

President Bush Vetoes Defense Bill Containing FMLA Expansion

In the December 19, 2007 edition of the *Employer Spotlight*, we reported that both houses of Congress had approved defense authorization legislation that contained an expansion of FMLA employment leave rights for family members of military personnel. We also reported that political watchers expected that President Bush would sign the defense bill. On December 28, however, the White House issued a statement confirming that President Bush intended to veto the National Defense Authorization Act (H.R. 1585), based on concerns unrelated to the FMLA expansion.

The FMLA expansion was previously attached to the re-authorization of the State Children's Health Insurance Program, but the SCHIP legislation was vetoed by President Bush in early October, and Congress failed to override that veto. Supporters of the FMLA military leave proposal then attached the FMLA expansion to the defense bill. At this point, it is unclear whether Congress may attempt to override the veto of the defense bill, or whether Congress will amend the defense legislation to address the president's unrelated concerns about liabilities the government of Iraq might face resulting from another provision of the defense bill. The president's veto statement did not express any concerns about the FMLA expansion, so it seems likely that this legislation will reappear in some form, either attached to a redrafted defense bill or to some other legislation.

We will keep you informed of further developments. For more information on this topic, please contact Dan Beale at (404) 527-8489 or dbeale@mckennalong.com.