

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title 10, United States Code, to provide for an operational and training deferment for parents.

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IN THE SENATE OF THE UNITED STATES

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Mr. OSSOFF introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 10, United States Code, to provide for an operational and training deferment for parents.

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 Families Sup-  
5 port Act”.

6 **SEC. 2. OPERATIONAL AND TRAINING DEFERMENT FOR**  
7 **PARENTS.**

8 (a) IN GENERAL.—Chapter 39 of title 10, United  
9 States Code, is amended by inserting after section 674 the  
10 following new section:

1 **“§ 675. Operational and training deferment for par-**  
2 **ents**

3 “(a) IN GENERAL.—A member of the armed forces  
4 who physically gives birth to a child (in this section re-  
5 ferred to as a ‘birthparent’) shall receive a deferment, for  
6 a period of 365 days beginning on the date of the birth  
7 of the child, from all continuous duty events that are in  
8 excess of 1 normal duty day or shift, including from the  
9 following:

10 “(1) Deployment.

11 “(2) Mobilization.

12 “(3) Field training.

13 “(4) Combat Training Center program rota-  
14 tions.

15 “(5) Collective training events away from the  
16 permanent duty station of the member.

17 “(6) Pre-mobilization training.

18 “(7) Unit training assembly away from the per-  
19 manent duty station of the member.

20 “(8) Temporary duty.

21 “(b) ADOPTIONS.—

22 “(1) IN GENERAL.—A member of the armed  
23 forces who adopts a minor child or has a minor child  
24 placed with the member long term shall receive a  
25 deferment described in subsection (a) for a period of

1       365 days beginning on the date of the adoption or  
2       placement.

3           “(2) STEPPARENT OR SIBLING ADOPTIONS.—  
4       Paragraph (1) does not apply in the case of the  
5       adoption of a child by, or placement of a child with,  
6       a stepparent or sibling of the child.

7           “(3) SURROGACY.—If a member of the armed  
8       forces uses a surrogate to bear a child, and the  
9       member becomes the legal parent or guardian of the  
10      child, the member shall be treated as adopting the  
11      child for purposes of paragraph (1).

12          “(c) NON-BIRTHPARENTS.—A member of the armed  
13      forces who is not the birthparent of a child shall receive  
14      a deferment described in subsection (a) if the deferment—

15           “(1) is necessary to ensure that at least one  
16      parent is home with the child for a period of 365  
17      days beginning on the date of the birth of the child;  
18      and

19           “(2) is approved by the special court-martial  
20      convening authority of the member specified in sec-  
21      tion 823.

22          “(d) DUAL-MILITARY PARENTS.—A member of the  
23      armed forces who is the birthparent of a child and is mar-  
24      ried to or co-parenting with another member of the armed

1 forces may transfer all or part of the 365-day deferment  
2 period under subsection (a) to the spouse or co-parent.

3 “(e) FERTILITY TREATMENTS.—

4 “(1) IN GENERAL.—A member of the armed  
5 forces who receives, or whose spouse receives, a re-  
6 ferral from a gynecologic surgeon or obstetrician to  
7 a healthcare provider with credentials in fertility  
8 treatment shall receive a deferment described in sub-  
9 section (a) for a period of 365 days beginning on the  
10 date of the first appointment of the member or  
11 spouse, as applicable, with the healthcare provider.

12 “(2) EXTENSIONS.—A member described in  
13 paragraph (1) who receives, or whose spouse re-  
14 ceives, assisted reproductive technology procedures is  
15 eligible for an extension of the deferment period de-  
16 scribed in subsection (a) for not more than an addi-  
17 tional 365 days.

18 “(3) CONDITIONS.—

19 “(A) MEMBERS ASSIGNED OUTSIDE CONTI-  
20 NENTAL UNITED STATES.—A member assigned  
21 to a duty location outside the continental  
22 United States who requests a deferment under  
23 paragraph (1) shall also request an extension of  
24 the assignment of the member to that duty lo-

1 cation if the deferment period would otherwise  
2 exceed the term of the assignment.

3 “(B) MEMBERS WHO HAVE RECEIVED RE-  
4 LOCATION ORDERS.—A member who has orders  
5 for a temporary or permanent change of station  
6 pending—

7 “(i) is not eligible for a deferment  
8 under paragraph (1); and

9 “(ii) may be eligible for an extension  
10 under paragraph (2).

11 “(C) VOLUNTARY EARLY TERMINATION OF  
12 DEFERMENT.—A member who receives a  
13 deferment under paragraph (1) or an extension  
14 of such a deferment under paragraph (2) may  
15 elect to end the deferment of the member before  
16 the expiration of the deferment.

17 “(f) MEMBERS IN DEPLOYMENT DEFERMENT STA-  
18 TUS.—A member of the armed forces who is in a deploy-  
19 ment deferment status on the date of the birth, adoption,  
20 or other event qualifying the member for a deferment  
21 under this section shall have the deployment deferment  
22 status of the member extended to a date that is not later  
23 than 365 days after the date of the birth, adoption, or  
24 other event, unless the member is eligible for an extension.

1       “(g) WAIVERS OF DEFERMENT PERIOD.—At any  
2 time, a member of the armed forces who receives a  
3 deferment under this section may waive any portion of the  
4 365-day deferment period without ending the period early.

5       “(h) RESERVES.—Other than any rescheduled or ex-  
6 cused absences relating to approved parental leave, this  
7 section does not exempt a member of a reserve component  
8 from attending—

9               “(1) a unit training assembly at the permanent  
10 duty station of the member;

11               “(2) a medical readiness appointment; or

12               “(3) annual training within commuting distance  
13 of the permanent duty station of the member.

14       “(i) EXTENSIONS.—

15               “(1) IN GENERAL.—In accordance with pre-  
16 vailing medical guidance, a member of the armed  
17 forces who is still lactating after the end of the 365-  
18 day deferment period described in subsection (a)  
19 may be granted an extension of the deferment period  
20 and be excused from the following:

21                       “(A) Deployment.

22                       “(B) Mobilization.

23                       “(C) Combat Training Center program ro-  
24 tations.

1           “(D) Any training events where lactation  
2           accommodations cannot be provided as de-  
3           scribed in subsection (j).

4           “(2) TERM OF EXTENSIONS.—Extensions under  
5           paragraph (1) for a member shall be granted in 90-  
6           day increments for such period as the member is lac-  
7           tating, for up to 730 days after the date of the birth  
8           of the child of the member.

9           “(3) VERIFICATION.—The commander of a  
10          member seeking an extension under paragraph (1)  
11          may verify that the member is lactating through a  
12          healthcare provider of the member.

13          “(4) OTHER DUTY.—This subsection does not  
14          excuse a member described in paragraph (1) from  
15          any duty away from the permanent duty station of  
16          the member other than duty described in that para-  
17          graph and where lactation accommodations can be  
18          provided as described in subsection (j).

19          “(j) LACTATION ACCOMMODATIONS.—

20          “(1) IN GENERAL.—The commander of a mem-  
21          ber who is lactating shall provide the member with  
22          lactation breaks and a designated lactation area,  
23          without regard to the amount of time that has  
24          elapsed after the birth of the child of the member  
25          or whether the child is beginning to eat solid foods.

1           “(2) LACTATION BREAKS.—The commander of  
2 a member who is lactating shall—

3           “(A) ensure that the member has adequate  
4 time to express milk and shall be aware that,  
5 in determining how much time is adequate,  
6 each member’s situation is unique; and

7           “(B) allow lactation breaks not less fre-  
8 quently than every 3 hours and for not less  
9 than 30 minutes for each break.

10          “(3) LACTATION AREAS.—The commander of a  
11 member who is lactating shall designate a private  
12 space, other than a restroom, for the member to  
13 breastfeed or express milk that includes the fol-  
14 lowing:

15           “(A) Locking capabilities.

16           “(B) A place to sit.

17           “(C) A flat surface (other than the floor)  
18 to place the pump on.

19           “(D) An electrical outlet.

20           “(E) A refrigerator to store expressed  
21 milk.

22           “(F) Access to a safe water source within  
23 reasonable distance from the lactation area.

24          “(k) WAIVER OF DEFERMENTS FOR WAR OR NA-  
25 TIONAL EMERGENCY.—In time of war or during a na-



1 tional emergency declared by Congress or the President,  
2 the Secretary of Defense may waive the requirements of  
3 this section and terminate any deferments granted under  
4 this section before the declaration of the war or national  
5 emergency.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of chapter 39 of such title is amended  
8 by inserting after the item relating to section 674 the fol-  
9 lowing new item:

“675. Operational and training deferment for parents.”.