

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9125

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2022

Mrs. BICE of Oklahoma (for herself and Ms. STEVENS) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Reform, 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

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## 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 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 being a victim of dating vio-  
14 lence, domestic violence, sexual assault, sex  
15 trafficking, or stalking to—

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

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

25 “(iii) seek services from a victim serv-  
26 ices organization, including, but not limited

1 to, a domestic violence program, a sexual  
2 assault victim service provider, a stalking  
3 victim service provider;

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

9 “(v) secure safe housing, including  
10 searching for new housing, relocating, and  
11 installing additional safety measures.”.

12 (b) SCHEDULE.—

13 (1) IN GENERAL.—Section 102(b)(1) of such  
14 Act (29 U.S.C. 2612(b)(1)) is amended by inserting  
15 after the third sentence the following new sentence:  
16 “Subject to paragraph (2), subsection (e)(2), and  
17 subsection (b)(5) of section 103, leave under sub-  
18 paragraph (F) of subsection (a)(1) may be taken  
19 intermittently or on a reduced leave schedule.”

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

22 (A) in subsection (b)(2), by striking “or  
23 (D)” after “subparagraph (C)” and inserting “,  
24 (D), or (F)”; and

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

4 (c) SUBSTITUTION OF PAID LEAVE.—Section  
5 102(d)(2) of such Act (29 U.S.C. 2612(d)(2)) is amended  
6 by adding at the end the following:

7 “(C) MEET NEEDS RELATING TO BEING A  
8 VICTIM OF DATING VIOLENCE, DOMESTIC VIO-  
9 LENCE, SEXUAL ASSAULT, SEX TRAFFICKING,  
10 OR STALKING.—An eligible employee may elect,  
11 or an employer may require the employee, to  
12 substitute any of the accrued paid vacation  
13 leave, personal leave, or medical or sick leave of  
14 the employee for leave provided under subpara-  
15 graph (F) of subsection (a)(1) for any part of  
16 the 12-week period of such leave under such  
17 subsection, except that nothing in this title shall  
18 require an employer to provide paid sick leave  
19 or paid medical leave in any situation in which  
20 such employer would not normally provide any  
21 such paid leave.”.

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

1       “(g) CERTIFICATION RELATING TO BEING A VICTIM  
2 OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL  
3 ASSAULT, SEX TRAFFICKING, OR STALKING.—An em-  
4 ployer may require that a request for leave under section  
5 102(a)(1)(F) be supported by a certification issued at  
6 such time and in such manner as the Secretary may by  
7 regulation prescribe.”.

8       (e) DEFINITIONS.—Section 101 of such Act (29  
9 U.S.C. 2611) is amended by adding at the end the fol-  
10 lowing new paragraph:

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

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

16                       “(B) where the existence of such a rela-  
17 tionship shall be determined based on a consid-  
18 eration of the following factors:

19                               “(i) The length of the relationship.

20                               “(ii) The type of relationship.

21                               “(iii) The frequency of interaction be-  
22 tween the persons involved in the relation-  
23 ship.

24               “(21) DOMESTIC VIOLENCE.—The term ‘domes-  
25 tic violence’ includes felony or misdemeanor crimes

1 committed by a current or former spouse or intimate  
2 partner of the employee under the family or domes-  
3 tic violence laws of the jurisdiction receiving grant  
4 funding and, in the case of victim services, includes  
5 the use or attempted use of physical abuse or sexual  
6 abuse, or a pattern of any other coercive behavior  
7 committed, enabled, or solicited to gain or maintain  
8 power and control over an employee, including  
9 verbal, psychological, economic, or technological  
10 abuse that may or may not constitute criminal be-  
11 havior, by a person who—

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

15 “(B) is cohabitating, or has cohabitated,  
16 with the employee as a spouse or intimate part-  
17 ner;

18 “(C) shares a child in common with the  
19 employee; or

20 “(D) commits acts against a youth or em-  
21 ployee who is protected from those acts under  
22 the family or domestic violence laws of the ju-  
23 risdiction.

24 “(22) SEX TRAFFICKING.—The term ‘sex traf-  
25 ficking’ means any conduct proscribed by section

1 1591 of title 18, whether or not the conduct occurs  
2 in interstate or foreign commerce or within the spe-  
3 cial maritime and territorial jurisdiction of the  
4 United States.

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

9 “(24) STALKING.—The term ‘stalking’ means  
10 engaging in a course of conduct directed at a spe-  
11 cific person that would cause a reasonable person  
12 to—

13 “(A) fear for his or her safety or the safety  
14 of others; or

15 “(B) suffer substantial emotional dis-  
16 tress.”.

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

20 (1) in section 102(c), by striking “subsection  
21 (a)(1)(F)” and inserting “subsection (a)(1)(G)”;  
22 and

23 (2) in section 110—

1           (A) by striking “section 102(a)(1)(F)”  
2           each place it appears and inserting “section  
3           102(a)(1)(G)”; and

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

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