|-----------|-----------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|-------------------------------|
| Purposes  | All existing FMLA purposes:  
- To bond with a new child  
- To care for a family member’s serious medical condition  
- To care for one’s own serious medical condition  
- For military caregiving & deployment purposes  

Plus:  
- 3 days of bereavement leave | All existing FMLA purposes:  
- To bond with a new child  
- To care for a family member’s serious medical condition  
- To care for one’s own serious medical condition  
- For military caregiving & deployment purposes  

Plus:  
- 3 days of bereavement leave | Most existing FMLA purposes:  
- To bond with a new child  
- To care for a family member’s serious medical condition  
- To care for one’s own serious medical condition  

Plus:  
- To recover or seek assistance related to domestic violence, stalking or sexual assault | All existing FMLA purposes:  
- To bond with a new child  
- To care for a family member’s serious medical condition  
- To care for one’s own serious medical condition  
- For military caregiving & deployment purposes  

Plus:  
- To recover or seek assistance related to domestic violence, stalking or sexual assault |
| Duration  | 12 weeks  
*Includes a 1-week unpaid waiting period | 12 weeks of paid family and medical leave, 3 days of bereavement leave  
*Includes a 1-week unpaid waiting period | 4 weeks  
*Includes a 1-week unpaid waiting period | 12 weeks  
*Does not include a waiting period - benefits are payable immediately |
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<tbody>
<tr>
<td><strong>Length of Implementation</strong></td>
<td>Applications for family and medical leave insurance benefits may be filed beginning 18 months after date of enactment</td>
<td>Applications for family and medical leave insurance benefits may be filed beginning 18 months after date of enactment</td>
<td>Effective January 2024</td>
<td>Applications for family and medical leave insurance benefits may be filed beginning 18 months after date of enactment</td>
</tr>
<tr>
<td><strong>Wage replacement</strong></td>
<td>Flat – two-thirds of wages, capped at $4k/month (indexed to the national average wage index)</td>
<td>Progressive – 85% for lowest income and 2/3 on average, maximum benefit and formula bend points adjusted for inflation</td>
<td>Progressive – ~90% for lowest income and 2/3 on average, maximum benefit of $814/week</td>
<td>Progressive – 85% for lowest income and approximately two-thirds for the typical full-time worker, capped at approximately $4k/month (see this chart)</td>
</tr>
<tr>
<td><strong>Family definition</strong></td>
<td>FMLA definition - parent, child, spouse</td>
<td>Paid family caregiving leave: inclusive, including chosen family (blood or affinity) Bereavement leave: parent, child, spouse</td>
<td>Inclusive, including chosen family (blood or affinity)</td>
<td>Inclusive, including chosen family (blood or affinity)</td>
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</table>
Text of H.R. 5376, Build Back Better Act | The FAMILY Act - 118th Congress |
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<tr>
<td>Eligibility</td>
<td>SSDI eligibility</td>
<td>Expanded eligibility for all workers, including public employees</td>
<td>Minimum earnings of $2,000 (indexed annually, tied to national average wage index) in the most recent 8-quarter period ending at least 4 months before the benefit period begins</td>
<td>Expanded eligibility for all workers, including public employees</td>
</tr>
<tr>
<td>Agency</td>
<td>SSA (under new Office of Paid Family and Medical Leave), administration of program fully funded by payroll tax (estimated 5% of revenue would go toward administration)</td>
<td>Treasury</td>
<td>Social Security Administration</td>
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</tr>
<tr>
<td>State/federal coordination</td>
<td>Not specified, coordination would be determined through regulation</td>
<td>Allows states with existing programs to continue administering their benefits with reimbursement for the federal government (more <a href="#">here</a>)</td>
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<tr>
<td>Employer interaction</td>
<td>None included - contemplates that the benefit would provide a federal baseline, businesses can “top up” wages or duration if they so choose</td>
<td>Provides an option for businesses to continue providing their own paid leave plans with reimbursement from the federal government (more here)</td>
<td>Provides an option for businesses to continue providing their own paid leave plans with reimbursement from the federal government (more here)</td>
<td>None included - contemplates that the benefit would provide a federal baseline, businesses can “top up” wages or duration if they so choose</td>
</tr>
<tr>
<td>Pay-for</td>
<td>Paid for by a 0.2 payroll tax on employers &amp; employees, based on the Social Security taxable wage base</td>
<td>Paid for by general revenues</td>
<td>Paid for by general revenues</td>
<td>Paid for by a 0.2 payroll tax on employers &amp; employees, based on the Medicare taxable wage base</td>
</tr>
</tbody>
</table>

Additional Resources:
- [Paid Leave Resource Directory](#)
- The FAMILY Act: [fact sheet](#), [section-by-section](#), [FAQs](#)
- The FMLA: [key facts](#), [Know Your Rights](#), [Guide to the FMLA](#)
- The [National Partnership](#)