



# SUPPORT PAID FAMILY AND MEDICAL LEAVE FOR WORKERS

*FAMILY ACT (H.R. 5390 / S. 2823) Summary, February 2026*

Paid leave is a foundational component of taking our time back, but today's system falls far short of what workers deserve. Workers deserve to be able to take time off when we're sick, when we welcome a new child, or when we need to care for family members who are seriously ill. Instead, many workers are forced to make terrible choices between their financial security and the health of themselves or their families.

The **Family and Medical Leave Act (FMLA)** was enacted in 1993 and guarantees up to 12 weeks of job-protected leave for certain workers in specific circumstances. This protected leave under FMLA, however, is unpaid and nearly half of all workers are not eligible under the law.

There is currently no federal law that guarantees workers access to paid family and medical leave (PFML), but 14 states plus D.C. have established their own PFML programs to give certain workers the ability to take job-protected, longer-term leave with wage replacements. Eligibility for, as well as the requirements and features of, these PFML programs varies by state.

The **FAMILY Act (H.R. 5390 / S. 2823)** is led by Sen. Gillibrand (NY) and Rep. DeLauro (CT-03) and would create a national program to guarantee up to 12 weeks of PFML to all workers.

## Key Provisions in the Bill:

- Eligibility would cover workers who (1) have earned at least \$2,000 in roughly the two years prior to their needed leave, and (2) have earned some income during a specified period ranging from seven to nine months prior to the leave, depending on when the leave starts. This would include workers in both the public and private sectors, self-employed workers, part-time workers, seasonal workers, and workers with employment disruptions.
- Workers would be able to take up to 12 weeks of PFML in a year to:
  - Recover from a serious health condition
  - Care for a family member who is seriously ill or injured, with an expanded definition of family
  - Bond with a new child, including children adopted or placed through foster care
  - Address needs related to military deployment or the impacts of domestic or sexual violence
- Workers would earn benefits as a percentage of their highest annual income from the most recent 3 years. Benefits would be on a sliding scale, so that lower-income workers

receive up to 85% of their usual wages and the median worker receives ~67% of their income. Benefits would be indexed to the national average wage.

- Workers would not face any waiting period to receive benefits – workers could receive benefits from the first day they need leave.
- States with pre-existing PFML programs could receive a “legacy state” designation, allowing the state to continue administering their existing program, as long as it is at least as good as the federal program. Legacy states would receive federal funding to offset state programs costs associated with the proportion of benefits allowable in the federal program.

## Key Talking Points

- In 2023, 73% of civilian workers did not have access to paid family leave.<sup>i</sup>
- Almost one in eight private sector workers have no paid time off at all – no paid sick, vacation, or family leave.<sup>ii</sup>
- Estimates indicate that workers face \$22.5 billion annually in lost wages because of the lack of access to paid leave.<sup>iii</sup>
- The U.S. is far behind other comparable nations in providing PFML: all other countries in the OECD guarantee some amount of paid maternity leave for private sector workers, and 75% of OECD countries provide some form of paid caregiving benefits for workers.<sup>iv</sup>
- Research shows that access to PFML helps increase women’s participation in the labor force, and that passing the FAMILY Act would reduce the poverty rate for recipient families by approximately 16%.<sup>v</sup>
- The FAMILY Act currently has 199 cosponsors in the House and 38 cosponsors in the Senate.

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<sup>i</sup> <https://www.bls.gov/ebs/factsheets/family-leave-benefits-fact-sheet.htm>

<sup>ii</sup> <https://paidleaveforall.org/wp-content/uploads/2025/09/PLFA25-FamilyAct-HIRES.pdf>

<sup>iii</sup> <https://delauero.house.gov/media-center/press-releases/delauro-gillibrand-colleagues-introduce-family-act-fight-universal-paid>

<sup>iv</sup> <https://www.congress.gov/crs-product/R44835>

<sup>v</sup> [https://www.clasp.org/wp-content/uploads/2025/09/2025\\_FAMILY-Act.pdf](https://www.clasp.org/wp-content/uploads/2025/09/2025_FAMILY-Act.pdf)