

118TH CONGRESS
1ST SESSION

H. R. 2996

To amend the Family and Medical Leave Act of 1993 to permit leave for an employee to meet their needs related to being a victim of dating violence, domestic violence, sexual assault, sex trafficking, or stalking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2023

Mrs. BICE (for herself and Ms. STEVENS) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Accountability, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Family and Medical Leave Act of 1993 to permit leave for an employee to meet their needs related to being a victim of dating violence, domestic violence, sexual assault, sex trafficking, or stalking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Leave for Victims
5 of Domestic Violence, Sexual Assault, and Stalking Act”.

1 **SEC. 2. ENTITLEMENT RELATING TO BEING A VICTIM OF**
2 **DATING VIOLENCE, DOMESTIC VIOLENCE,**
3 **SEXUAL ASSAULT, SEX TRAFFICKING, OR**
4 **STALKING.**

5 (a) LEAVE REQUIREMENT.—Section 102(a)(1) of the
6 Family and Medical Leave Act of 1993 (29 U.S.C.
7 2612(a)(1)) is amended—

8 (1) by redesignating subparagraph (F) as sub-
9 paragraph (G); and

10 (2) by inserting after subparagraph (E) the fol-
11 lowing new subparagraph:

12 “(F) In order to meet the needs of the em-
13 ployee related to the employee, or a family
14 member of the employee, being a victim of dat-
15 ing violence, domestic violence, sexual assault,
16 sex trafficking, or stalking to—

17 “(i) seek medical attention or treat-
18 ment for physical or psychological injuries
19 related to domestic violence, dating vio-
20 lence, sexual assault, stalking, or traf-
21 ficking;

22 “(ii) seek mental health or counseling
23 services for injuries and trauma related to
24 domestic violence, dating violence, sexual
25 assault, stalking, or trafficking;

1 “(iii) seek services from a victim serv-
2 ices organization, including, but not limited
3 to, a domestic violence program, a sexual
4 assault victim service provider, a stalking
5 victim service provider;

6 “(iv) seek civil or criminal legal serv-
7 ices to prepare for and participate in legal
8 proceedings related to domestic violence,
9 sexual assault, dating violence stalking, or
10 trafficking;

11 “(v) secure safe housing, including
12 searching for new housing, relocating, and
13 installing additional safety measures; or

14 “(vi) in a case in which a family mem-
15 ber of the employee has been a victim of
16 dating violence, domestic violence, sexual
17 assault, sex trafficking, or stalking, to as-
18 sist the family member in any of the activi-
19 ties described in clauses (i) through (v).”.

20 (b) SCHEDULE.—

21 (1) IN GENERAL.—Section 102(b)(1) of such
22 Act (29 U.S.C. 2612(b)(1)) is amended by inserting
23 after the third sentence the following new sentence:
24 “Subject to paragraph (2), subsection (e)(2), and
25 subsection (b)(5) of section 103, leave under sub-

1 paragraph (F) of subsection (a)(1) may be taken
2 intermittently or on a reduced leave schedule.”

3 (2) CONFORMING AMENDMENTS.—Section 102
4 of such Act (29 U.S.C. 2612) is amended—

5 (A) in subsection (b)(2), by striking “or
6 (D)” after “subparagraph (C)” and inserting “,
7 (D), or (F)”; and

8 (B) in subsection (e)(2), by striking “or
9 (D)” after “subparagraph (C)” and inserting “,
10 (D), or (F)”.

11 (c) SUBSTITUTION OF PAID LEAVE.—Section
12 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended
13 by adding at the end the following:

14 “(C) MEET NEEDS RELATING TO BEING A
15 VICTIM OF DATING VIOLENCE, DOMESTIC VIO-
16 LENCE, SEXUAL ASSAULT, SEX TRAFFICKING,
17 OR STALKING.—An eligible employee may elect,
18 or an employer may require the employee, to
19 substitute any of the accrued paid vacation
20 leave, personal leave, or medical or sick leave of
21 the employee for leave provided under subpara-
22 graph (F) of subsection (a)(1) for any part of
23 the 12-week period of such leave under such
24 subsection, except that nothing in this title shall
25 require an employer to provide paid sick leave

1 or paid medical leave in any situation in which
2 such employer would not normally provide any
3 such paid leave.”.

4 (d) CERTIFICATION.—Section 103 of such Act (29
5 U.S.C. 2613) is amended by adding at the end the fol-
6 lowing:

7 “(g) CERTIFICATION RELATING TO BEING A VICTIM
8 OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL
9 ASSAULT, SEX TRAFFICKING, OR STALKING.—

10 “(1) Subject to paragraph (2), an employer
11 may require that a request for leave under section
12 102(a)(1)(F) be supported by a certification issued
13 at such time and in such manner as the Secretary
14 may by regulation prescribe.

15 “(2) In the case of an employee requesting
16 leave under section 102(a)(1)(F) who has not yet re-
17 ceived a certification as described under paragraph
18 (1), such employer shall accept a sworn statement
19 on a form prescribed by the Secretary that such em-
20 ployee has requested such certification.”.

21 (e) DEFINITIONS.—Section 101 of such Act (29
22 U.S.C. 2611) is amended by adding at the end the fol-
23 lowing new paragraphs:

24 “(20) DATING VIOLENCE.—The term ‘dating vi-
25 olence’ means violence committed by a person—

1 “(A) who is or has been in a social rela-
2 tionship of a romantic or intimate nature with
3 the employee; and

4 “(B) where the existence of such a rela-
5 tionship shall be determined based on a consid-
6 eration of the following factors:

7 “(i) The length of the relationship.

8 “(ii) The type of relationship.

9 “(iii) The frequency of interaction be-
10 tween the persons involved in the relation-
11 ship.

12 “(21) DOMESTIC VIOLENCE.—The term ‘domes-
13 tic violence’ includes felony or misdemeanor crimes
14 committed by a current or former spouse or intimate
15 partner of the employee under the family or domes-
16 tic violence laws of the jurisdiction receiving grant
17 funding and, in the case of victim services, includes
18 the use or attempted use of physical abuse or sexual
19 abuse, or a pattern of any other coercive behavior
20 committed, enabled, or solicited to gain or maintain
21 power and control over an employee, including
22 verbal, psychological, economic, or technological
23 abuse that may or may not constitute criminal be-
24 havior, by a person who—

1 “(A) is a current or former spouse or inti-
2 mate partner of the employee, or person simi-
3 larly situated to a spouse of the employee;

4 “(B) is cohabitating, or has cohabitated,
5 with the employee as a spouse or intimate part-
6 ner;

7 “(C) shares a child in common with the
8 employee; or

9 “(D) commits acts against a youth or em-
10 ployee who is protected from those acts under
11 the family or domestic violence laws of the ju-
12 risdiction.

13 “(22) FAMILY MEMBER.—The term ‘family
14 member’ means a spouse, son, daughter, parent, or
15 next of kin.

16 “(23) SEX TRAFFICKING.—The term ‘sex traf-
17 ficking’ means any conduct proscribed by section
18 1591 of title 18, whether or not the conduct occurs
19 in interstate or foreign commerce or within the spe-
20 cial maritime and territorial jurisdiction of the
21 United States.

22 “(24) SEXUAL ASSAULT.—The term ‘sexual as-
23 sault’ means any nonconsensual sexual act pro-
24 scribed by Federal, Tribal, or State law, including
25 when the employee lacks capacity to consent.

1 “(25) STALKING.—The term ‘stalking’ means
2 engaging in a course of conduct directed at a spe-
3 cific person that would cause a reasonable person
4 to—

5 “(A) fear for his or her safety or the safety
6 of others; or

7 “(B) suffer substantial emotional dis-
8 tress.”.

9 (f) TECHNICAL AMENDMENTS.—Title I of the Family
10 and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.)
11 is amended—

12 (1) in section 102(c), by striking “subsection
13 (a)(1)(F)” and inserting “subsection (a)(1)(G)”;
14 and

15 (2) in section 110—

16 (A) by striking “section 102(a)(1)(F)”
17 each place it appears and inserting “section
18 102(a)(1)(G)”;

19 (B) in subsection (a)(1)(A), by redesignig-
20 nating the second clause (ii) as clause (iii).

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