

AMENDMENT TO H.R. 3110, AS REPORTED

OFFERED BY M__ . _____

Page 3, strike line 19 through line 21 and insert the following:

1 (3) in section 16(b), by striking “7(r) or
2 15(a)(3)” each place the term appears and inserting
3 “15(a)(3) or 18D”; and

Page 4, line 18, strike “25” and insert “50”.

Page 6, line 2, strike the closing quotation mark and the second period.

Page 6, after line 2, insert the following:

4 “(g)(1) This section shall apply to an air carrier, as
5 defined in section 40102 of title 49, United States Code,
6 subject to the following requirements:

7 “(A) In providing a break described in sub-
8 section (a)(1) to a crewmember, an employer shall
9 not be required to—

10 “(i) completely relieve such crewmember
11 from duty during break time taken during
12 flight time; or

1 “(ii) provide such a break during critical
2 phases of flight.

3 “(B) Nothing in this subsection shall require an
4 employer to incur significant expense, when consid-
5 ered in relation to the size, financial resources, na-
6 ture, or structure of the employer’s business, to ret-
7 rofit an aircraft.

8 “(2) In this subsection—

9 “(A) the terms ‘flight time’ and ‘crewmember’
10 have the meaning given such terms in section 1.1 of
11 title 14, Code of Federal Regulations; and

12 “(B) the term ‘critical phases of flight’ has the
13 meaning given the term in 121.542 of title 14, Code
14 of Federal Regulations.”.

Page 6, after line 15, insert the following:

15 (d) CONFORMING COVERAGE OF CERTAIN OTHER
16 EMPLOYEES.—Section 203(a)(1) of the Congressional Ac-
17 countability Act of 1995 (2 U.S.C. 1313(a)(1)) is amend-
18 ed—

19 (1) by striking “and section 12(c)” and insert-
20 ing “section 12(c), and section 18D”; and

21 (2) by inserting “, 218D” after “212(c)”.

Page 6, line 17, strike “The amendments” and insert “Except as provided in subsection (c), the amendments”.

Page 6, line 18, strike “section 2(a)” and insert “sections 2(a) and 2(d)”.

Page 6, after line 22, add the following:

1 (c) APPLICATION OF LAW.—Section 18D of the Fair
2 Labor Standards Act of 1938 (as added by section 2) shall
3 not apply to crewmembers of an air carrier, as defined
4 in section 40102 of title 49, United States Code, until the
5 date that is 1 year after the date of enactment of this
6 Act.

7 **SEC. 4. REGULATIONS REQUIRED.**

8 Not later than 180 days after the date of enactment
9 of this Act, the Administrator of the Federal Aviation Ad-
10 ministration, in consultation with the Secretary of Labor,
11 shall propose regulations, as appropriate, to—

12 (1) identify appropriate means for air carriers,
13 as defined in section 40102 of title 49, United
14 States Code, to comply with subsection (b)(1) of sec-
15 tion 18D of the Fair Labor Standards Act of 1938
16 during flight time; and

1 (2) update title 14, Code of Federal Regula-
2 tions, to ensure that expressing breast milk is con-
3 sidered a physiological need.

