

116TH CONGRESS
1ST SESSION

H. R. 840

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2019

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide child care assistance to veterans receiving certain medical services provided by the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Access to
3 Child Care Act”.

4 **SEC. 2. CHILD CARE ASSISTANCE FOR VETERANS RECEIV-**
5 **ING MENTAL HEALTH CARE AND OTHER IN-**
6 **TENSIVE HEALTH CARE SERVICES PROVIDED**
7 **BY THE DEPARTMENT OF VETERANS AF-**
8 **FAIRS.**

9 (a) IN GENERAL.—Subchapter III of chapter 17 of
10 title 38, United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 1730D. Child care assistance for veterans receiving**
13 **mental health care and other intensive**
14 **health care services**

15 “(a) IN GENERAL.—Subject to subsection (c), the
16 Secretary shall provide child care assistance to an eligible
17 veteran for any period that the veteran—

18 “(1) receives covered health care services at a
19 facility of the Department, such as a community-
20 based outpatient clinic; and

21 “(2) is required to travel to and return from
22 such facility for the receipt of such health care serv-
23 ices.

24 “(b) CHILD CARE ASSISTANCE.—(1) Subject to sub-
25 section (c), child care assistance provided under this sec-
26 tion may include any of the following:

1 “(A) A stipend for the payment of child care of-
2 ferred by a licensed child care center or extended day
3 program (either directly or through a voucher pro-
4 gram) which shall be, to the extent practicable, mod-
5 eled after the Department of Veterans Affairs Child
6 Care Subsidy Program established pursuant to sec-
7 tion 590 of title 40.

8 “(B) Direct provision of child care at an on-site
9 facility of the Department.

10 “(C) A payment made directly to a private child
11 care agency.

12 “(D) A collaboration with a facility or program
13 of another Federal department or agency.

14 “(E) Such other form of assistance as the Sec-
15 retary considers appropriate.

16 “(2) In the case that child care assistance under this
17 section is provided as a stipend under paragraph (1)(A),
18 such stipend shall cover the full cost of such child care.

19 “(3) The Secretary shall establish criteria for pro-
20 viding child care assistance under paragraph (1) designed
21 to ensure reasonable access to such assistance for veterans
22 who experience any unusual or excessive burden to access-
23 ing child care services, including excessive driving dis-
24 tances, geographic challenges, and other environmental
25 factors that impede such access.

1 “(c) CONDITION ON RECEIPT OF ASSISTANCE.—(1)

2 The Secretary may not provide any child care assistance
3 under this section to an eligible veteran who is receiving
4 covered health care services from the Department unless
5 that eligible veteran actively participates in such services.

6 “(2) For purposes of this subsection, the term ‘ac-
7 tively participates’ means, with respect to covered health
8 care services—

9 “(A) engaging in transit to and from appoint-
10 ments for such services;

11 “(B) attending appointments for such services;
12 and

13 “(C) such other activities as the Secretary de-
14 termines appropriate.

15 “(d) ANNUAL REPORT.—

16 “(1) IN GENERAL.—The Secretary shall submit
17 to Congress an annual report on the provision of
18 child care assistance under this section. Each such
19 report shall include, for the year covered by the re-
20 port, each of the following for each of the categories
21 of child care assistance specified in paragraph (2):

22 “(A) The average amount of time required
23 by the Department to provide a payment for
24 child care assistance.

1 “(B) The average cost of child care assist-
2 ance.

3 “(C) The extent to which the Department
4 has a backlog of unprocessed claims for child
5 care assistance.

6 “(D) The number of Department employ-
7 ees who worked on the processing of claims for
8 child care assistance.

9 “(E) The average amount of time required
10 by such an employee to process such a claim.

11 “(F) The number of improper or duplica-
12 tive payments of child care assistance made.

13 “(G) The recommendations of the Sec-
14 retary for improving the processing of claims
15 for child care assistance.

16 “(2) CATEGORIES OF CHILD CARE ASSIST-
17 ANCE.—The categories of child care assistance speci-
18 fied in this paragraph are each of the following:

19 “(A) Direct stipends.

20 “(B) Payments made directly to a child
21 care agencies.

22 “(C) Stipends provided through a voucher
23 program.

1 “(e) OUTREACH.—The Secretary shall perform out-
2 reach to inform eligible veterans of the child care assist-
3 ance available under this section.

4 “(f) REQUIREMENTS; RULE OF CONSTRUCTION.—(1)
5 In accordance with paragraph (2), a child care center,
6 child care agency, or any other child care provider de-
7 scribed in subsection (b) may not provide child care under
8 this section if the center, agency, or provider employs an
9 individual who has been convicted of a sex crime, an of-
10 fense involving a child victim, a violent crime, a drug fel-
11 ony, or other offense the Secretary determines appro-
12 priate.

13 “(2) Nothing in paragraph (1) shall supersede, nul-
14 lify, or diminish any Federal or State law (including any
15 local law or ordinance), contract, agreement, policy, plan,
16 practice, or other matter that establishes standards and
17 requirements for employees of child care centers, child
18 care agencies, or other child care providers described in
19 subsection (b) that are more restrictive than the require-
20 ments specified in paragraph (1).

21 “(g) DEFINITIONS.—In this section:

22 “(1) The term ‘eligible veteran’ means a vet-
23 eran who—

24 “(A) is a primary caretaker of a child or
25 children; and

1 “(B) is—

2 “(i) receiving covered health care serv-
3 ices from the Department; or

4 “(ii) in need of covered health care
5 services, and but for lack of child care
6 services, would receive such covered health
7 care services from the Department.

8 “(2) The term ‘covered health care services’
9 means—

10 “(A) regular mental health care services,
11 including telemental health services furnished
12 by the Department, including health care serv-
13 ices provided as part of readjustment coun-
14 seling;

15 “(B) intensive mental health care services,
16 including telemental health services furnished
17 by the Department, including counseling and
18 care and services under section 1720D of this
19 title;

20 “(C) health care services related to sub-
21 stance or drug abuse counseling;

22 “(D) intensive health care services related
23 to physical therapy for a service-connected dis-
24 ability;

1 “(E) emergency mental health care serv-
2 ices; or

3 “(F) such other intensive health care serv-
4 ices that the Secretary determines that provi-
5 sion of assistance to the veteran to obtain child
6 care would improve access to such health care
7 services by the veteran.

8 “(3) The term ‘facility of the Department’ in-
9 cludes any Vet Center.

10 “(4) The term ‘Vet Center’ has the meaning
11 given that term in section 1712A of this title.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 1730C the following new
15 item:

 “1730D. Child care assistance for veterans receiving mental health care and
 other intensive health care services.”.

16 (c) FEASIBILITY STUDY ON CHILD CARE FOR VET-
17 ERANS RECEIVING CARE IN NON-DEPARTMENT FACILI-
18 TIES.—

19 (1) STUDY REQUIRED.—The Secretary of Vet-
20 erans Affairs shall conduct a feasibility study to de-
21 termine how the Department of Veterans Affairs
22 could provide child care assistance for veterans who
23 receive covered health care services (as such term is
24 defined in section 1730D(c)(2) of title 38, United

1 States Code, as added by subsection (a)) from the
2 Department at non-Department facilities.

3 (2) SUBMISSION TO CONGRESS.—Not later than
4 one year after the date of the enactment of this Act,
5 the Secretary shall submit to the Committees on
6 Veterans Affairs of the Senate and House of Rep-
7 resentatives a report containing the results of the
8 study required to be conducted under paragraph (1).

9 (d) PUBLIC NOTICE.—After the enactment of this
10 Act, the Secretary shall make publicly available on a De-
11 partment website notice of the child care assistance benefit
12 under section 1730D of title 38, United States Code, as
13 added by subsection (a). Such notice shall be easily acces-
14 sible and visible and shall include a description of the ex-
15 panded and cost-free child care assistance for veterans, eli-
16 gibility requirements, and any additional information the
17 Secretary determines necessary.

18 (e) REPORT TO CONGRESS.—Not later than 18
19 months after the date of the enactment of this Act, the
20 Secretary of Veterans Affairs shall submit to Congress a
21 report on the effectiveness and accessibility of the child
22 care assistance provided under section 1710D of title 38,
23 United States Code, as added by this section, for eligible
24 individuals who reside in rural and highly rural areas.

1 (f) AUTHORITY TO CONSULT WITH SECRETARY OF
2 DEFENSE.—In implementing section 1730D of title 38,
3 United States Code, as added by subsection (a), the Sec-
4 retary of Veterans Affairs may consult with the Secretary
5 of Defense.

6 **SEC. 3. STUDY ON EFFECTS OF CHILD CARE ASSISTANCE.**

7 (a) STUDY REQUIRED.—Not later than one year
8 after the date of the enactment of this Act, the Secretary
9 of Veterans Affairs shall conduct a study of the effects
10 of the child care assistance provided under section 2 on
11 access to covered health care services, as that term is de-
12 fined in that section, and on compliance with treatment
13 protocols.

14 (b) REPORT.—Not later than 18 months after the
15 date of the enactment of this Act, the Secretary of Vet-
16 erans Affairs shall submit a report to Congress regarding
17 the study required under subsection (a).

18 **SEC. 4. REPORT REQUIRED.**

19 (a) ANNUAL REPORT.—Beginning in the first fiscal
20 year following the enactment of this Act, the Secretary
21 of Veterans Affairs shall submit, as part of the annual
22 budget request document for the Department of Veterans
23 Affairs, a report regarding eligible veterans who received
24 child care assistance under section 2 during the imme-

1 diately preceding fiscal year. Each such report shall in-
2 clude the following:

3 (1) The number of such eligible veterans in
4 each region of the Veterans Health Administration.

5 (2) If feasible, the number of such eligible vet-
6 erans per facility of the Department.

7 (3) The amount of funding for such assistance
8 made available by the Secretary—

9 (A) for each region of the Veterans Health
10 Administration; and

11 (B) for each type of assistance specified in
12 subsection (b) of such section.

13 (4) Findings regarding—

14 (A) challenges in providing such assist-
15 ance;

16 (B) child care not covered by such assist-
17 ance; and

18 (C) recommendations to improve such as-
19 sistance.

20 (b) BIENNIAL SUPPLEMENT.—Not less than once
21 every two years, the report under subsection (a) shall in-
22 clude a supplement regarding the following:

23 (1) Other challenges regarding child care serv-
24 ices that prevent veterans from receiving covered
25 health care services under section 2.

1 (2) Plans of the Secretary to address challenges
2 identified under paragraph (1).

3 (3) An assessment of the extent to which lack
4 of education by the Department or awareness by vet-
5 erans of the assistance under section 2 contributes
6 to a lack of use of such assistance.

Passed the House of Representatives February 8,
2019.

Attest:

KAREN L. HAAS,
Clerk.