

108TH CONGRESS
2D SESSION

H. R. 4954

To amend the Family and Medical Leave Act of 1993 to authorize leave for the immediate family members of a member of the uniformed services who dies in the line of duty to facilitate the attendance of immediate family members at the burial ceremony of the member, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. HONDA introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Government 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

A BILL

To amend the Family and Medical Leave Act of 1993 to authorize leave for the immediate family members of a member of the uniformed services who dies in the line of duty to facilitate the attendance of immediate family members at the burial ceremony of the member, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Families Be-
3 reavement Leave Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) As the 21st century begins, the United
7 States faces new and unprecedented challenges in
8 defending itself, including the need to combat and
9 prevent global terrorism.

10 (2) The men and women serving as members of
11 the Armed Forces have made and continue to make
12 prodigious sacrifices to protect and defend the
13 United States.

14 (3) In addition to the sacrifices made by mem-
15 bers of the Armed Forces, their loved ones must live
16 without the aid and support of family members serv-
17 ing the United States overseas.

18 (4) More than 830 members of the Armed
19 Forces have lost their lives in military operations in
20 Iraq, with over 600 of these members killed in ac-
21 tion, and more than 100 members have lost their
22 lives in military operations in Afghanistan, bringing
23 extraordinary hardship to their families in the
24 United States.

25 (5) The immense grief felt by the families of
26 these members who have made the ultimate sacrifice

1 on behalf of the United States is compounded by the
2 need of family members to miss work and other re-
3 sponsibilities in order to attend to burial duties, fu-
4 neral services, and related family concerns, causing
5 additional economic and personal hardship.

6 (6) Just as those people in the United States
7 who face the challenges of growing families or unex-
8 pected medical emergencies have benefited from the
9 Family and Medical Leave Act of 1993, so too will
10 military families, who continue to make brave sac-
11 rifices on behalf of the United States, gain as a re-
12 sult of access to the benefits of this Act.

13 (7) More than 60 percent of public and private
14 sector employees working in the United States work
15 for covered employers and meet the eligibility cri-
16 teria of the Family and Medical Leave Act of 1993.

17 (8) While 140,000 members of the Armed
18 Forces remain in Iraq, Afghanistan, and other dan-
19 gerous places throughout the world, their families
20 continue to face the possible danger of meeting their
21 economic needs without the support of a full family
22 and with limited assistance from outside sources.

1 **SEC. 3. FAMILY AND MEDICAL LEAVE IN CONNECTION**
2 **WITH DEATH OF MEMBER OF THE UNI-**
3 **FORMED SERVICES.**

4 Section 102(a) of the Family and Medical Leave Act
5 of 1993 (29 U.S.C. 2612(a)) is amended by adding after
6 paragraph (2) the following new paragraph:

7 “(3) DEATH OF MEMBER OF UNIFORMED SERV-
8 ICES IN LINE OF DUTY.—

9 “(A) IN GENERAL.—An eligible employee
10 shall be entitled to a total of seven days of leave
11 because of the death of a parent, spouse, son,
12 daughter, or person for whom the employee
13 serves as designated representative under sec-
14 tion 1482(c) of title 10, United States Code, if
15 the deceased died in the line of duty as a mem-
16 ber of the uniformed services. Such leave is in-
17 tended to permit the employee to prepare for or
18 attend the burial ceremony of the deceased
19 member of the uniformed services and may be
20 paid or unpaid leave.

21 “(B) TREATMENT OF FEDERAL OFFICERS
22 AND EMPLOYEES AS ELIGIBLE EMPLOYEES.—
23 For purposes of this paragraph, the exclusion
24 under section 101(2)(B)(i) of a Federal officer

1 or employee as an eligible employee shall not
2 apply.”.

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