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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.