

116TH CONGRESS
2D SESSION

S. 3808

To improve the affordability and accessibility of child care for military families, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. BLUMENTHAL (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To improve the affordability and accessibility of child care 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 “Child Care Afford-
5 ability and Accessibility for Military Families Act”.

6 **SEC. 2. MILITARY CHILD CARE AND CHILD DEVELOPMENT**

7 **CENTER MATTERS.**

8 (a) **CENTER FEES MATTERS.**—Section 1793 of title
9 10, United States Code, is amended by adding at the end
10 the following new subsections:

1 “(c) EXCLUSION OF BAH FROM FAMILY INCOME IN
2 CALCULATION OF FEES FOR CERTAIN MEMBERS.—

3 “(1) IN GENERAL.—In providing for the cal-
4 culation of fees charged under this section for a par-
5 ent who is member of the armed forces on active
6 duty in a grade specified in paragraph (2), the regu-
7 lations prescribed pursuant to subsection (a) shall
8 exclude from the family income of the family con-
9 cerned any basic allowance for housing (BAH) paid
10 to such parent under section 403 of title 37.

11 “(2) GRADES.—The grades specified in this
12 paragraph are as follows:

13 “(A) Officer grades O-1 and O-2.

14 “(B) Warrant officer grades W-1 and W-

15 2.

16 “(C) Enlisted grades E-1 through E-5.

17 “(d) LIBERAL ISSUANCE OF HARDSHIP WAIVERS.—

18 The regulations prescribed pursuant to subsection (a)
19 shall require that installation commanders issue waivers
20 of fees otherwise established under the regulations for in-
21 ability to pay (commonly referred to as ‘hardship waivers’)
22 on a liberal basis in a manner consistent (as specified by
23 the Secretary in such regulations) with ensuring that fees
24 collected pursuant to subsection (a) meet the operating ex-
25 penses of the child development centers concerned.

1 “(e) FAMILY DISCOUNT.—In the case of a family
2 with two or more children attending a child development
3 center, the regulations prescribed pursuant to subsection
4 (a) shall require that installations commanders charge a
5 fee for attendance at the center of any child of the family
6 after the first child of the family in amount equal to 85
7 percent of the amount of the fee otherwise chargeable for
8 the attendance of such child at the center.”.

9 (b) CHILD CARE FEE ASSISTANCE PROGRAMS
10 THROUGHOUT THE ARMED FORCES.—

11 (1) PROGRAMS REQUIRED.—Each Secretary of
12 a military department shall carry out a program for
13 each Armed Force under the jurisdiction of such
14 Secretary under which a member of the Armed
15 Forces who is obtaining child care services from a
16 civilian child care services provider located off a mili-
17 tary installation is paid (subject to any limitation es-
18 tablished by such Secretary) a monthly amount
19 equal to the amount, if any, by which—

20 (A) the monthly amount charged by such
21 provider for such services; exceeds

22 (B) the monthly amount the military de-
23 partment concerned pays or otherwise provides
24 members at such installation for child care serv-
25 ices on such installation.

1 (2) MODEL.—The programs carried out pursu-
2 ant to paragraph (1) shall be modeled after the
3 Army Fee Assistance Program, and incorporate such
4 modifications to that Program as the Secretary of
5 the military department concerned considers appro-
6 priate.

7 (3) SECRETARY OF DEFENSE APPROVAL.—Any
8 program of an Armed Force under paragraph (1)
9 shall be subject to the approval of the Secretary of
10 Defense.

11 (c) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED
12 CHILD CARE EMPLOYEES.—

13 (1) IN GENERAL.—Section 1792 of title 10,
14 United States Code, is amended—

15 (A) by redesignating subsection (d) as sub-
16 section (e); and

17 (B) by inserting after subsection (c) the
18 following new subsection (d):

19 “(d) ADDITIONAL ACTIONS TO OBTAIN QUALIFIED
20 EMPLOYEES.—Each Secretary of a military department
21 may, with the approval of the Secretary of Defense, take
22 actions in addition to actions authorized by subsection (c)
23 to provide military child development centers under the
24 jurisdiction of such Secretary with a qualified and stable
25 civilian workforce, including actions as follows:

1 “(1) Enhanced marketing and recruitment for
2 employment.

3 “(2) Provision to employees of education-related
4 benefits, including tuition assistance and student
5 loan repayment programs.

6 “(3) Availability and enhancement of wellness
7 and physical fitness programs for employees.

8 “(4) Provision of such other competitive bene-
9 fits as the Secretary of the military department and
10 the Secretary of Defense jointly consider appro-
11 priate.”.

12 (2) REPORTS ON INSTALLATIONS WITH EX-
13 TREME IMBALANCE BETWEEN DEMAND FOR AND
14 AVAILABILITY OF CHILD CARE.—Not later than one
15 year after the date of the enactment of this Act,
16 each Secretary of a military department shall submit
17 to Congress a report on the military installations
18 under the jurisdiction of such Secretary with an ex-
19 treme imbalance between demand for child care and
20 availability of child care. Each report shall include,
21 for the military department covered by such report,
22 the following:

23 (A) The name of the five installations of
24 the military department experiencing the most

1 extreme imbalance between demand for child
2 care and availability of child care.

3 (B) For each installation named pursuant
4 to subparagraph (A), the following:

5 (i) An assessment whether civilian em-
6 ployees at child development centers at
7 such installation have rates of pay and
8 benefits that are competitive with other ci-
9 vilian employees on such installation and
10 with the civilian labor pool in the vicinity
11 of such installation.

12 (ii) A description and assessment of
13 various incentives to encourage military
14 spouses to become providers under the
15 Family Child Care program at such instal-
16 lation.

17 (iii) Such recommendations at the
18 Secretary of the military department con-
19 cerned considers appropriate to address
20 the imbalance between demand for child
21 care and availability of child care at such
22 installation, including recommendations to
23 enhance the competitiveness of civilian
24 child care positions at such installation
25 with other civilian positions at such instal-

1 lation and the civilian labor pool in the vi-
2 cinity of such installation.

3 (d) MILITARY MEDICAL TREATMENT FACILITY
4 AGREEMENTS FOR HOURLY CHILD CARE FOR MEMBERS
5 AND SPOUSES DURING MEDICAL APPOINTMENTS.—

6 (1) IN GENERAL.—The commander or head of
7 each military medical treatment facility shall seek to
8 enter into an agreement with one or more entities
9 described in paragraph (2) in the vicinity of such fa-
10 cility that provide child care services under which
11 agreement members of the Armed Forces and their
12 spouses who are attending an appointment at such
13 facility for medical or mental health care services
14 may obtain child care services for their children on
15 a hourly basis while attending such appointments.

16 (2) ENTITIES.—The entities described in this
17 paragraph are the following:

18 (A) Appropriate non-profit organizations
19 (such as the Armed Services YMCA).

20 (B) Private sector child development cen-
21 ters.

22 (C) Such other entities as the Secretary of
23 Defense considers appropriate for purposes of
24 this subsection.

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