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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To address the challenges of providing child care opportunities for military families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. KIGGANS of Virginia introduced the following bill; which was referred to the Committee on _____

A BILL

To address the challenges of providing child care opportunities for military families, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Helping Ensure Reli-
5 able Opportunities in Child Care for Military Families
6 Act” or the “HERO Child Care for Military Families
7 Act”.

1 **SEC. 2. EXPANSION OF ELIGIBLE CHILD CARE PROVIDERS**
2 **FOR DEPARTMENT OF DEFENSE PROGRAMS.**

3 (a) REMOVAL OF PRIOR SERVICE REQUIREMENT.—
4 Section 1798(b) of title 10, United States Code, is amend-
5 ed—

6 (1) in paragraph (1), by striking the semicolon
7 and inserting “; and”;

8 (2) by striking paragraph (2); and

9 (3) by redesignating paragraph (3) as para-
10 graph (2).

11 (b) NATIONAL SERVICE VOLUNTEERS.—Subchapter
12 II of chapter 88 of title 10, United States Code, is amend-
13 ed by inserting after section 1792 the following new sec-
14 tion:

15 **“§ 1792a. Child care employees: additional authorities**

16 “(a) NATIONAL SERVICE VOLUNTEERS.—(1) The
17 Secretary of Defense may seek to enter into an inter-
18 agency partnership with a Federal agency with the ability
19 to place individuals described in paragraph (2) in military
20 child development centers in accordance with national
21 service laws and with all the benefits accorded to such in-
22 dividuals under those laws.

23 “(2) An individual described in this paragraph is a
24 participant, including a volunteer or national senior volun-
25 teer, under the national service laws who is trained in edu-

1 cation services and is in compliance with hiring require-
2 ments for military child development centers.

3 “(3) In this subsection, the terms ‘participant’ and
4 ‘national service laws’ have the meanings given those
5 terms in section 101 of the National and Community Serv-
6 ice Act of 1990 (42 U.S.C. 12511).”.

7 **SEC. 3. PRECLEARANCE OF CHILD CARE EMPLOYEES AT**
8 **MILITARY CHILD DEVELOPMENT CENTERS.**

9 Section 1792a of title 10, United States Code, as
10 added by section 2(b) of this Act, is amended by adding
11 at the end the following new subsection:

12 “(b) PRECLEARANCE OF CHILD CARE EMPLOYEES
13 AT MILITARY CHILD DEVELOPMENT CENTERS.—(1) Not
14 later than June 1, 2027, the Under Secretary of Defense
15 for Personnel and Readiness shall prescribe regulations,
16 including by revising Department of Defense Instruction
17 1402.05, relating to background checks on individuals in
18 Department of Defense child care services programs or
19 any successor instruction, to provide for preclearance of
20 individuals applying to be child care employees at military
21 child development centers.

22 “(2) In prescribing regulations under paragraph (1),
23 the Under Secretary shall—

24 “(A) specify a length of time, not to exceed one
25 year, for the preclearance of an individual to be valid

1 for purposes of employment at military child devel-
2 opment centers; and

3 “(B) require annual reverification for a child
4 care employee who received preclearance to be con-
5 ducted not later than one year after the date of the
6 preclearance of the individual.

7 “(3) Nothing in this subsection shall be construed—

8 “(A) to limit the ability of the Department of
9 Defense to conduct, in accordance with regulations
10 and policies of the Department, additional or more
11 current or recent background checks on individuals
12 who have received preclearance; or

13 “(B) to require the Department—

14 “(i) to hire an individual who received
15 preclearance; or

16 “(ii) to provide any appeal or right of ac-
17 tion to an individual who received preclearance
18 and was not selected by the Department for an
19 open position as a child care employee.

20 “(4) In this subsection, the term ‘preclearance’, with
21 respect to an individual, means the individual obtains a
22 background check, including a fingerprint check by the
23 Federal Bureau of Investigation and a State Criminal His-
24 tory Repository check, and a health screening to be a child
25 care employee at a military child development center, with-

1 out regard to whether there is an open job for a child care
2 employee at the time of the background check and screen-
3 ing are conducted.”.

4 **SEC. 4. AUTHORIZATION OF JOB-SHARING ARRANGEMENTS**
5 **FOR CHILD CARE EMPLOYEES.**

6 Section 1792a of title 10, United States Code, as
7 amended by section 3 of this Act, is further amended by
8 adding at the end the following new subsection:

9 “(c) **AUTHORIZATION OF JOB-SHARING ARRANGE-**
10 **MENTS FOR CHILD CARE EMPLOYEES.**—(1) Consistent
11 with chapter 34 of title 5, and policies of the Department
12 of Defense permitting part-time employment and job-shar-
13 ing arrangements for civilian personnel, the Secretary of
14 Defense may authorize the use of voluntary job-sharing
15 arrangements for child care employees at military child
16 development centers.

17 “(2) The Secretary may authorize job-sharing ar-
18 rangements under this subsection—

19 “(A) to expand the pool of qualified child care
20 employees available to meet the needs of military
21 families;

22 “(B) to accommodate individuals unable to
23 work full-time schedules as a result of caregiving,
24 education, or other personal circumstances;

1 “(C) to reduce staffing vacancies and workforce
2 turnover; and

3 “(D) to support continuity and reliability of
4 child care services for military families.

5 “(3) In this subsection, the term ‘job-sharing ar-
6 rangement’ means a work arrangement under which the
7 duties and responsibilities of a single full-time child care
8 employee position are shared by two part-time child care
9 employees, each serving not fewer than 20 hours per
10 week.”.

11 **SEC. 5. LIMITED ACCESS TO CERTAIN BENEFITS FOR**
12 **CHILD CARE EMPLOYEES.**

13 Section 1792a of title 10, United States Code, as
14 amended by section 4 of this Act, is further amended by
15 adding at the end the following new subsection:

16 “(d) LIMITED ACCESS TO CERTAIN BENEFITS FOR
17 CHILD CARE EMPLOYEES.—(1) The Secretary of Defense
18 may authorize child care employees working at military
19 child development centers to receive limited access to bene-
20 fits described in paragraph (2) if the Secretary determines
21 such access is necessary to support recruitment and reten-
22 tion of child care employees and continuity of child care
23 services.

24 “(2) The benefits that may be provided to a child care
25 employee under paragraph (1) are the following:

1 “(A) Commissary and exchange privileges, on
2 days on which the employee is providing child care
3 services on a military installation, on the same basis
4 as civilian employees of the Department of Defense
5 under Directive-type Memorandum 21-003 or any
6 successor Department of Defense issuance.

7 “(B) Use of MWR retail facilities, including fit-
8 ness centers, if the Secretary determines that au-
9 thorizing such use will support the stability of the
10 child care workforce.

11 “(C) Tuition assistance and referral bonuses
12 under terms and conditions comparable to similar
13 workforce recruitment and retention programs au-
14 thorized for other civilian and contractor workforces
15 of the Department of Defense.

16 “(D) Such other limited benefits as the Sec-
17 retary determines appropriate.

18 “(3)(A) A child care employee who receives a benefit
19 under paragraph (1) may not transfer the benefit to any
20 other person.

21 “(B) The Secretary may revoke a benefit provided to
22 a child care employee under paragraph (1) at any time.

23 “(4) Not later than 180 days after the date of the
24 enactment of this section, the Secretary shall issue guid-
25 ance to implement this subsection.

1 “(5) In this subsection, the term ‘MWR retail facility’
2 has the meaning given that term in section 1063 of this
3 title.”.

4 **SEC. 6. DEPARTMENT OF DEFENSE CHILD CARE READI-**
5 **NESS DATA SYSTEM.**

6 Subchapter II of chapter 88 of title 10, United States
7 Code, is amended by inserting after section 1799 the fol-
8 lowing new section:

9 **“§ 1799a. Child care readiness data system**

10 “(a) ESTABLISHMENT.—The Secretary of Defense
11 shall establish and maintain a unified, Department-wide
12 child care readiness data system (in this section referred
13 to as the ‘System’) to assess, monitor, and manage child
14 care capacity and child care workforce readiness across
15 the Department of Defense.

16 “(b) REQUIRED DATA ELEMENTS.—The System
17 shall include information on the following:

18 “(1) Child care capacity and utilization,
19 disaggregated by military installation and region.

20 “(2) Child care workforce staffing levels, vacan-
21 cies, turnover rates, and compensation ranges.

22 “(3) Child care waitlists, disaggregated by—

23 “(A) families with no access to child care;

24 “(B) families using temporary child care or
25 child care located off a military installation; and

1 “(C) families requiring child care during
2 nontraditional hours.

3 “(4) Demand for child care by age cohort, with
4 specific identification of children under age 5.

5 “(5) Utilization and attrition data for fee as-
6 sistance programs.

7 “(6) Geographic areas with persistent unmet
8 child care needs.

9 “(7) Such other information as the Secretary
10 considers appropriate.

11 “(c) STANDARDIZATION AND UPDATES.—The Sec-
12 retary shall—

13 “(1) standardize the collection of data on child
14 care across the military departments; and

15 “(2) update the information in the System not
16 less frequently than every 90 days.

17 “(d) BRIEFINGS REQUIRED.—Not later than 180
18 days after the date of the enactment of this section, and
19 annually thereafter, the Secretary of Defense shall brief
20 the Committees on Armed Services of the Senate and the
21 House of Representatives on—

22 “(1) findings derived from the System;

23 “(2) actions taken to address any gaps in child
24 care availability identified through the System; and

1 “(3) recommendations for legislative or regu-
2 latory authorities or funding required to reduce the
3 unmet need for child care.”.

4 **SEC. 7. REPORT ON CHILD CARE WAITLISTS.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary shall sub-
7 mit to the congressional defense committees (as defined
8 in section 101(a) of title 10, United States Code) a report
9 on waitlists for child care across the Department of De-
10 fense.

11 (b) ELEMENTS.—The report required by subsection
12 (a) shall include the following:

13 (1) A description of steps being taken to cen-
14 tralize systems and collect data on waitlists for child
15 care across the Department of Defense.

16 (2) A description of data that the Department
17 has on child care waitlists.

18 (3) A description of steps being taken by the
19 Department to resolve discrepancies or misleading
20 information in the data, such as children being
21 counted on multiple waitlists simultaneously and in-
22 clusion of children who are receiving child care serv-
23 ices but are on waitlists for purposes of obtaining al-
24 ternative child care.

1 (4) An analysis of what proportion of waitlist
2 spots represent unmet need for child care as opposed
3 to duplicate entries.

4 (5) A plan for improving data collection on
5 child care waitlists.

6 **SEC. 8. REPORT ON RELATIONSHIP BETWEEN CHILD CARE**
7 **AVAILABILITY AND READINESS.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Secretary of Defense shall submit
10 to the congressional defense committees (as defined in sec-
11 tion 101(a) of title 10, United States Code) a report that
12 analyzes the relationship between child care availability
13 and each of the following:

14 (1) Military readiness and training participa-
15 tion.

16 (2) Retention and separation decisions.

17 (3) Families in which two parents are members
18 of the Armed Forces.

19 (4) High operational-tempo units.

20 (5) Workforce participation of military spouses.