

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3935  
OFFERED BY MR. DESAULNIER OF CALIFORNIA**

At the end of title VIII, add the following:

1 **SEC. 834. PAID FAMILY AND MEDICAL LEAVE FOR FAA AND**  
2 **TSA EMPLOYEES.**

3 (a) IN GENERAL.—Section 40122(g)(5) of title 49,  
4 United States Code, is amended to read as follows:

5 “(5) FAMILY AND MEDICAL LEAVE.—

6 “(A) PAID PARENTAL LEAVE.—

7 “(i) IN GENERAL.—The Administrator  
8 shall implement a paid parental leave ben-  
9 efit for employees of the Administration  
10 that is, at a minimum, consistent with the  
11 paid parental leave benefits provided under  
12 section 6382 of title 5.

13 “(ii) ADDITIONAL REQUIREMENTS.—  
14 The paid parental leave benefit provided  
15 under clause (i) shall provide for the fol-  
16 lowing:

17 “(I) The entitlement to leave for  
18 the placement of a son or daughter  
19 with the employee for adoption or fos-

1 ter care may commence prior to the  
2 placement of the son or daughter to  
3 be adopted for activities necessary to  
4 allow the adoption to proceed.

5 “(II) An employee may use leave  
6 for the birth of a son or daughter of  
7 the employee and in order to care for  
8 such son or daughter in the event that  
9 the employee experiences any of the  
10 following:

11 “(aa) A pregnancy loss.

12 “(bb) An unsuccessful round  
13 of intrauterine insemination or of  
14 an assisted reproductive tech-  
15 nology procedure.

16 “(cc) A failed adoption  
17 match or an adoption that is not  
18 finalized because it is contested  
19 by another party.

20 “(dd) A failed surrogacy ar-  
21 rangement.

22 “(ee) A diagnosis or event  
23 that impacts pregnancy or fer-  
24 tility.

1                   “(III) An employee may use leave  
2                   for the birth of a son or daughter of  
3                   the employee and in order to care for  
4                   such son or daughter in the event that  
5                   the absence is necessary to care for a  
6                   spouse or domestic partner who expe-  
7                   riences a circumstance described in  
8                   subclause (II).

9                   “(IV)(aa) In the event that an  
10                  employee gives birth to a child under  
11                  a surrogacy arrangement, the em-  
12                  ployee may use leave for the birth of  
13                  a son or daughter of the employee and  
14                  in order to care for such son or  
15                  daughter during such recovery period.

16                  “(bb) For an employee who gives  
17                  birth to a child under a surrogacy ar-  
18                  rangement, the child shall be consid-  
19                  ered to be the child of the employee  
20                  for purposes of determining entitle-  
21                  ment to leave under provided pursu-  
22                  ant to this subparagraph.

23                  “(V) In the event that a child  
24                  dies during the birth-giving parent’s  
25                  post-birth recovery period, the em-

1            ployee may use leave for the birth of  
2            a son or daughter of the employee and  
3            in order to care for such son or  
4            daughter during such recovery period.  
5            In the case of the employee who is not  
6            the birth-giving parent, such leave is  
7            available only to the extent the em-  
8            ployee is providing care to the birth-  
9            giving parent. In these circumstances,  
10           an employee may not use paid leave,  
11           provided pursuant to subparagraph  
12           (B), that is described in paragraphs  
13           (C) or (D) section 102(a)(1) of the  
14           Family and Medical Leave Act of  
15           1993.

16           “(B) OTHER PAID FAMILY AND MEDICAL  
17           LEAVE.—The Administrator shall implement a  
18           paid leave benefit for employees of the Adminis-  
19           tration that provides paid family and medical  
20           leave described in each of subparagraphs (C),  
21           (D), and (E) of section 102(a)(1) of the Family  
22           and Medical Leave Act of 1993. Such paid  
23           leave benefit shall be in addition to any other  
24           paid leave provided to employees.”.

1 (b) TSA.—Section 111(d)(B) of the Aviation and  
2 Transportation Security Act is amended by adding after  
3 the period at the end the following: “The provisions of  
4 paragraph (5)(A)(ii) and paragraph (5)(B) of section  
5 40122(g) of title 49, United States Code, shall apply to  
6 any individual appointed under paragraph (1).”.

7 (c) APPLICATION.—Subparagraph (A)(ii) and sub-  
8 paragraph (B) of such section 40122(g)(5) (as added by  
9 subsection (a) of this section), and the amendment to sub-  
10 paragraph (B) of section 111(d) of the Aviation and  
11 Transportation Security Act under subsection (b) of this  
12 section, shall apply with respect to any event for which  
13 family and medical leave may be taken under any of such  
14 subparagraphs occurring on or after the date that is 6  
15 months after the date of enactment of this Act.

