

(3) FOREIGN PERSON.—The term “foreign person” means an individual or entity that is not a United States person.

(4) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person within the United States.

TITLE LXXVI—OTHER MATTERS

Subtitle A—Federal Employee Paid Leave Act

Sec. 7601. Short title.

Sec. 7602. Paid parental leave under title 5.

Sec. 7603. Paid parental leave for congressional employees.

Sec. 7604. Conforming amendment to Family and Medical Leave Act for GAO and Library of Congress employees.

Sec. 7605. Clarification for members of the National Guard and Reserves.

Sec. 7606. Conforming amendment for certain TSA employees.

Subtitle B—Other Matters

Sec. 7611. Liberian refugee immigration fairness.

Sec. 7612. Pensacola Dam and Reservoir, Grand River, Oklahoma.

Sec. 7613. Limitation on certain rolling stock procurements; cybersecurity certification for rail rolling stock and operations.

Subtitle A—Federal Employee Paid Leave Act

SEC. 7601. SHORT TITLE.

This subtitle may be cited as the “Federal Employee Paid Leave Act”.

SEC. 7602. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) IN GENERAL.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by striking “An employee” and inserting “(1) An employee”;

(2) by striking “subparagraph (A), (B), (C),” and inserting “subparagraph (C),”; and

(3) by adding at the end the following:

“(2)(A) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

“(B) The paid leave that is available to an employee for purposes of subparagraph (A) is—

“(i) 12 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

“(ii) during the 12-month period referred to in subsection (a)(1), and in addition to the 12 administrative

workweeks under clause (i), any annual or sick leave accrued or accumulated by such employee under subchapter I.

“(C) Nothing in this subsection shall be considered to require that an employee first use all or any portion of the leave described in subparagraph (B)(ii) before being allowed to use the paid parental leave described in subparagraph (B)(i).

“(D) Paid parental leave under subparagraph (B)(i)—

“(i) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

“(ii) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

“(iii) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

“(E) Nothing in this paragraph shall be construed to modify the requirement to complete at least 12 months of service as an employee (within the meaning of section 6381(1)(A)) before the date of the applicable birth or placement involved to be eligible for paid parental leave under subparagraph (B)(i) of this paragraph.

“(F)(i) An employee may not take leave under this paragraph unless the employee agrees (in writing), before the commencement of such leave, to work for the applicable employing agency for not less than a period of 12 weeks beginning on the date such leave concludes.

“(ii) The head of the agency shall waive the requirement in clause (i) in any instance where the employee is unable to return to work because of the continuation, recurrence, or onset of a serious health condition (including mental health), related to the applicable birth or placement of a child, of the employee or the child.

“(iii) The head of the employing agency may require that an employee who claims to be unable to return to work because of a health condition described under clause (ii) provide certification supporting such claim by the health care provider of the employee or the child (as the case may be). The employee shall provide such certification to the head in a timely manner.

“(G)(i) If an employee fails to return from paid leave provided under this paragraph after the date such leave concludes, the employing agency may recover, from such employee, an amount equal to the total amount of Government contributions paid by the agency under section 8906 on behalf of the employee for maintaining such employee’s health coverage under chapter 89 during the period of such leave.

“(ii) Clause (i) shall not apply to any employee who fails to return from such leave due to—

“(I) the continuation, recurrence, or onset of a serious health condition as described under, and consistent with the requirements of, subparagraph (F); or

“(II) any other circumstance beyond the control of the employee.”.

(b) CONFORMING AMENDMENTS.—Section 6382(a) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A) by inserting “and subsection (d)(2) of this section” after “section 6383”; and

(2) in paragraph (4), by striking “During” and inserting “Subject to subsection (d)(2), during”.

(c) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before October 1, 2020.

SEC. 7603. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENTS TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: “In applying section 102 of such Act with respect to leave for an event described in subsection (a)(1)(A) or (B) of such section to covered employees, subsection (d) of this section shall apply. Paragraphs (1) and (4) of section 102(a) of such Act shall be subject to subsection (d) of this section.”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

“(d) SPECIAL RULE FOR PAID PARENTAL LEAVE.—

“(1) SUBSTITUTION OF PAID LEAVE.—A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

“(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

“(A) the number of weeks of paid parental leave in connection with the birth or placement involved that corresponds to the number of administrative workweeks of paid parental leave available to employees under section 6382(d)(2)(B)(i) of title 5, United States Code; and

“(B) during the 12-month period referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) and in addition to the administrative workweeks described in subparagraph (A), any additional paid vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

“(3) LIMITATION.—Nothing in this section or section 102(d)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(2)(A)) shall be considered to require or permit an employing office to require that an employee first use all or any portion of the leave described in paragraph (2)(B) before being allowed to use the paid parental leave described in paragraph (2)(A).

“(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

“(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office;

“(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993