptical; I strongly disagree. H.R. 2694 will create legal jeopardy for religious organizations, as I have previously stated.

But for the sake of argument, let's assume the provision is superfluous. What would be the harm in including the Civil Rights Act provision in H.R. 2694? At worst, the provision will be duplicative with the Civil Rights Act, causing no harm to workers or employers.

Let's remember that the Americans with Disability Act of 1990, better known as the ADA, includes a religious organization protection similar to the one in the Civil Rights Act of 1964. The ADA provision has caused no harm.

My conclusion is that the key sponsors of H.R. 2694 are saying the quiet part out loud in their opposition to the religious organization protection in the Civil Rights Act of 1964.

At the Rules Committee hearing this week, Chairman SCOTT said the religious organization protection should not be included in H.R. 2694 because it is overinclusive and would provide too much protection. Is the chairman saying that the existing Civil Rights Act protection for religious organizations should also be repealed? Again, this is a provision that has been in law for 55 years.

As I have stated previously, the longstanding Civil Rights Act religious organization protection should be added to H.R. 2694. At worst, it would do no harm, and, at best, it will prevent a religious organization from being required to violate its faith.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. ADAMS), the chair of the Subcommittee on Workforce Protections.

Ms. ADAMS. Madam Speaker, I thank the gentleman for yielding and for his incredible support as chair of the Education and Labor Committee.

Madam Speaker, over 40 years ago, after the Pregnancy Discrimination Act provided civil rights protections to pregnant people, it is shameful that we still must address this issue today.

Every year, roughly 250,000 people in America are denied basic accommodations to continue their work once pregnant; and when these simple temporary

adjustments in their work activities are denied, many face being fired or are forced to take unpaid leave simply to protect their health and the health of their pregnancy.

This discrimination can take many forms, but its impacts can be deadly. And, of course, these burdens fall disproportionately on people and women of color who are overrepresented in low-wage jobs that are physically demanding, lack adequate workforce protections, or both. This is also one of the key reasons why I founded the Black Maternal Health Caucus with Congresswoman LAUREN UNDERWOOD last year.

I am pleased that the House is taking up the Pregnant Workers Fairness Act today, which will create a clear set of rules for employers to follow that requires them to provide accommodations for pregnant workers to continue to work and support their families.

So today we are sending the message that nowhere in America—nowhere in America—should you have to worry about the health of your pregnancy because your employer won't accommodate you. Today we will tell millions of Americans that pregnancy won't prevent them from taking their dreams as far as they can take them.

Madam Speaker, I include in the RECORD a letter from the Maternal Health Coalition, a group of public health professionals, clinicians, and maternal health organizations outlining their support for this legislation.

SEPTEMBER 11, 2020.

Re Support the Pregnant Workers Fairness Act.

DEAR REPRESENTATIVE: As organizations dedicated to ending racial injustice and systemic racism, including dismantling the racism that contributes to this country's Black maternal health crisis, we write in strong support of the Pregnant Workers Fairness Act (H.R. 2694). Congress must do all it can to end the prejudice Black pregnant workers and pregnant workers of color continue to face in the workplace. This includes making sure when pregnant workers voice a need for reasonable accommodations that those needs are met rather than penalized and that the workplace is an environment where pregnant workers of color do not fear asking for accommodations.

The Black Maternal Health crisis remains frighteningly persistent and requires immediate attention and multi-faceted solutions. Black women experience maternal mortality rates three to four times higher than white women. The circumstances surrounding this alarming statistic can often be attributed to a lack of access to care, including due to inflexible workplaces, and deep biases in racial understanding. Various social determinants such as health, education, and economic status drastically influence the outcomes of pregnancy for Black women leading to severe pregnancy-related complications. As the Black Mamas Matter Alliance has pointed out ''Health is determined in part by our access to social and economic opportunities, the resources and supports that are available in the places where we live, and the safety of our workplaces . . . however, disparities in these conditions of daily life give some people better opportunities to be healthy than others.'' Black pregnant workers along with Latinx and immigrant women are disproportionately likely to work in physically demanding jobs that may lead to workers needing modest accommodations to ensure a healthy pregnancy. Too often, however, those requests are refused or ignored, forcing pregnant workers of color to disproportionately contend with unsafe working conditions.

Black mothers have among the highest labor force participation rates in the country and 80 percent of Black mothers are their family's primary breadwinner,'' Yet, historically, Black women have been exploited in the workplace, and that exploitation continues to this day. Though Black women only comprise 14.3 percent of the population, nearly thirty percent of pregnancy discrimination complaints are filed by Black women.'' This is because of the multiple forms of discrimination Black workers and other workers of color too often face in the workplace. As scholar Nina Banks has noted, ''The legacy of black women's employment in industries that lack worker protections has continued today since black women are concentrated in low-paying, inflexible service occupations ...'' Black women in low wage jobs working during pregnancy face little support from employers when safeguards do not address pregnancy related accommodations. Faced with the threat of termination, loss of health insurance, or other benefits, Black pregnant people are often forced to keep working which can compromise their health and the health of their pregnancy.

The Pregnant Workers Fairness Act will positively impact Black women's health and economic security. When Black pregnant people must continue working without accommodations, they risk miscarriage, excessive bleeding, and other devastating health consequences. Black women have the highest incidence of preterm birth and yet we know that workplace accommodations such as reducing heavy lifting, bending, or excessive standing can help prevent preterm birth, the leading cause of infant mortality in this country.

Black women are also at higher risk of preeclampsia, which is one of the leading causes of maternal mortality. We are still learning about how to prevent this dangerous medical condition, yet we know that simply allowing workers to take bathroom breaks can prevent urinary tract infections which are ''strongly associated with preeclampsia.'' Similarly, ensuring pregnant workers can drink a sufficient amount of water can also help pregnant workers maintain their blood pressure, which is critically important since hypertensive disorders (high blood pressure) are also a leading cause of maternal morbidity and mortality. By putting a national pregnancy accommodation standard in place, the Pregnant Workers Fairness Act has the potential to improve some of the most serious health consequences Black pregnant people experience. Furthermore, the Pregnant Workers Fairness Act will help remove one of the many barriers Black pregnant people face at work by ensuring they are afforded immediate relief under the law, and not thrown into financial dire straits for needing pregnancy accommodations.

Congress has the opportunity to pass legislation to support rather than subjugate Black pregnant workers and workers of color. We urge every member of the House of Representatives to support the Pregnant Workers Fairness Act and by extension, the health and economic wellbeing of Black pregnant workers and pregnant workers of color.

Thank you for your time and attention.

Sincerely,

Black Mamas Matter Alliance, A Better Balance, American Civil Liberties Union, American College of Nurse-Midwives, Association of Maternal & Child Health Programs, Association of Women's Health, Obstetric and Neonatal Nurses, California WIC Association, California Breastfeeding Coalition, Children's HealthWatch, Center for American Progress, Center for Reproductive Rights, Community Catalyst, Families USA, Healthy Mothers, Healthy Babies Coalition of Georgia, Healthy Women, Human Rights Watch, In Our Own Voice: National Black Women's Reproductive Justice Agenda, Majaica, LLC, March for Moms, March of Dimes, National Asian Pacific American Women's Forum (NAPAWF), National Black Nurses Association, National Birth Equity Collaborative, National Institute for Reproductive Health, National Network of Abortion Funds.

National Partnership for Women & Families, National Women's Health Network, National Women's Law Center, Nurse-Family Partnership, Nutrition First—WIC Association of Washington State, National WIC Association, Ohio Black Maternal Health Caucus, Pennsylvania WIC Association, Perinatal Health Equity Foundation, Physicians for Reproductive Health, Planned Parenthood Federation of America, Raising Women's Voices for the Health Care We Need, Shriver Center on Poverty Law, SisterLove Inc., Sister Reach, Society for Maternal-Fetal Medicine, Tara Hansen Foundation, The Afiya Center, URGE: Unite for Reproductive & Gender Equity, U.S. Breastfeeding Committee, WIC Association of NYS, Inc., Wisconsin WIC Association, YWCA of Greater Atlanta, ZERO TO THREE.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. WILD), a member of the Committee on Education and Labor.

Ms. WILD. Madam Speaker, I include in the RECORD a letter from business leaders in support of the Pregnant Workers Fairness Act. These businesses range from Patagonia to Chobani to Mastercard to Johnson & Johnson.

SEPTEMBER 15, 2020.

DEAR MEMBERS OF CONGRESS: Women's labor force participation is critical to the strength of our companies, the growth of our economy and the financial security of most modern families. The private sector and our nation's elected leaders must work together to ensure that working women and families have the protections and opportunities they need to participate fully and equally in the workplace. Twenty leading companies from across states and industries have come together in support of pregnant workers and their families by calling on Congress to pass H.R. 2694, the bipartisan Pregnant Workers Fairness Act, without delay.

More than 40 years ago, Congress passed the Pregnancy Discrimination Act of 1978, which made it illegal to discriminate against most working people on the basis of pregnancy, childbirth or related medical conditions. Since that time, 30 states and the District of Columbia now require certain employers to provide accommodations to pregnant employees at work. It's now time to clarify and strengthen existing federal protections for pregnant workers by passing the Pregnant Workers Fairness Act. This bill would ensure that pregnant workers who need reasonable accommodations can receive them and continue to do their jobs.

As a business community, we strive to create more equitable workplaces and better

support pregnant workers and their families every day. We urge the passage of the Pregnant Workers Fairness Act as an important advancement toward ensuring the health, safety and productivity of our modern workforce—and the workforce of tomorrow.

Signed:

Adobe, San Jose, California; Amalgamated Bank, New York, New York; BASF Corporation, Florham Park, New Jersey; Care.com, Inc., Waltham, Massachusetts; Chobani, Norwich, New York; Cigna Corp., Bloomfield, Connecticut; Expedia Group, Seattle, Washington; Facebook, Menlo Park, California; Gap Inc., San Francisco, California; H&M USA, New York, New York; ICM Partners, Los Angeles, California; Johnson & Johnson, New Brunswick, New Jersey; L'Oréal USA, New York, New York; Levi Strauss & Co., San Francisco, California; Mastercard, Purchase, New York; Microsoft Corporation, Redmond, Washington; Navient, LLC., Wilmington, Delaware; Patagonia, Ventura, California; PayPal, San Jose, California; Postmates, San Francisco, California; Salesforce, San Francisco, California; Spotify, New York, New York; Square, Inc., San Francisco, California; U.S. Women's Chamber of Commerce, Washington, District of Columbia.

The Sustainable Food Policy Alliance:

Danone North America PBC, White Plains, New York; Mars, Incorporated, McLean, Virginia; Nestlé USA, Arlington, Virginia; Unilever United States, Englewood Cliffs, New Jersey.

Ms. WILD. Madam Speaker, as a former lawyer who worked long hours during two pregnancies, it is outrageous to me that, in 2020, 100 years after women finally secured the power to vote, current law does not explicitly guarantee every pregnant worker the right to a reasonable accommodation at work.

I had the luxury of a desk and chair and an office door that closed—not all workers do.

Currently, in order to get an accommodation, a pregnant worker must show that other nonpregnant employees are similarly accommodated. It is beyond absurd. Because the challenges of pregnancy are so unique, it is often difficult to find comparable nonpregnant workers who received similar accommodations.

Fatigue, vomiting, back pain, and frequent urination are more than just nuisances; these are symptoms that can make it impossible to work without accommodation. And that is without mentioning the more serious conditions related to pregnancy.

The Pregnant Workers Fairness Act secures for women basic rights to earn a living without jeopardizing their health or the baby's.

The SPEAKER pro tempore (Ms. TORRES SMALL of New Mexico). The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Speaker, I yield an additional 30 seconds to the gentlewoman from Pennsylvania (Ms. WILD).

Ms. WILD. Madam Speaker, it protects workers with known limitations related to childbirth, because it is time that we recognize that mental health conditions like postpartum depression are real and tangible medical conditions.

Madam Speaker, I thank leadership, the ACLU, and the Chamber of Commerce for endorsing this bill. I urge a ''yes'' vote.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. SCHRIER), a distinguished member of the Education and Labor Committee.

Ms. SCHRIER. Madam Speaker, I had a high-risk pregnancy, complicated by both advanced maternal age and 24 years of type 1 diabetes. I worked until 2 days before my C-section, and I am so grateful that my employer allowed for minor accommodations which allowed me to continue to work.

Women are half of our workforce, and 75 percent of those women will become pregnant at some point. Supporting women during their pregnancies is just as important as prenatal care, immunizations, affordable childcare, and public education. We can do that by passing this bill, as well as supporting programs like WIC that help new and expectant parents to provide the proper nutrition and developmental supports to their babies.

We all benefit from healthy pregnancy outcomes.

It costs us all when a baby is born prematurely and requires months in intensive care.

It costs us all when a fetus is exposed to toxins in utero because we couldn't protect the mother from an unhealthy environment and that child then suffers a lifetime of damage that will require public support.

It costs us all when half of our workforce may lose or leave their jobs because pregnant women and mothers are not welcomed or supported in the workplace.

Madam Speaker, I include in the RECORD a letter from over 40 public health organizations, clinicians, and maternal health providers who support this bill.

SEPTEMBER 14, 2020.

Re Support the Pregnant Workers Fairness Act.

DEAR REPRESENTATIVE: The undersigned public health professionals, health care clinicians, and maternal health organizations dedicated to the health and well-being of mothers, infants, and families enthusiastically support the Pregnant Workers Fairness Act (H.R. 2694). Modeled after the Americans with Disabilities Act, the bill would require employers to provide reasonable, temporary workplace accommodations to pregnant workers as long as the accommodation does not impose an undue hardship on the employer. This bill is critically important because no one should have to choose between having a healthy pregnancy and a paycheck.

Three-quarters of women will be pregnant and employed at some point in their lives. Most pregnant workers can expect a routine pregnancy and healthy birth. However, health care professionals have consistently recommended that some pregnant individuals make adjustments in their work activities to sustain a healthy pregnancy and prevent adverse pregnancy outcomes, including preterm birth or miscarriage. These medically necessary workplace accommodations can include allowing additional bathroom breaks, opportunities to stay hydrated, lifting restrictions, or access to a chair or stool to decrease time spent standing.

Unfortunately, too many pregnant workers, particularly pregnant people of color, face barriers to incorporating even these small changes to their workdays. Workplace accommodations help safeguard a healthy pregnancy or prevent harm to a higher-risk pregnancy. Across the country, pregnant workers continue to be denied simple, no-cost or low-cost, temporary adjustments in their work settings or activities and instead risk being fired or forced to take unpaid leave to preserve the health of their pregnancy. Low-wage pregnant workers in physically demanding jobs, which are disproportionately occupied by people of color, feel the impact most acutely. This impossible choice forces many pregnant workers to continue working without accommodations, putting women and their pregnancies at risk of long-lasting and severe health consequences.

The Pregnant Workers Fairness Act is a measured approach to a serious problem. As public health professionals, health care clinicians, and maternal health organizations, we understand the importance of reasonable workplace accommodations to ensure that pregnant persons can continue to provide for their families and have safe and healthy pregnancies. We collectively urge swift passage of the Pregnant Workers Fairness Act.

Sincerely,

1,000 Days; American College of Nurse-Midwives; American College of Obstetricians and Gynecologists; Association of Maternal & Child Health Programs; Association of Women's Health, Obstetric and Neonatal Nurses; Black Mamas Matter Alliance; California Breastfeeding Coalition; California WIC Association; Center for Reproductive Rights; Children's HealthWatch.

Families USA; Healthy Mothers, Healthy Babies Coalition of Georgia; HealthyWomen; Human Rights Watch; In Our Own Voice: National Black Women's Reproductive Justice Agenda; Majaica, LLC; March for Moms; March of Dimes; National Black Nurses Association; National Birth Equity Collaborative; National Institute for Reproductive Health.

National Network of Abortion Funds; National WIC Association; National Women's Health Network; Nutrition First—WIC Association of Washington State; Pennsylvania WIC Association; Perinatal Health Equity Foundation; Physicians for Reproductive Health; Planned Parenthood Federation of America; Raising Women's Voices for the Health Care We Need; Shriver Center on Poverty Law.

SisterReach; Society for Maternal-Fetal Medicine; Tara Hansen Foundation; The Afiya Center; URGE: Unite for Reproductive & Gender Equity; U.S. Breastfeeding Committee; WIC Association of NYS, Inc.; Wisconsin WIC Association; YWCA of Greater Atlanta; ZERO TO THREE.

Ms. SCHRIER. Madam Speaker, the bipartisan Pregnant Workers Fairness Act simply ensures that reasonable accommodations are made to help pregnant women work safely, and, in turn, the economy is stronger, family outcomes are better, and children can start life strong and healthy. Everyone wins.

□ 1130

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, can you advise how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 15 minutes remaining, and the gentlewoman from North Carolina has 18½ minutes remaining.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the chair of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

Ms. DELAURO. Madam Speaker, I rise in support of the bill, and I submit for the RECORD this letter from the National Partnership for Women & Families, a nonprofit, nonpartisan advocacy organization committed to improving the lives of women and families by achieving equity for all women.

SEPTEMBER 15, 2020.

The National Partnership for Women & Families is a non-profit, non-partisan advocacy organization committed to improving the lives of women and families by achieving equity for all women. Since our creation as the Women's Legal Defense Fund in 1971, we have fought for every significant advance for equal opportunity in the workplace, including the Pregnancy Discrimination Act of 1978 and the Family and Medical Leave Act of 1993 (FMLA). We write today in strong support for H.R. 2694, the Pregnant Workers Fairness Act. This bipartisan legislation will support pregnant workers on the job, improving women's and families' economic security and promoting healthier pregnancies.

More than 40 years ago, Congress passed the Pregnancy Discrimination Act of 1978, outlawing discrimination on the basis of pregnancy, childbirth or related medical conditions. Yet pregnancy discrimination is still widespread and impacts pregnant workers across industry, race, ethnicity and jurisdiction. Nearly 31,000 pregnancy discrimination charges were filed with the U.S. Equal Employment Opportunity Commission (EEOC) and state-level fair employment practice agencies between 2010 and 2015, and the reality of pregnancy discrimination is likely much worse than illustrated by EEOC charges. As a result of this discrimination, too many women must choose between their paychecks and a healthy pregnancy. That's not a choice anyone should have to make.

The Pregnant Workers Fairness Act would create a clear policy standard requiring employers to provide reasonable accommodations to pregnant workers. Support for a law like the Pregnant Workers Fairness Act is nearly universal and bipartisan. Eighty-nine perfect of voters favor this bill, including 69 percent of voters who strongly favor it. Just this Congress, twenty-eight leading private sector employers endorsed the Pregnant Workers Fairness Act in an open letter to Congress.

More than 85 percent of women will become mothers at some point in their working lives. And sometimes, an accommodation is needed in order for a pregnant worker to continue performing their job. Those accommodations are often small changes to their work environment such as additional bathroom breaks, a stool to sit on or the ability to have a water bottle at their work station. Although minor, these accommodations allow pregnant workers to stay in the workforce and continue to provide for themselves and their families. When pregnant workers are fired, demoted, or forced into unpaid leave, they and their families lose critical income, and they may struggle to re-enter a job market that is particularly harsh for people who are currently or were recently pregnant.

Pregnancy discrimination affects women across race and ethnicity, but women of color and immigrants are at particular risk. They are disproportionately likely to work in jobs and industries where accommodations during pregnancy are not often provided (such as home health aides, food service workers, package handlers and cleaners). Black women are much more likely than white women to file pregnancy discrimination charges; they are also at a higher risk for pregnancy-related complications like pre-term labor, preeclampsia and hypertensive disorders, making reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging.

To date, thirty-one states including the District of Columbia and four cities have passed laws requiring employers to provide reasonable accommodations to pregnant workers. But the ability to maintain a healthy pregnancy and keep a job should not depend on where a pregnant person works. Women are a crucial part of the workforce and their participation matters for the growth of our economy and for the stability and wellbeing of families nationwide. The Pregnant Workers Fairness Act would strengthen existing federal protections, ensure more equitable workplaces and allow women to remain in the workforce and maintain their economic stability while having the accommodations necessary for healthy pregnancies. It is time to clarify and strengthen existing federal protections for pregnant workers by passing the Pregnant Workers Fairness Act.

Sincerely,

DEBRA L. NESS,
President, National Partnership for Women & Families.

Ms. DELAURO. The bipartisan Pregnant Workers Fairness Act is vital for women like Regina Scates, a firefighter in Connecticut. She was placed on unrequested, unpaid leave when she got pregnant, even though she was still capable of performing light duty work. She was left to ask: ''How am I going to be able to feed my family?''

Today, 88 percent of first-time mothers work in the third trimester, yet an estimated 250,000 requests for reasonable accommodations go unheard and unapproved. And women of color are disproportionately impacted, being overrepresented in low-wage jobs where accommodations during pregnancy are not often provided, like healthcare aides and food service workers.

So we seek to build on the 1978 Pregnancy Discrimination Act, the first social policy ever to be enacted into law to provide protection to working mothers. And we must.

Decisions from the Supreme Court have made it exceedingly difficult for women to get reasonable accommodations under current law even when the adjustments could be as small as a chair and the stakes could be as enormous as a miscarriage or preterm birth.

It is modeled after the Americans with Disabilities Act. It establishes a clear-cut right to reasonable accommodations for all public sector employees and all private sector employees at companies with more than 15 workers.

This is not just an economic question. It is a moral question. Like many of you, I was horrified by reports that doctors at ICE detention centers performed hysterectomies on women without their consent. It is unimaginable. It is inhumane and diminishes, dehumanizes and disrespects women.

To all who preach a culture of life, to all who champion the dignity of work, I say let us seize the opportunity before us to protect life.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Speaker, I yield an additional 30 seconds to the gentlewoman from Connecticut.

Ms. DELAURO. Madam Speaker, to all who preach a culture of life, to all who champion the dignity of work, I say, Let us seize this opportunity before us to protect life, to respect women, to protect pregnant women at work and to do so with the strength, not of just words, but with the strength of the law. Let us pass this bipartisan bill.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Georgia (Mrs. MCBATH), a distinguished member of the Committee on Education and Labor.

Mrs. MCBATH. Madam Speaker, I thank the gentleman for yielding and for bringing this vital legislation to the floor.

The Pregnant Workers Fairness Act will ensure that no woman is unfairly fired or forced to risk the health of themselves or their pregnancy just to earn a paycheck. Our mothers deserve these Federal protections.

We want all to support our working mothers. Allowing them simple accommodations can ensure that they are able to continue working and provide a living for themselves and for their families.

Twenty-seven States have already passed laws that require certain employers to provide accommodations to pregnant women. It is time for federal action to ensure that all pregnant women are protected from discrimination and continue to support their families. This legislation is supported by both women's health groups and the business community.

I have here a letter from the U.S. Chamber of Commerce voicing strong support for this legislation, and I submit this letter for the RECORD.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
September 14, 2020.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly supports H.R. 2694, the ''Pregnant Workers Fairness Act (PWFA).'' As reported by the Committee on Education and Labor, this bipartisan compromise would protect the interests of both pregnant employees and their employers. The Chamber

will consider including votes on this legislation in our How They Voted scorecard.

Employers currently face great uncertainty about whether, and how, they are required to accommodate pregnant workers. The revised PWFA would clarify an employer's obligation to accommodate a pregnant employee or applicant with a known limitation that interferes with her ability to perform some essential functions of her position.

The PWFA takes advantage of the widely known and accepted interactive process associated with the Americans with Disabilities Act (ADA) that is used to find reasonable accommodations for employees covered by the ADA, and also carries forward the 15-or-more-employee threshold from the ADA.

The Chamber worked extensively with advocates for this bill to find bipartisan agreement. This important bill is a reminder that through good faith negotiations, legislative solutions to important questions and problems can be achieved. We urge the House to pass the Pregnant Workers Fairness Act.

Sincerely,

JACK HOWARD.

Ms. MCBATH. Madam Speaker, I urge my colleagues to vote ''yes'' on this legislation.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the chair of the Committee on Oversight and Reform.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding and for his leadership.

Madam Speaker, I rise in support of this bill. As a member of the New York City Council, I became the first woman in history to give birth while in office as a council member. There had been many men who had become fathers, but I was the first woman. So I know firsthand how physically draining and stressful it is to work while pregnant.

Some of the only good news coming out of the COVID–19 lockdown is that there has been a dramatic drop in the number of premature births.

In Denmark, the rate of babies born preterm dropped by 90 percent during the lockdown. So the accommodations in this bill can keep mothers and babies safe. It is strongly pro-family.

This bill is an incredible step in the right direction. Once we ratify the Equal Rights Amendment, we will have an anchor in the Constitution to pass even more robust protections for women and families.

I urge a strong ''yes.'' It is long overdue.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise in strong support of the Pregnant Workers Fairness Act, a bipartisan proposal that finally secures clear protections for pregnant workers.

In the year 2020, Federal protections for pregnant workers are stuck in the 1950s.

Current law does not explicitly guarantee all pregnant workers the right to reasonable accommodations so they can work without jeopardizing their pregnancies. Reasonable accommodations like a glass of water or a place to sit. These are sensible and, quite frankly, simple requests.

I was pregnant with my twins and then again with my youngest daughter when I served in the State legislature. While there were obstacles, I could ask for accommodations and did so without fear, but it was still a struggle to secure them, even for a State legislator.

Unfortunately, this is the case for many pregnant workers.

We know that COVID–19 has only exacerbated health inequalities for women, especially women of color. In fact, the most common low-paid jobs for women, like nurses and home health aides, are on the pandemic front lines.

Pregnant women across this country are literally putting their lives on the line. Yet, too often, instead of providing a pregnant worker with an accommodation routinely given to other workers, her employer will fire her, depriving her of a paycheck and health insurance at a time when she needs them most.

Pregnant workers must never have to choose between maintaining a healthy pregnancy and losing their jobs, especially now when both their health and economic security are crucial.

The demand for the Pregnant Workers Fairness Act even stretches across religious, ideological and party lines.

Madam Speaker, I include in the RECORD a letter on behalf of faith-based organizations in support of this vital legislation.

SEPTEMBER 11, 2020.

DEAR REPRESENTATIVE: On behalf of the undersigned religious and faith-based organizations representing a diversity of faith traditions and communities across the nation, we write today in support of healthy workplace environments and conditions for pregnant workers. We urge you to pass the Pregnant Workers Fairness Act (H.R. 2694). People of faith across the ideological spectrum understand that prioritizing the health and safety of pregnant workers should not be a partisan issue. The Pregnant Workers Fairness Act would ensure that pregnant workers can continue safely working to support their families during a pregnancy. The bill requires employers to make the same sort of accommodations for pregnant workers as are already in place for workers with disabilities.

Our faith traditions affirm the dignity of pregnant individuals and the moral imperative of ensuring their safety. We also affirm the dignity of work and the obligation to treat workers justly. It is immoral for an employer to force a worker to choose between a healthy pregnancy and earning a living. By passing the bipartisan Pregnant Workers Fairness Act (H.R. 2694), Congress will ensure that workers who arc pregnant will be treated fairly in the workforce and can continue earning income to support themselves and their families. Efforts to distract from the central goal of ensuring pregnant workers can maintain their health and the health of their pregnancies by inserting unnecessary, harmful, and politically divisive language into this bill undermines our obligation to protect pregnant workers across our country.

While many pregnant individuals continue working throughout their pregnancies without incident, there are instances when minor accommodations are necessary at the workplace to ensure the safety of the expecting mother and the baby. All too often, requests for simple workplace accommodations like a stool to sit, a water bottle, or a bathroom break are denied. Within the COVID–19 context, such critical accommodations might include proper protective equipment, telework, or staggered work schedules that offer employees commute times which avoid crowded public transportation and increased exposure. Currently, pregnant workers may continue to work without necessary accommodations because they fear losing their jobs and need the income, thus endangering their health or the health of their pregnancy. Without these protections, it is not uncommon for pregnant workers to be let go or forced out onto unpaid leave for requesting accommodations. Many others must quit their job to avoid risking the health of their pregnancy.

Passing the Pregnant Workers Fairness Act is a moral and economic imperative; two-thirds of women who had their first child between 2006 and 2008 worked during pregnancy, and 88 percent of these first-time mothers worked into their last trimester. Keeping these women healthy and in the workforce is paramount to family economic security. Nearly 25 million mothers with children under 18 are in the workforce, making up nearly 1 in 6 of all workers. And about 3 in 4 mothers in the workforce are working full time. Millions of families rely on their earnings. In 2017, 41 percent of mothers were the sole or primary breadwinners in their families, while 23.2 percent of mothers were co-breadwinners. Whole families suffer when pregnant workers are forced out of a job.

The undersigned religious and faith-based groups are united in support of the Pregnant Workers Fairness Act. We strongly urge you to vote for the Pregnant Workers Fairness Act, and to vote against any motion to recommit that may be offered.

Sincerely, the undersigned:

Ameinu, Arizona Jews for Justice, Aytzim: Ecological Judaism, Bend the Arc: Jewish Action, Catholic Labor Network, Church World Service, Columban Center for Advocacy and Outreach, Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces, Faith Action Network, Faith Action Network—Washington State, Franciscan Action Network, Friends Committee on National Legislation, Keshet, Jewish Alliance for Law and Social Action.

Jewish Family & Children's Service of Greater Boston, Jewish Women International, Justice Revival, National Advocacy Center of the Sisters of the Good Shepherd, National Council of Churches, National Council of Jewish Women, Network of Jewish Human Service Agencies, NETWORK Lobby for Catholic Social Justice, Pax Christi USA, T'ruah: The Rabbinic Call for Human Rights, United Church of Christ, Justice and Witness Ministries, Union for Reform Judaism, Uri L'Tzedek, Women of Reform Judaism.

Ms. WASSERMAN SCHULTZ. People of faith and across the ideological spectrum recognize that prioritizing the health and safety of pregnant workers should not be a partisan issue.

It is past time for workplaces to accommodate our families and protect pregnant workers. They are the ones

who keep our economy and communities running.

I urge my colleagues to vote ''yes'' on this long overdue legislation.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Madam Speaker, I submit for the RECORD a letter of support for this legislation from the March of Dimes.

SEPTEMBER 11, 2020.

Re Support the Pregnant Workers Fairness Act.

DEAR REPRESENTATIVE: On behalf of the March of Dimes, one of the leading non-profit organization fighting for the health of all moms and babies and promotes the health of women, children and families across the life course, we enthusiastically support the Pregnant Workers Fairness Act (H.R. 2694). Modeled after the Americans with Disabilities Act, the bill would require employers to provide reasonable, temporary workplace accommodations to pregnant workers as long as the accommodation does not impose an undue hardship on the employer. This bill is critically important because no one should have to choose between having a healthy pregnancy and a paycheck.

Three-quarters of women will be pregnant and employed at some point in their lives. Most pregnant workers can expect a normal pregnancy and healthy birth. However, healthcare providers have consistently recommended that some pregnant women make adjustments in their work activities to sustain a healthy pregnancy and prevent adverse pregnancy outcomes, including preterm birth or miscarriage. Workplace accommodations are medically necessary and can include allowing additional bathroom breaks, opportunities to stay hydrated, lifting restrictions, or access to a chair or stool to decrease time spent standing.

Unfortunately, too many pregnant workers, particularly pregnant women of color, face barriers to incorporating even these small changes to their workdays. Workplace accommodations help safeguard a healthy pregnancy or prevent harm to a higher-risk pregnancy. Across the country, pregnant workers continue to be denied simple, no-cost or low-cost, temporary adjustments in their work settings or activities and instead risk being fired or forced to take unpaid leave to preserve the health of their pregnancy. Low-wage pregnant workers in physically demanding jobs, which are disproportionately occupied by people of color, feel the impact most acutely. This impossible choice forces many pregnant workers to continue working without accommodations, putting both mother and baby at risk of longlasting and severe health consequences.

One of the main predictors of a healthy pregnancy is early and consistent prenatal care. Getting early and regular prenatal care can help ensure a healthy, full-term pregnancy. The costs of a healthy birth tend to be around $5,000, whereas the costs associated with a premature or complicated birth range closer to $76,000. Prenatal checkups are crucial and necessary, so that providers can answer any questions, check on the overall health of mom and baby, and spot complications early when there is a greater chance to prevent them. If there is a possibility of a loss of employment, it would impact family resources and threaten the ability to afford vital prenatal care and healthcare costs when most needed.

Pregnancy affects every system of the body, so pregnant workers may need workplace accommodations to mitigate complications before they arise. During the second and third trimester, additional stress requires that the lungs work harder to provide oxygen as the heart supplies blood throughout the body and for the fetus. Some pregnant people have chronic health diseases, such as diabetes and cardiovascular disease, and need to take extra precautions to manage the condition. Moreover, additional stress during pregnancy may be caused by physical discomfort and other changes in daily life. Some of this stress may cause serious health problems, like high blood pressure, which could lead to problems like preeclampsia and premature birth, conditions that impact Black women at far higher rates than white women and contribute to this country's Black maternal health crisis. Therefore, it is imperative that pregnant workers are protected and provided the necessary and reasonable accommodations, to ensure that they are able to continue working and maintain healthy pregnancies.

The Pregnant Workers Fairness Act is a measured approach to a serious problem. March of Dimes understands the importance of reasonable workplace accommodations to ensure that women can continue to provide for their families and have safe and healthy pregnancies. We urge swift passage of the Pregnant Workers Fairness Act.

Sincerely,

ARIEL GONZÁLEZ, ESQ., MA,
Senior Vice President, Public Policy & Government Affairs, March of Dimes.

Ms. TLAIB. Madam Speaker, I rise today in support of the Pregnant Workers Fairness Act.

In my district and across the country, pregnancy discrimination persists, especially against people of color and immigrant women.

When companies refuse to accommodate for pregnancy-related needs, it doesn't just hurt the person being discriminated against, it hurts the entire family, especially when nearly half of working women are the sole or primary provider for their families.

It is time to put families first over corporate greed. We must ensure that no pregnant person is forced to quit, coerced into taking unpaid leave, or fired because their employer refuses to accommodate them.

We must protect the more than 85 percent of women who will become mothers at some point in their working lives.

On behalf of all the beautiful mothers in my district, #13DistrictStrong, I thank Chairman NADLER and Chairman SCOTT for their leadership, and I urge support for this bill.

Ms. FOXX of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mr. NEGUSE).

Mr. NEGUSE. Madam Speaker, I rise today in support of the Pregnant Workers Fairness Act.

I thank Chairman NADLER for introducing this vital bill, and I also thank Chairman SCOTT for his incredible leadership and his work in getting it to the floor.

Ending discrimination against pregnant workers is a critical component in closing the economic divide between men and women in our country.

Before coming to Congress, I ran Colorado's Consumer Protection Agency, which included our State civil rights division, and I saw up close in the complaints that we adjudicated the unfortunate reality is that women are often denied even the simplest of workplace accommodations because they are pregnant, and too often women are forced out or not considered for hire due to their pregnancy. This must end. And we have an incredible opportunity to do precisely that by getting this bill across the finish line today.

I am a proud supporter of the Pregnant Workers Fairness Act, and I would encourage every Member of this body to vote ''aye'' on this critical legislation.

Madam Speaker, I submit for the RECORD a letter from the International Brotherhood of Teamsters, a 1.4 million-member organization highlighting their support for this critical legislation.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
September 11, 2020.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the International Brotherhood of Teamsters, I urge you to support H.R. 2694, the Pregnant Workers Fairness Act when it comes to the floor in the next week. The Teamsters Union is proud to support this important legislation which would promote healthy pregnancies and economic security for pregnant women.

In the last few decades, there has been a demographic shift in the workplace. Women now make up almost half of the workforce. There are more pregnant workers than ever before and they are working later into their pregnancies. Yet, too often, instead of providing a pregnant worker with an accommodation, her employer will fire her or push her onto unpaid leave, depriving her of a paycheck and health insurance at a time when she needs them most.

While pregnancy discrimination affects women across race, ethnicity and economic status, women of color and low-wage workers are disproportionately impacted. Women of color are more likely to hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers, making reasonable accommodations on the job even more important.

In 2018, the New York Times ran a front page article detailing the tragic loss experienced by a number of women working at a Verizon fulfillment center/warehouse in Memphis, TN, operated by XPO Logistics and previously operated by New Breed Logistics. New Breed and XPO should be quite familiar at this point, as they have garnered considerable press attention in recent weeks. Postmaster General Louis DeJoy was CEO of New Breed and served on the XPO Board during the time at which these tragedies took place.

The women who worked at the Memphis warehouse generally spent twelve hour shifts moving boxes full of Verizon cell phones and other devices. Upon becoming pregnant, all had asked for reasonable accommodations, including light duty. Three of the women said that they even brought in doctors' notes recommending less-taxing workloads and

shorter shifts, but supervisors disregarded the letters.

Certainly, some of these women considered leaving their jobs with New Breed/XPO, or taking unpaid leave to protect theirs and their unborn child's health, but at an average hourly wage of $11/hr, unpaid leave and elective terms of unemployment are entirely unrealistic.

In response to the New York Times article and additional coverage by the Los Angeles Times and the PBS Newshour, nearly 100 members of Congress submitted a letter to the House Committee on Education and Labor urging investigation into the disturbing treatment of workers at the Memphis facility. With pressure mounting, XPO solicited the counsel of an outside expert to draft an internal policy to address the needs of pregnant workers. This was a step in the right direction, but it should not take congressional action and national press coverage to compel an employer to do the right thing. Make no mistake, this new XPO policy only exists because of the workers in Memphis who stood up and spoke out.

Unfortunately, XPO's new policy has zero chance of helping women at the Memphis facility. Two months after announcing the policy, XPO Logistics abruptly announced that it would shut down the warehouse where all of the women featured in the New York Times article had worked. This action creates a chilling effect on other workers who might choose to access reasonable accommodations at XPO. What pregnant worker is going to feel comfortable asking for reasonable accommodation when the end result of speaking up might be job loss? Key among its many protections is that H.R. 2694 would prohibit retaliation against pregnant workers who request accommodation.

The Pregnant Workers Fairness Act will provide a clear, predictable rule: employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship. No woman should have to choose between providing for her family and maintaining a healthy pregnancy. The Pregnant Workers Fairness Act would ensure that all women working for covered employers would be protected.

The Teamsters Union is proud to stand with XPO workers and all pregnant workers demanding change. I urge you to stand up to unscrupulous employers like XPO and swiftly enact H.R. 2694, the Pregnant Workers Fairness Act.

Sincerely,

JAMES P. HOFFA,
General President.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

It is a great disappointment to me that I will be voting against this legislation before us today. My Republican colleagues and I have long been committed to policies and laws that empower all Americans to achieve success, and this includes protections in Federal law for pregnant workers. We agree that discrimination of any type should not be tolerated, and no one should ever be denied an opportunity because of unlawful discrimination. I will repeat that, Madam Speaker. We agree that discrimination of any type should not be tolerated, and no one should ever be denied an opportunity because of unlawful discrimination.

After meaningful and necessary bipartisan improvements were made to H.R. 2694 during the committee markup, it is unfortunate today's legislation falls short in protecting one of our Nation's most treasured rights, freedom of religion, the first right mentioned in the Bill of Rights.

Democrats' refusal to include a commonsense provision that protects religious organizations from being forced to make employment decisions that conflict with their faith is short-sighted, disappointing, and easy to fix.

Madam Speaker, I yield back the balance of my time.

□ 1145

Mr. SCOTT of Virginia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I include in the RECORD a letter in support of the legislation from the National WIC Association, that is Women, Infants, and Children Association, in favor of the legislation, and another letter from the ACLU, the American Civil Liberties Union.

NATIONAL WIC ASSOCIATION LETTER IN SUPPORT OF H.R. 2694, PREGNANT WORKERS FAIRNESS ACT

On behalf of the National WIC Association, the 12,000 WIC state and local service provider agencies we represent, and the over six million mothers, babies, and young children our members serve, we enthusiastically support passage of the Pregnant Workers Fairness Act (H.R. 2694). The accommodations established by this bill are urgently needed to assure healthy pregnancies for working mothers served by WIC.

WIC providers serve approximately half of all babies born in the United States with nutrition support and counseling throughout pregnancy, the postpartum period, and early childhood. WIC's nutrition intervention has successfully supported positive birth outcomes by reducing preterm birth and other complications that can lead to lifelong health conditions and significant healthcare costs. Nutrition—including adequate hydration—is vital for the health of a pregnancy, but additional protections are needed to address the factors that influence pregnancy and birth outcomes beyond nutrition.

This bill wisely extends the workplace accommodations framework—first developed in the Americans with Disabilities Act (ADA)—to ensure that employers are taking reasonable steps to minimize risks to employees' pregnancies. Simple modifications to the workplace such as a stool to sit on, relief from heavy lifting, or a water bottle to carry can contribute to the health of the pregnancy without taking drastic action that inhibits the pregnant worker's economic security, such as unpaid leave or termination. This balanced and effective approach, already familiar to employers from the ADA context, will work in tandem with other medical and nutrition precautions to ensure positive birth outcomes and healthy infants.

Women now constitute the majority of the American workforce. Three-quarters of working women are expected to be both pregnant and employed during their adult lives. Without a clear legal standard, pregnant workers may be forced to choose between keeping a roof over their head, putting food on the table, and the health of their pregnancy. This burden is even more acute for the approximately twenty percent of working woment—a total of 15.2 million women—who live in households that earn less than 185 percent of the federal poverty line, which is the income threshold for WIC participation. Of these 15.2 million women, 59 percent (approximately nine million) are working part-time.

No pregnant worker should have to choose between the health of their pregnancy and their livelihood. As direct-service providers that support almost two million pregnant and postpartum women, the WIC community strongly supports efforts that advance sensible policy to safeguard the health of pregnancies. The Pregnant Workers Fairness Act is a thoughtful solution that will complement WIC's tireless efforts to support expectant mothers as they seek a healthy start for their babies. We urge swift passage of this critical legislation.

Sincerely,

REV. DOUGLAS GREENAWAY,
President & CEO,
National WIC Association.

SEPTEMBER 11, 2020.

Re Vote YES for the Pregnant Workers Fairness Act (H.R. 2694).

DEAR MEMBERS OF CONGRESS: On behalf of the American Civil Liberties Union, and our more than 8 million members, supporters, and activists, we write to express our support for H.R. 2694, the Pregnant Workers Fairness Act. This critical legislation would combat an all-too-common form of pregnancy discrimination while also providing employers much-needed clarity on their obligations under the law. We urge all members of the House of Representatives to vote in favor of this measured, bipartisan, and long-overdue legislation and to oppose the motion to recommit.

The ACLU has long fought to advance women's equality and opportunity by challenging laws and policies that discriminate against women in the workplace and by dismantling the stereotypes that constrain women's full engagement and participation at work. Although the Pregnancy Discrimination Act has played a critical role over the past 40 years in securing women's place in the workforce, too many women continue to be marginalized at work because of their decision to become pregnant and have children. This kind of discriminatory treatment has become most obvious when pregnant workers—predominantly women in physically demanding or male-dominated jobs, low-wage workers, and women of color—request temporary accommodations to address a medical need and instead are terminated or placed on unpaid leave, causing devastating economic harm. The Pregnant Workers Fairness Act would address this problem by requiring employers with fifteen or more employees to provide reasonable and temporary accommodations to pregnant workers if doing so would not impose an undue hardship on the business.

PREGNANCY DISCRIMINATION, THE PDA, AND YOUNG V. UPS, INC.

Pregnancy and childbirth are often locus points for discrimination against women in the workforce. Policies excluding or forcing the discharge of pregnant women from the workplace were common in the 1970s and reflected the stereotype that a woman's primary or sole duties were to be a homemaker and raise children. The adoption of the Pregnancy Discrimination Act (PDA) in 1978, an amendment to Title VII of the Civil Rights Act of 1964, established that discrimination because of ''pregnancy, childbirth, and related medical conditions'' was a form of discrimination ''because of sex.'' It was intended to dismantle the stereotype, and the policies based on it, that viewed pregnant women's labor force participation as contingent, temporary, and dispensable without regard to their individual capacity to do the job in question.

The PDA also required employers to treat pregnant workers the same as other temporarily disabled workers because Congress recognized that working women contributed to their families' economic stability and should not have to choose between a career and continuing a pregnancy. Despite the PDA, pregnancy discrimination persists, and for many years courts routinely ruled against workers who brought pregnancy accommodation cases where they alleged discrimination when an employer provided a job modification to an employee temporarily unable to work but failed to do the same for a pregnant worker.

In Young v United Parcel Service, Inc., the Supreme Court granted certiorari to resolve a split in the Circuits and for the first time addressed the PDA's application in the context of an employee who needed an accommodation due to pregnancy. The Court concluded that the statute's mandate applied with equal force in these circumstances and articulated a modified analysis for failure-to-accommodate cases. The Court also offered a new pretext analysis that plaintiffs may rely on when litigating claims under the PDA's second clause. Since Young, the reflexive approval of employer policies favoring workers with occupational injuries has largely disappeared. However, the bright-line deference to employer policies, and the overbroad reading of such policies as ''pregnancy-blind,'' has been replaced, in many instances, with an unduly demanding standard for plaintiffs in making a showing of differential treatment—even at the initial pleading stage, prior to having the benefit of discovery. This trend undermines Young's intent of demanding that employers justify failures to accommodate pregnancy. Instead, they impose unwarranted—and often insurmountable—burdens of proof on pregnant workers that increasingly confer ''least favored nation'' status on the protected trait of pregnancy. The stories of clients the ACLU has represented—both as direct counsel and as lead amicus—illustrate the harm:

Lochren v. Suffolk County: Sandra Lochren and five other police officers sued the Suffolk County Police Department (SCPD) for refusing to temporarily reassign pregnant officers to deskwork and other non-patrol jobs, even though it did so for officers injured on the job. But for those officers who opted to keep working patrol,

SCPD also failed to provide bulletproof vests or gun belts that would fit pregnant officers. Their only safe option was to go on unpaid long before their due dates.

Cole v. SavaSeniorCare: When Jaimie Cole, a certified nursing assistant, was in her third trimester, she developed a high risk of preeclampsia, a condition that can lead to preterm labor or even death. Her doctor advised her not to do any heavy lifting. Cole's job required her to regularly help patients in and out of bed and assist with bathing, so she asked for a temporary light duty assignment. Instead, her employer sent her home without pay for the rest of her pregnancy.

Myers v. Hope Healthcare Center: Asia Myers, a certified nursing assistant, experienced complications early in her pregnancy and was told by her doctor that she could continue to work, but should not do any lifting on the job. Although her employer had a history of providing light duty to workers with temporary lifting restrictions, Myers was told not to return to work until her restrictions were lifted. She was out of work for over a month with no income or health insurance coverage.

Hicks v. City of Tuscaloosa: Stephanie Hicks, a narcotics investigator with the Tuscaloosa Police Department in Alabama, wanted to breastfeed her new baby, but her bulletproof vest was restrictive, painful, and prone to causing infection in her breasts. She asked for a desk job but her employer refused, even though it routinely granted desk jobs to officers unable to fulfill all of their patrol duties. Instead, it offered her an ill-fitting vest that put her at risk.

Legg v. Ulster County: Corrections Officer Ann Marie Legg was denied light duty during her pregnancy, even though Ulster County gave such assignments to guards injured on the job. In her third trimester, Legg had to intervene in a fight, prompting her to go on leave rather than face future risks.

Allen v. AT&T Mobility: Cynthia Allen lost her job because she accumulated too many ''points'' under AT&T Mobility's punitive attendance policy due to pregnancy-related symptoms such as nausea. The policy makes accommodation for late arrivals, early departures, and absences due to thirteen enumerated reasons, some medical and some not, but none due to pregnancy and pregnancy-related symptoms.

Durham v. Rural/Metro Corp.: Michelle Durham was an EMT in Alabama whose job often required her to lift patients on stretchers into an ambulance. When she became pregnant, her health care provider imposed a restriction on heavy lifting. Durham asked Rural/Metro for a temporary modified duty assignment during her pregnancy, but was rejected, despite the company's policy of giving such assignments to others. She was told her only option was to take unpaid leave.

It is indisputable that Young was an important step forward to combat pregnancy discrimination. Yet, too many pregnant workers continue to face insurmountable obstacles in HR offices, where employers misunderstand their obligations under the PDA, and in courtrooms across the country, where judges use Young to hinder access to needed accommodations. Despite the clear mandates of the PDA, the current legal landscape leaves exposed and unprotected those pregnant workers who want to continue working while maintaining a healthy pregnancy.

Similarly, many pregnant workers have not found protection or recourse under the Americans with Disabilities Act of 1990 because absent complications, pregnancy is not considered a disability that substantially limits a major life activity. This legal reality means that many of the symptoms of a normal pregnancy that can disrupt a worker's ability to do her job such as extreme fatigue, morning sickness, or limitations on her mobility are not entitled to accommodation. Moreover, many pregnant workers seek accommodation precisely because they wish to avoid the conditions that might disable them or endanger their pregnancy. Yet because the ADA is so expansive with respect to other conditions that qualify as disabilities, the population of non-pregnant workers entitled to reasonable accommodation is exponentially larger than when the PDA was enacted more than 40 years ago. Accordingly, without such express entitlement to accommodation, pregnant workers face an untenable ''least favored nation'' status in the workplace.

The simple solution to this no-win situation is the Pregnant Workers Fairness Act. This legislation, modeled after the ADA and using a framework familiar to most employers, takes a thoughtful and measured approach to balancing the needs of working people and employers by requiring businesses with fifteen or more employees to provide workers with temporary, reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions if doing so would not place an undue hardship on business. It also prohibits employers from forcing a pregnant employee to take a leave of absence if a reasonable accommodation can be provided; prevents employers from denying job opportunities to an applicant or employee because of the individual's need for a reasonable accommodation; prevents an employer from forcing an applicant or employee to accept a specific accommodation; and prohibits retaliation against individuals who seek to use PWFA to protect their rights.

At a time when women constitute nearly 60 percent of the workforce and contribute significantly to their families' economic well-being, passage of PWFA is a dire necessity. When a pregnant worker is forced to quit, coerced into taking unpaid leave, or fired because her employer refuses to provide a temporary job modification, the economic impact can be severe; if she is the sole or primary breadwinner for her children, as nearly half of working women are, her entire family will be without an income when they most need it. She further may be denied unemployment benefits because she is considered to have left her job voluntarily. She may have few if any additional resources on which to rely. PWFA ensures that women would not face such devastating consequences. Instead, it treats pregnancy for what it is—a normal condition of employment.

PWFA promotes women's health. Accommodations make a 'difference in physically demanding jobs (requiring long hours, standing, lifting heavy objects, etc.) where the risk of preterm delivery and low birth weight are significant. The failure to provide accommodations can be linked to miscarriages and premature babies who suffer from a variety of ailments. This bill would be an important contribution in the fight to improve maternal health and mortality.

There is also a strong business case for PWFA. Providing pregnant employees with reasonable accommodations increases worker productivity, retention, and morale, and reduces health care costs associated with pregnancy complications. PWFA can also reduce litigation costs by providing greater clarity regarding an employer's legal obligations to pregnant workers. In fact, the U.S. Chamber of Commerce stated that PWFA would establish ''clear guidelines and a balanced process that works for employers and employees alike.'' Additionally, a group of leading private sector employers expressed their support for PWFA and noted ''women's labor force participation is critical to the strength of our companies, the growth of our economy and the financial security of most modern families.''

Finally, 30 states across the political and ideological spectrum have recognized the benefits of providing reasonable accommodations to pregnant workers. Congress should ensure that all pregnant workers, not just some, have the protections they need.

It is time for Congress to act and pass the Pregnant Workers Fairness Act.

Sincerely,

RONALD NEWMAN,
National Political Director.
GILLIAN THOMAS,
Senior Staff Attorney.
VANIA LEVEILLE,
Senior Legislative Counsel.

Mr. SCOTT of Virginia. Madam Speaker, as I am sure each person in this Chamber can agree, it is simply unacceptable that many pregnant workers have to choose between their paycheck and a healthy pregnancy because they cannot access reasonable accommodations to continue working safely.

As my colleagues have pointed out, most accommodations, which can include water, seating, and more frequent restroom breaks, are not complex or costly. Yet without these simple accommodations, health risks to pregnant workers can be significant and potentially tragic.

The COVID–19 pandemic poses increased risks for pregnant workers at a time when pregnant women comprise 62 percent of frontline workers, including more than 75 percent of healthcare workers.

Passing the Pregnant Workers Fairness Act today, we can take a strong bipartisan step to guarantee that all pregnant workers have access to basic workplace protections.

Madam Speaker, once again, I urge my colleagues to support the Pregnant Workers Fairness Act, and I yield back the balance of my time.

Ms. HAALAND. Madam Speaker, today we act so that women will no longer experience the fear of not knowing if they can maintain their family's financial security while they are pregnant.

As the number of women who work as the primary breadwinners in their households continues to rise, this financial insecurity rises as well.

While growing up, my mother was forced out of the Navy because she was pregnant. Although times have changed, mothers are still being forced out of their employment due to the absence of reasonable accommodations. I know first-hand the pressures of being that single source of income for my household, and I have seen how Black and Latina workers are overrepresented in low-wage, physically demanding jobs that need pregnancy accommodations for them to stay safe.

More than a decade ago, the Americans with Disabilities Act was amended to better implement the principle that physical or mental disabilities should be met with reasonable accommodations.

Pregnancy is not considered a disability under the ADA, however, enabling employers to deny reasonable accommodations like allowing pregnant employees to sit on a stool rather than stand during a long shift.

This bill would correct that, and I would like to include in the RECORD a letter from the Consortium for Citizens with Disabilities addressed to Chairman SCOTT and Ranking Member FOXX in support of the Pregnant Workers Fairness Act.

New Mexico is one of thirty states that have enacted laws to protect access to reasonable accommodations for pregnant workers so they have safe working conditions and, if they are denied that, the right to receive lost pay and compensatory damages.

Millions of pregnant workers in these states have benefited from these protections, but a pregnant employee's ability to work safely should not depend on where in this country she lives.

The Pregnant Workers' Fairness Act, which is endorsed by nearly 200 worker advocates, civil rights groups and the business community, will hold every employer in our country, across state lines, to these same standards.

As we hear horrific stories of immigrant women forced to have hysterectomies and lose their ability to have children, we are reminded that the health, safety and wellbeing of all women is not something we can turn a blind eye to, whether those women work in boardrooms, on a factory floor, or in a hospital.

I support this legislation because no expectant mother should have to risk her health or that of her unborn child to stay financially stable.

I urge my colleagues to vote yes on this historic bill.

SEPTEMBER 11, 2020.

Re Support for Pregnant Workers Fairness Act, H.R. 2694.

Hon. BOBBY SCOTT,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.
Hon. VIRGINIA FOXX,
Ranking Member, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN SCOTT AND RANKING MEMBER FOXX: As co-chairs of the Consortium for Citizens with Disabilities (CCD) Rights Task Force, we write in strong support of the Pregnant Workers Fairness Act, H.R. 2694. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The Americans with Disabilities Act (ADA)'s mandate that covered employers make reasonable accommodations to ensure equal opportunity for applicants and employees with disabilities has been tremendously important in helping people with disabilities secure and maintain employment. While the ADA does not cover pregnancy itself as a disability, in light of the ADA Amendments Act, which lowered the standard for demonstrating a disability from what the courts had previously applied, many pregnant workers who experience pregnancy-related complications should be covered as people with disabilities and entitled to reasonable accommodations under the ADA. Yet many courts have continued to interpret the ADA's coverage narrowly, and in practice, large numbers of pregnant workers are not offered reasonable accommodations. Furthermore, a clear pregnancy accommodation standard will help prevent pregnancy-related complications before they arise. Such accommodations should be provided to pregnant workers so that they can remain in the workforce and not lose their employment simply because they experience pregnancy-related limitations.

The accommodation requirement of H.R. 2694 is limited, as is the ADA's accommodation requirement, to those accommodations that are reasonable and would not impose an undue hardship. That standard takes into account the needs of employers while also ensuring that pregnant workers can stay on the job with reasonable accommodations. This protection is critical not only for pregnant workers but for our national economy.

The Pregnant Workers Fairness Act is particularly important to people with disabilities. Many people with disabilities who did not require accommodations before becoming pregnant experience new complications due to how pregnancy impacts their disabilities, and need accommodations once they become pregnant. These workers are sometimes told that they are not entitled to accommodations because the employer views the need for accommodation as related to pregnancy rather than to the worker's underlying disability.

We thank the Committee for moving the bill forward and urge all members of the House of Representatives to vote for the Pregnant Workers Fairness Act and oppose any motion to recommit.

Sincerely,

JENNIFER MATHIS,
Bazelon Center for Mental Health Law.
STEPHEN LIEBERMAN,
United Spinal Association.
ALLISON NICHOL,
Epilepsy Foundation, Co-chairs, CCD Rights Task Force.
KELLY BUCKLAND,
National Council on Independent Living.
SAMANTHA CRANE,
Autistic Self Advocacy Network.

Mr. COHEN. Madam Speaker, I rise today in support of the Pregnant Workers Fairness Act. This meaningful legislation will protect pregnant workers who have suffered because of insufficient workplace protections, a story far too familiar to many workers who call Memphis home.

Two years ago, I was shocked to read of the disturbing workplace abuses in an XPO warehouse in Memphis. Warehouse workers were denied minor and reasonable accommodations like less taxing workloads and shortened work shifts. As a result, several women suffered miscarriages, some of which happened while they were still on the warehouse floor.

I, along with Congresswoman DELAURO and ninety-five of my colleagues, wrote to the Education and Labor Committee to urge the 115th Congress to take decisive action and consider the Pregnant Workers Fairness Act.

The 116th Congress has rightly given this bill the attention it deserves, and this bill will give pregnant workers the protections that are past-due. No employee should be forced to choose between their job and their health. I appreciated the opportunity to participate in the Education and Labor Committee's Subcommittee hearing on this bill, and I am pleased to support the Pregnant Workers Fairness Act's consideration today.

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Judiciary, Homeland Security, and Budget Committees, the Democratic Working Women Task Force, and as cosponsor, I rise in strong support of H.R. 2694, the Pregnant Workers Fairness Act (PWFA), which would ensure that pregnant workers can continue to do their jobs and support their families by requiring employers to make workplace adjustments for those workers who need them due to pregnancy, childbirth, and related medical conditions, like breastfeeding.

The Pregnant Workers Fairness Act would establish that private sector employers with more than 15 employees and public sector employers must make reasonable accommodations for pregnant employees, job applicants, and individuals with known limitations related to pregnancy, childbirth, or related medical conditions.

Similar to the Americans with Disabilities Act, employers are not required to make an accommodation if it imposes an undue hardship on an employer's business.

Pregnant workers and individuals with known limitations related to pregnancy, childbirth, or related medical conditions cannot be denied employment opportunities, retaliated against for requesting a reasonable accommodation, or forced take paid or unpaid leave if

another reasonable accommodation is available.

Workers denied a reasonable accommodation under the Pregnant Workers Fairness Act will have the same rights and remedies as those established under Title VII of the Civil Rights Act of 1964, including recovery of lost pay, compensatory damages, and reasonable attorneys' fees.

While the Pregnancy Discrimination Act (PDA) and the Americans with Disabilities Act (ADA) provide some protections for pregnant workers, there is currently no federal law that explicitly and affirmatively guarantees all pregnant workers the right to a reasonable accommodation so they can continue working without jeopardizing their pregnancy.

The Supreme Court's landmark decision in *Young* v. *United Parcel Service,* 575 U.S. ____, No. 12–1226, 135 S.Ct. 1338 (2015) allowed pregnant workers to bring reasonable accommodation discrimination claims under the PDA.

But pregnant workers are still being denied accommodations because the Young decision set an unreasonably high standard for proving discrimination, requiring workers to prove that their employers accommodated non-pregnant workers with similar limitations.

As a result, in two-thirds of cases after Young, courts ruled against pregnant workers who were seeking accommodations under the PDA.

Providing accommodations ensures that women can work safely while pregnant instead of getting pushed out of work at a time when they may need their income the most.

The Pregnant Workers Fairness Act is especially important considering that many pregnant workers hold physically demanding or hazardous jobs, and thus may be especially likely to need reasonable accommodations at some point during their pregnancy.

Madam Speaker, research shows that pregnant workers are likely to hold jobs that involve standing and making continuous movements, which can raise specific challenges during pregnancy.

Such physically demanding work—including jobs that require prolonged standing, long work hours, irregular work schedules, heavy lifting, or high physical activity—carries an increased risk of pre-term delivery and low birth weight.

Twenty-one (20.9) percent of pregnant workers are employed in low-wage jobs, which are particularly likely to be physically demanding.

Pregnant black and Latina women are disproportionately represented in low-wage jobs, which means as a result, these workers are especially likely to stand, walk or run continuously during work, and therefore may be more likely to need an accommodation at some point during pregnancy to continue to work safely.

Three in ten pregnant workers are employed in four of the occupations that make up the backbone of our communities: elementary school teachers, nurses and home health aides.

Employers can accommodate pregnant workers because pregnant women make up a small share of the workforce, even in the occupations where they are most likely to work, which means that only a very small share of an employer's workforce is likely to require pregnancy accommodations in any given year since less than two percent of all workers in the U.S. are pregnant each year.

Not all pregnant workers require any form of accommodation at work, so only a fraction of that small fraction will need accommodations.

For example, pregnant women are most likely to work as elementary and middle school teachers but only three percent (3.2 percent) of all elementary and middle school teachers are pregnant women.

But workers employed in four of the ten most common occupations for pregnant workers—retail salesperson; waiter or waitress; nursing, psychiatric and home health aide; and cashier—who report continuously standing on the job would particularly benefit from this legislation.

Madam Speaker, prolonged standing at work has been shown to more than triple the odds of pregnant women taking leave during pregnancy or becoming unemployed.

Another four of the ten most common occupations for pregnant workers—waiter or waitress; nursing, psychiatric and home health aide; cashier; and secretaries and administrative assistants—involve making repetitive motions continuously on the job which have been shown to increase the likelihood of pregnant women taking sick leave.

Pregnant workers in low-wage jobs are particularly in need of this legislation granting them the clear legal right to receive accommodations because, in addition to the physically demanding nature of their jobs, they often face inflexible workplace cultures that make it difficult to informally address pregnancy-related needs.

For instance, workplace flexibility—such as the ability to alter start and end times or take time off for a doctor's appointment—is extremely limited for workers in low-wage jobs.

Over 40 percent of full-time workers in low-wage jobs report that their employers do not permit them to decide when to take breaks; between two-thirds and three-quarters of full-time workers in low-wage jobs report that they are unable to choose their start and quit times; and roughly half report having very little or no control over the scheduling of hours more generally.

The second most common occupation for pregnant Latinas—maids and housekeeping cleaners—is especially physically demanding because, according to the data, 80 percent of maids and housekeeping cleaners stood continuously, 38 percent were exposed to disease daily, and 70 percent walked or ran continuously on the job.

Occupations that have seen the most growth among pregnant women in the past decade expose many workers to disease or infection daily; depending on the disease, this can pose particular challenges to some pregnant workers at some points during pregnancy.

When pregnant workers are exposed to some diseases, they face particular risks; pregnant women with rubella are at risk for miscarriage or stillbirth and their developing fetuses are at risk for severe birth defects.

Madam Speaker, no one should have to choose between a paycheck and a healthy pregnancy, which is why they should have clear rights to reasonable accommodations on the job to ensure they are not forced off the job at the moment they can least afford it.

I urge all Members to join me in voting for H.R. 2694, the Pregnant Workers Fairness Act.

Ms. JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 2694, the Pregnant Workers Fairness Act, a critical effort that I have cosponsored. Despite almost four decades since the passage of the Pregnancy Discrimination Act, women continue to face significant challenges in the workplace during their pregnancies.

This is especially concerning for those working jobs that require physical activity, for which temporary modifications to limit risks to expectant mothers should be considered. Instead, employers have often refused to accommodate pregnant workers, forcing them to choose between their health or economic security. This is unacceptable—employers should not be permitted to discriminate against pregnant individuals who are requesting reasonable workplace accommodations.

Therefore, I am pleased to support the Pregnant Workers Fairness Act, which will require that employers make these reasonable accommodations for pregnant workers. This legislation will also benefit those who are employed and expecting, but it is especially critical for the more than 1 in 5 pregnant workers who are employed in a low-paid job with physically demanding work and minimal flexibility. The Pregnant Workers Fairness Act will make possible for accommodations that include the modification of no-food-or-drink policy to prevent contractions from lack of hydration, reassignment of heavy lifting duties, and provision of additional personal protective equipment, staggered workplace schedules, or telework during COVID–19.

As representatives of Americans from all corners of our country, we have a responsibility to protect the health and economic livelihood of our expectant mothers and the well-being of their families. On behalf of my home state of Texas, I urge my colleagues to support the Pregnant Workers Fairness Act.

Ms. GARCIA of Texas. Madam Speaker, for far too long, pregnant workers in our country have lacked reasonable accommodations at their workplaces. They need to keep their jobs to ensure economic security for themselves and their families. Yet, without reasonable accommodations they could risk their health and safety. I am proud to cosponsor the Pregnant Workers Fairness Act, which would right this wrong. This bill would require employers to make reasonable accommodations for pregnant workers who need them. Without this legislation, some may continue to work in unsafe conditions. Currently, pregnant workers might be let go or forced into unpaid leave, just for asking for reasonable accommodations. Some may quit their job to avoid risking the health of their pregnancy. This is unacceptable. Pregnant workers deserve better. They deserve these commonsense protections. That is why I am proud to cosponsor and vote for this bill today.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1107, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. FOXX of North Carolina. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. FOXX of North Carolina. Madam Speaker, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Foxx of North Carolina moves to recommit the bill (H.R. 2694) to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pregnant Workers Fairness Act''.

SEC. 2. NONDISCRIMINATION WITH REGARD TO REASONABLE ACCOMMODATIONS RELATED TO PREGNANCY.

It shall be an unlawful employment practice for a covered entity to—

(1) not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;

(2) require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in section 5(7);

(3) deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee;

(4) require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee; or

(5) take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

SEC. 3. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person alleging a violation of title VII of such Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(A) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of such Act (2 U.S.C. 1301)) or any person alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this Act provides to the Board or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(B), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Board or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Board or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person alleging a violation of section 411(a)(1) of such title shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(C), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(d) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the Commission or any person alleging a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this Act provides to the Commission or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(D), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person alleging a violation of that section shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(E), except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(f) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this Act or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(2) PROHIBITION AGAINST COERCION.—It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual having exercised or enjoyed, or on account of such individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

(3) REMEDY.—The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) LIMITATION.—Notwithstanding subsections (a)(3), (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment practice involves the provision of a reasonable accommodation pursuant to this Act or regulations implementing this Act, damages may not be awarded under section 1977A of the Revised Statutes (42 U.S.C. 1981a) if the covered entity demonstrates good faith efforts, in consultation with the employee with known

limitations related to pregnancy, childbirth, or related medical conditions who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such employee with an equally effective opportunity and would not cause an undue hardship on the operation of the covered entity.

SEC. 4. RULEMAKING.

Not later than 2 years after the date of enactment of this Act, the Commission shall issue regulations in an accessible format in accordance with subchapter II of chapter 5 of title 5, United States Code, to carry out this Act. Such regulations shall provide examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term ''Commission'' means the Equal Employment Opportunity Commission;

(2) the term ''covered entity''—

(A) has the meaning given the term ''respondent'' in section 701(n) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(n)); and

(B) includes—

(i) an employer, which means a person engaged in industry affecting commerce who has 15 or more employees as defined in section 701(b) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)), subject to the applicability to religious employment as set forth in section 702(a) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1(a));

(ii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and section 411(c) of title 3, United States Code;

(iii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); and

(iv) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(3) the term ''employee'' means—

(A) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(C) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code;

(D) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); or

(E) an employee (including an applicant) to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term ''person'' has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a));

(5) the term ''known limitation'' means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(6) the term ''qualified employee'' means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if—

(A) any inability to perform an essential function is for a temporary period;

(B) the essential function could be performed in the near future; and

(C) the inability to perform the essential function can be reasonably accommodated; and

(7) the terms ''reasonable accommodation'' and ''undue hardship'' have the meanings given such terms in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) and shall be construed as such terms are construed under such Act and as set forth in the regulations required by this Act, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation.

SEC. 6. WAIVER OF STATE IMMUNITY.

A State shall not be immune under the 11th Amendment to the Constitution from an action in a Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

SEC. 7. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall be construed to invalidate or limit the powers, remedies, and procedures under any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions.

SEC. 8. SEVERABILITY.

If any provision of this Act or the application of that provision to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this Act and the application of that provision to other persons or circumstances shall not be affected.

Ms. FOXX of North Carolina (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina is recognized for 5 minutes in support of her motion.

Ms. FOXX of North Carolina. Madam Speaker, this motion is the final opportunity to amend this legislation and would do so without any delay in passage.

Madam Speaker, Republicans support protections in Federal law for pregnant workers, and we believe employers should provide reasonable accommodations for pregnant workers.

I support the provisions in H.R. 2694, which were previously outlined during the general debate. I also recognize that improvements to the bill were the result of bipartisan negotiations, and I commend Chairman SCOTT for his outreach in this regard.

Unfortunately, despite our agreement on these changes, there remains an important outstanding issue that must be resolved. The bill before us today does not include a narrow but longstanding provision from the Civil Rights Act that protects religious organizations from being forced to make employment decisions that conflict with their faith. The motion to recommit adds this important protection.

This very limited provision is already in current law, and it allows religious organizations to make religiously based employment decisions.

Without this longstanding Civil Rights Act provision, H.R. 2694 will create confusion and legal risk for religious organizations in their religiously based employment decisions.

At least 16 States and the District of Columbia in their pregnancy discrimination or pregnancy accommodation laws also include a provision similar to the Civil Rights Act religious organization protection.

In fact, a Democrat-invited witness at a committee hearing highlighted Kentucky's recently enacted pregnancy accommodation law as a template for Congress to follow. Kentucky's law includes a religious organization protection very similar to the one found in the Civil Rights Act.

At the Rules Committee hearing on H.R. 2694 earlier this week, the bill's sponsor, Chairman NADLER, said it is not necessary to incorporate into H.R. 2694 the Civil Rights Act provision that protects religious organizations. He stated that because H.R. 2694 does not repeal this provision, it will still be effective if the bill becomes law.

At the same hearing, Chairman SCOTT said the religious organization protection should not be included in H.R. 2694 because it is overinclusive and would provide too much protection.

I strongly disagree with both of these perspectives, and I am not sure Chairman NADLER's explanation is in line with Chairman SCOTT's position.

Without the current law protection, H.R. 2694 will create legal jeopardy for religious organizations, as I have previously stated. But for the sake of argument, let's assume the provision is superfluous.

Madam Speaker, what would the harm be in including the Civil Rights Act protection in H.R. 2694? At worst, the provision would be duplicative with the Civil Rights Act, causing no harm to workers or employers. At best, it will prevent a religious organization from being required to violate its faith.

By adding this simple reference to H.R. 2694 from the Civil Rights Act, we can ensure the protections in the bill are harmonized with the protections for religious organizations found in the Pregnancy Discrimination Act, PDA, and the Americans with Disabilities Act, ADA.

I would also briefly like to address recent claims made by the U.S. Chamber of Commerce—a trade association which represents few, if any, religious employers—that, under this bill, required workplace accommodations would not come into conflict with a religious organization's beliefs.

The chamber acknowledges that leave, including paid leave, can be part of a reasonable accommodation under

the ADA, from which H.R. 2694 incorporates the definition of reasonable accommodation. Therefore, if a religious organization has a paid leave policy, H.R. 2694 could require the organization to allow paid leave for purposes that conflict with its religious tenets.

The chamber also contends that H.R. 2694 is not a bill that addresses hiring, unlike the PDA and the ADA, which apply to hiring. This is false. H.R. 2694 applies to both employees and job applicants, so it is indeed a hiring statute.

Therefore, the religious organization protections in the Civil Rights Act and the ADA are just as relevant to H.R. 2694 as they are to those statutes.

Madam Speaker, to conclude, the motion to recommit includes H.R. 2694 in its entirety, with one important addition related to religious organization protections. My amendment simply incorporates the title VII religious organization protection to ensure these organizations are not forced to violate their faith in making employment and accommodation decisions.

Madam Speaker, I urge my colleagues to support this simple but important addition to the bill, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT of Virginia. Madam Speaker, first, let me just restate what I said about the Congressional Research Service that found that States typically do not enact separate or specialized religious exemptions for pregnancy accommodation laws.

Madam Speaker, this MTR would jeopardize women's health and risk their pregnancies in order to provide a religious exemption for employers, to exempt them from the requirement to provide just basic and reasonable accommodations for the workforce. Exactly who would want them to deny these basic accommodations?

First, it is unnecessary. The Pregnant Workers Fairness Act already exempts small private employers, including religious employers, with fewer than 15 employees. According to the Bureau of Labor Statistics, 80 percent of religious organizations have fewer than 10 employees.

Second, the underlying bill does not in any way amend or change the underlying exemptions in title VII of the Civil Rights Act or Americans with Disabilities Act or any other bill. It doesn't affect the Religious Freedom Restoration Act. But it would, if it is specified in this bill, give the employer the idea that they could deny reasonable accommodations if they for some religious reason don't agree with the pregnancy: women who are pregnant and divorced, women pregnant out of wedlock, pregnant in a same-sex relationship.

What, you don't have to give them a water break?

This amendment is unnecessary. The other exemptions are there for legitimate religious reasons, and this overbroad amendment would just cause mischief.

Madam Speaker, I yield to the gentlewoman from Pennsylvania (Ms. WILD).

Ms. WILD. Madam Speaker, I thank the chairman for yielding.

I rise in opposition to this political poison pill of an MTR.

Corporations are a legal creation. They don't have religious beliefs. Their officers might, but they do not.

Let's be clear about who inspired the Pregnant Workers Fairness Act.

It is women who have asked for accommodations in lifting requirements because their doctors told them they were at high risk of miscarriage or preterm birth.

It is women like the worker in Pennsylvania who was denied a schedule change and fired due to cramping in her uterus that landed her in the ER.

This MTR invites discrimination. It emboldens those who would use religion as a basis to discriminate against people who are pregnant and not married, workers in same-sex couples, women who used IVF to get pregnant, even people with partners of a different race.

Something the proponents of this amendment aren't saying out loud is that other religious exemptions would already apply to the Pregnant Workers Fairness Act.

This MTR frustrates the purpose of a good bill, a bill that is supported by the Chamber of Commerce and by 89 percent of voters.

Every year, an estimated quarter of a million women are denied requests for an accommodation because current law forces pregnant workers to find other nonpregnant employees who received similar accommodations to make a case.

When pregnant women are denied accommodations, they face health risks, miscarriage, premature births.

Symptoms and conditions of pregnancy cannot be fully appreciated unless you have been pregnant yourself. So when you consider this vote on the MTR, remember that 80 percent of directors of ACWI Index companies are men. Men who have never experienced the struggles of pregnancy will be deciding whether to invoke an exemption to deny an accommodation to a pregnant worker. That is not right.

This bill is not some new burden on employers. They must already engage in a good faith interactive process over reasonable accommodations under the ADA.

This bill, as written, takes employer concerns into account. Employers with fewer than 15 employees or those who would suffer undue hardship need not provide accommodations.

Madam Speaker, I urge a resounding ''no'' vote on this MTR because it dilutes the very protections for pregnant workers that the bill seeks to establish. Those protections are long overdue.

Mr. SCOTT of Virginia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. FOXX of North Carolina. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

CONDEMNING ALL FORMS OF ANTI-ASIAN SENTIMENT AS RELATED TO COVID–19

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on adoption of the resolution (H. Res. 908) condemning all forms of anti-Asian sentiment as related to COVID–19, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 243, nays 164, answered ''present'' 1, not voting 23, as follows:

[Roll No. 193]

YEAS—243

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brooks (IN)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Finkenauer
Fitzpatrick
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (OH)
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Herrera Beutler
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Hurd (TX)
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin