

117TH CONGRESS  
1ST SESSION

# H. R. 3121

To expand child care opportunities for members of the Armed Forces, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Ms. SPEIER (for herself, Mrs. BICE of Oklahoma, Ms. JACOBS of California, Ms. BONAMICI, Ms. BROWNLEY, Mr. CARSON, Mr. CASE, Mr. CASTRO of Texas, Mr. CICILLINE, Mr. GALLEG0, Ms. HOULAHAN, Mr. KAHELE, Mr. MCGOVERN, Mr. MORELLE, Mr. MOULTON, Mrs. NAPOLITANO, Ms. NORTON, Ms. PORTER, Ms. ROSS, Mr. RYAN, Ms. SHERRILL, Ms. STRICKLAND, Ms. TITUS, Mr. TURNER, Mr. VELA, Ms. VELÁZQUEZ, and Ms. WILD) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To expand child care opportunities for members of the  
Armed Forces, 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 “Military Child Care  
5 Expansion Act of 2021”.

1 **SEC. 2. EXPANSION OF PILOT PROGRAM TO PROVIDE FI-**  
2 **NANCIAL ASSISTANCE TO MEMBERS OF THE**  
3 **ARMED FORCES FOR IN-HOME CHILD CARE.**

4 Section 589 of the William M. (Mac) Thornberry Na-  
5 tional Defense Authorization Act for Fiscal Year 2021  
6 (Public Law 116–283) is amended—

7 (1) in subsection (a)(3)—

8 (A) by striking “Secretary shall—” and all  
9 that follows through “private sector; and” and  
10 inserting “Secretary shall take into consider-  
11 ation qualifications for in-home child care pro-  
12 viders in the private sector.”; and

13 (B) by striking subparagraph (B); and

14 (2) in subsection (b), by adding at the end the  
15 following: “The Secretary of Defense may expand  
16 the pilot program to additional locations.”.

17 **SEC. 3. PILOT PROGRAM TO EXPAND ACCESS TO CHILD**  
18 **CARE TO THE DEPARTMENT OF DEFENSE.**

19 (a) **IN GENERAL.**—Not later than 180 days after the  
20 date of the enactment of this Act, the Secretary of Defense  
21 shall establish a pilot program to expand access to child  
22 care for members of the Armed Forces by entering into  
23 agreements with public or private child care facilities or  
24 development centers.

25 (b) **SCOPE.**—In carrying out the pilot program, the  
26 Secretary shall—

1           (1) seek to enter into one or more memoranda  
2 of understanding with one or more eligible civilian  
3 child care centers or facilities to reserve slots for  
4 qualified families in locations in which—

5                   (A) the Department of Defense lacks a  
6 child development center; or

7                   (B) the wait lists for the nearest Depart-  
8 ment of Defense child development center,  
9 where applicable, indicate that qualified families  
10 may not be accommodated; and

11           (2) select five locations that the Secretary de-  
12 termines have the greatest unmet demand for child  
13 care services for children of members of the Armed  
14 Forces, including at least one facility in each loca-  
15 tion that offers extended or flexible hours to provide  
16 care after hours and on weekends.

17           (c) ANNUAL ASSESSMENT OF RESULTS.—Not later  
18 than one year after establishing the pilot program under  
19 subsection (a), the Secretary shall undertake a current as-  
20 sessment of the impact of the pilot program on access to  
21 childcare facilities or child development centers for quali-  
22 fied families.

23           (d) REPORTS.—

24                   (1) INTERIM REPORTS.—Not later than one  
25 year after the Secretary establishes the pilot pro-

1       gram and twice annually thereafter, the Secretary  
2       shall submit to the Committees on Armed Services  
3       of the Senate and the House of Representatives an  
4       interim report on the pilot program. Each interim  
5       report shall include the following elements:

6               (A) The number of military families par-  
7               ticipating in the pilot program, disaggregated  
8               by location and duration of participation.

9               (B) A breakdown of the total cost, includ-  
10              ing any subsidies or financial assistance,  
11              charged by the childcare facility or child devel-  
12              opment center.

13             (C) The impact of the program on wait  
14             times at Department of Defense child care de-  
15             velopment centers.

16             (D) The feasibility of expanding the pilot  
17             program.

18             (E) Recommendations for legislation or ad-  
19             ministrative actions that the Secretary deter-  
20             mines necessary to make the pilot program per-  
21             manent.

22             (F) Any other information the Secretary  
23             determines appropriate.

24             (2) FINAL REPORT.—Not later than 90 days  
25             after the termination of the pilot program, the Sec-

1       retary shall submit to the Committees on Armed  
2       Services of the Senate and the House of Representa-  
3       tives a final report on the pilot program. The report  
4       shall include the following elements:

5               (A) The elements specified in paragraph  
6               (1).

7               (B) The recommendation of the Secretary  
8               whether to make the pilot program permanent.

9       (e) EXPANSION.—Based on the recommendations in-  
10      cluded in the interim reports, the Secretary may expand  
11      the scope of the pilot program to include more than five  
12      locations if the Secretary determines access to childcare  
13      is improved and such expansion would likely benefit De-  
14      partment of Defense families.

15      (f) TERMINATION.—The pilot program shall termi-  
16      nate 10 years after the date on which the Secretary estab-  
17      lishes the pilot program.

18      (g) ELIGIBLE CIVILIAN CHILD CARE CENTER OR FA-  
19      CILITY DEFINED.—In this section, the term “eligible civil-  
20      ian child care center or facility” has the meaning given  
21      the term “eligible provider” in section 1798(b) of title 10,  
22      United States Code.

1 **SEC. 4. DETERMINATION OF CAUSES OF POOR OR FAILING**  
2 **CONDITIONS AT CHILD DEVELOPMENT CEN-**  
3 **TERS OF DEPARTMENT OF DEFENSE AND**  
4 **COSTS TO IMPROVE SUCH CONDITIONS.**

5 (a) DETERMINATIONS.—

6 (1) IN GENERAL.—The Secretary of Defense  
7 shall determine—

8 (A) the root causes contributing to poor or  
9 failing facility conditions at child development  
10 centers of the Department of Defense; and

11 (B) the total cost to improve the facility  
12 conditions of such centers to at least fair condi-  
13 tion, as determined by the Secretary.

14 (2) REPORT.—Not later than one year after the  
15 date of the enactment of this Act, the Secretary  
16 shall submit to Congress a report on the determina-  
17 tions of the Secretary under paragraph (1).

18 (b) COMPTROLLER GENERAL REVIEW AND REC-  
19 OMMENDATIONS.—Not later than one year after the date  
20 on which the Secretary submits to Congress the report  
21 under subsection (a)(2) on the determinations of the Sec-  
22 retary under subsection (a)(1), the Comptroller General  
23 of the United States shall—

24 (1) review such determinations; and

25 (2) submit to the Secretary and Congress rec-  
26 ommendations on how to improve the facility condi-

1 tions at child development centers of the Depart-  
2 ment.

3 **SEC. 5. TEMPORARY PROGRAM TO USE MINOR MILITARY**  
4 **CONSTRUCTION AUTHORITY FOR CONSTRU-**  
5 **CTION OF CHILD DEVELOPMENT CENTERS.**

6 (a) THRESHOLDS ON CONSTRUCTION AUTHOR-  
7 IZED.—The Secretary of Defense shall establish a pro-  
8 gram to carry out minor military construction projects  
9 under section 2805 of title 10, United States Code, to con-  
10 struct child development centers.

11 (b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO  
12 MINOR CONSTRUCTION PROJECTS.—For the purpose of  
13 any military construction project carried out under the  
14 program under this section, the amounts specified in sec-  
15 tion 2805 of title 10, United States Code, are modified  
16 as follows:

17 (1) The amount specified in subsection (a)(2) of  
18 such section is deemed to be \$25,000,000.

19 (2) The amount specified in subsection (c) of  
20 such section is deemed to be \$25,000,000.

21 (c) NOTIFICATION AND APPROVAL REQUIRE-  
22 MENTS.—

23 (1) IN GENERAL.—The notification and ap-  
24 proval requirements under section 2805(b) of title  
25 10, United States Code, shall remain in effect for

1 construction projects carried out under the program  
2 under this section.

3 (2) PROCEDURES.—The Secretary shall estab-  
4 lish procedures for the review and approval of re-  
5 quests from the Secretaries of military departments  
6 to carry out construction projects under the program  
7 under this section.

8 (d) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than 180 days  
10 after the date of the enactment of this Act, the Sec-  
11 retary of Defense shall submit to the congressional  
12 defense committees a report on the program under  
13 this section.

14 (2) ELEMENTS.—The report required by para-  
15 graph (1) shall include a list and description of the  
16 construction projects carried out under the program  
17 under this section, including the location and cost of  
18 each project.

19 (e) EXPIRATION OF AUTHORITY.—The authority to  
20 carry out a minor military construction project under the  
21 program under this section expires on the date that is 10  
22 years after the date of the enactment of this Act.

23 (f) CONSTRUCTION OF AUTHORITY.—Nothing in this  
24 section may be construed to limit any other authority pro-



1 vided by law for a military construction project at a child  
2 development center.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “child development center” has  
5 the meaning given that term in section 2871 of title  
6 10, United States Code.

7 (2) The term “congressional defense commit-  
8 tees” has the meaning given that term in section  
9 101 of title 10, United States Code.

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