



For Internal Use Only

Provision	The FAMILY Act - 117th Congress & Prior ( <a href="#">S. 248/H.R. 804</a> )	Chairman Neal's <a href="#">Subtitle A of the Build Back Better Act</a>	Rules Committee Print 117-18 <a href="#">Text of H.R. 5376, Build Back Better Act</a>	The FAMILY Act - 118th Congress
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	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	<b>All existing FMLA purposes:</b> <b>- To bond with a new child</b> <b>- To care for a family member's serious medical condition</b> <b>- To care for one's own serious medical condition</b> <b>- For military caregiving &amp; deployment purposes</b>  <b>Plus:</b> <b>- To recover or seek assistance related to domestic violence, stalking or sexual assault</b>
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	<b>12 weeks</b>  <b>*Does not include a waiting period - benefits are payable immediately</b>



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Length of Implementation	Applications for family and medical leave insurance benefits may be filed beginning 18 months after date of enactment	Applications for family and medical leave insurance benefits may be filed beginning 18 months after date of enactment	Effective January 2024	<b>Applications for family and medical leave insurance benefits may be filed beginning 18 months after date of enactment</b>
Wage replacement	Flat – two-thirds of wages, capped at \$4k/month (indexed to the national average wage index)	Progressive – 85% for lowest income and 2/3 on average, maximum benefit and formula bend points adjusted for inflation	Progressive – ~90% for lowest income and 2/3 on average, maximum benefit of \$814/week	<b>Progressive – 85% for lowest income and approximately two-thirds for the typical full-time worker, capped at approximately \$4k/month (see <a href="#">this chart</a>)</b>
Family definition	FMLA definition - parent, child, spouse	Paid family caregiving leave: inclusive, including chosen family (blood or affinity) Bereavement leave: parent, child, spouse	Inclusive, including chosen family (blood or affinity)	<b>Inclusive, including chosen family (blood or affinity)</b>



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Eligibility	SSDI eligibility	Expanded eligibility for all workers, including public employees	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	<b>Expanded eligibility for all workers, including public employees</b>
Agency	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)	Treasury	Social Security Administration	<b>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)</b>
State/federal coordination	Not specified, coordination would be determined through regulation	Allows states with existing programs to continue administering their benefits with reimbursement for the federal government (more <a href="#">here</a> )	Allows states with existing programs to continue administering their benefits with reimbursement for the federal government (more <a href="#">here</a> )	<b>Allows states with existing programs to continue administering their benefits with reimbursement for the federal government (more <a href="#">here</a>)</b>



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Employer interaction	None included - contemplates that the benefit would provide a federal baseline, businesses can “top up” wages or duration if they so choose	Provides an option for businesses to continue providing their own paid leave plans with reimbursement from the federal government (more <a href="#">here</a> )	Provides an option for businesses to continue providing their own paid leave plans with reimbursement from the federal government (more <a href="#">here</a> )	<b>None included - contemplates that the benefit would provide a federal baseline, businesses can “top up” wages or duration if they so choose</b>
Pay-for	Paid for by a 0.2 payroll tax on employers & employees, based on the Social Security taxable wage base	Paid for by general revenues	Paid for by general revenues	<b>Paid for by a 0.2 payroll tax on employers &amp; employees, based on the Medicare taxable wage base</b>

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](#)