

ralization, and shall not exceed \$7,500,000 per fiscal year.

(Added Pub. L. 112-74, div. A, title VIII, §8070(a), Dec. 23, 2011, 125 Stat. 822; amended Pub. L. 112-239, div. A, title X, §1076(f)(22), Jan. 2, 2013, 126 Stat. 1953.)

AMENDMENTS

2013—Pub. L. 112-239, in section catchline, substituted “Military personnel citizenship processing” for “MILITARY PERSONNEL CITIZENSHIP PROCESSING”, and in text, struck out “AUTHORIZATION OF PAYMENTS.—” before “Using funds” and substituted “this title” for “title 10, United States Code”, “8 U.S.C. 1439(b)(4)” for “8 U.S.C. §§1439(b)(4)”, and “subsections (m) and (n) of section 286 of such Act (8 U.S.C. 1356)” for “sections 286(m) and (n) of such Act (8 U.S.C. §1356(m))”.

SUBCHAPTER II—MILITARY CHILD CARE

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AMENDMENTS

1999—Pub. L. 106-65, div. A, title V, §584(a)(2), Oct. 5, 1999, 113 Stat. 636, added items 1798, 1799, and 1800 and struck out former item 1798 “Definitions”.

§ 1791. Funding for military child care

It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

(Added Pub. L. 104-106, div. A, title V, §568(a)(1), Feb. 10, 1996, 110 Stat. 332.)

PRIOR PROVISIONS

Provisions similar to those in this subchapter were contained in Pub. L. 101-189, div. A, title XV, Nov. 29, 1989, 103 Stat. 1589, which was set out as a note under section 113 of this title, prior to repeal by Pub. L. 104-106, §568(e)(2).

ENHANCING MILITARY CHILDCARE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE

Pub. L. 115-91, div. A, title V, §558, Dec. 12, 2017, 131 Stat. 1405, provided that:

“(a) HOURS OF OPERATION OF MILITARY CHILDCARE DEVELOPMENT CENTERS.—Each Secretary of a military department shall ensure, to the extent practicable, that the hours of operation of each childcare development center under the jurisdiction of the Secretary are established and maintained in manner that takes into account the demands and circumstances of members of the Armed Forces, including members of the reserve components, who use such center in facilitation of the performance of their military duties.

“(b) MATTERS TO BE TAKEN INTO ACCOUNT.—The demands and circumstances to be taken into account under subsection (a) for purposes of setting and maintaining the hours of operation of a childcare development center shall include the following:

“(1) Mission requirements of units whose members use the childcare development center.

“(2) The unpredictability of work schedules, and fluctuations in day-to-day work hours, of such members.

“(3) The potential for frequent and prolonged absences of such members for training, operations, and deployments.

“(4) The location of the childcare development center on the military installation concerned, including the location in connection with duty locations of members and applicable military family housing.

“(5) Such other matters as the Secretary of the military department concerned considers appropriate for purposes of this section.

“(c) CHILDCARE COORDINATORS FOR MILITARY INSTALLATIONS.—Each Secretary of a military department may provide for a childcare coordinator at each military installation under the jurisdiction of the Secretary at which are stationed significant numbers of members of the Armed Forces with accompanying dependent children, as determined by the Secretary. The childcare coordinator may work with the commander of the installation to ensure that childcare is available and responsive to the needs of members assigned to the installation.”

REPORTS ON CHILD DEVELOPMENT CENTERS AND FINANCIAL ASSISTANCE FOR CHILD CARE FOR MEMBERS OF THE ARMED FORCES

Pub. L. 111-383, div. A, title V, §587, Jan. 7, 2011, 124 Stat. 4230, provided that:

“(a) REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act [Jan. 7, 2011], and every two years thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on Department of Defense child development centers and financial assistance for child care provided by the Department of Defense off-installation to members of the Armed Forces.

“(b) ELEMENTS.—Each report required by subsection (a) shall include the following, current as of the date of such report:

“(1) The number of child development centers currently located on military installations.

“(2) The number of dependents of members of the Armed Forces utilizing such child development centers.

“(3) The number of dependents of members of the Armed Forces that are unable to utilize such child development centers due to capacity limitations.

“(4) The types of financial assistance available for child care provided by the Department of Defense off-installation to members of the Armed Forces (including eligible members of the reserve components).

“(5) The extent to which members of the Armed Forces are utilizing such financial assistance for child care off-installation.

“(6) The methods by which the Department of Defense reaches out to eligible military families to increase awareness of the availability of such financial assistance.

“(7) The formulas used to calculate the amount of such financial assistance provided to members of the Armed Forces.

“(8) The funding available for such financial assistance in the Department of Defense and in the military departments.

“(9) The barriers to access, if any, to such financial assistance faced by members of the Armed Forces, including whether standards and criteria of the Department of Defense for child care off-installation may affect access to child care.

“(10) Any other matters the Secretary considers appropriate in connection with such report, including

with respect to the enhancement of access to Department of Defense child care development centers and financial assistance for child care off-installation for members of the Armed Forces.”

§ 1792. Child care employees

(a) **REQUIRED TRAINING.**—(1) The Secretary of Defense shall prescribe regulations implementing a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early childhood development.

(B) Activities and disciplinary techniques appropriate to children of different ages.

(C) Child abuse prevention and detection.

(D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) **TRAINING AND CURRICULUM SPECIALISTS.**—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

(2) The duties of such employees shall include the following:

(A) Special teaching activities at the center.

(B) Daily oversight and instruction of other child care employees at the center.

(C) Daily assistance in the preparation of lesson plans.

(D) Assistance in the center’s child abuse prevention and detection program.

(E) Advising the director of the center on the performance of other child care employees.

(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

(c) **COMPETITIVE RATES OF PAY.**—For the purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from nonappropriated funds—

(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

(d) **COMPETITIVE SERVICE POSITION DEFINED.**—In this section, the term “competitive service position” means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

(Added Pub. L. 104–106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 332; amended Pub. L.

105–85, div. A, title X, § 1073(a)(34), Nov. 18, 1997, 111 Stat. 1902; Pub. L. 105–261, div. A, title XI, § 1106, Oct. 17, 1998, 112 Stat. 2142.)

AMENDMENTS

1998—Subsecs. (d), (e). Pub. L. 105–261 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows:

“(d) **EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.**—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

“(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 1784 of this title, in the same geographic area as the military child development center.”

1997—Subsec. (a)(1). Pub. L. 105–85, § 1073(a)(34)(A), struck out comma after “implementing”.

Subsec. (d)(2). Pub. L. 105–85, § 1073(a)(34)(B), substituted “section 1784” for “section 1794”.

DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS

Pub. L. 115–91, div. A, title V, § 559, Dec. 12, 2017, 131 Stat. 1406, provided that:

“(a) **IN GENERAL.**—The Secretary of Defense may appoint, without regard to any provision of subchapter I of chapter 33 of title 5, United States Code, qualified childcare services providers in the competitive service if the Secretary determines that—

“(1) there is a critical hiring need for childcare services providers for Department of Defense child development centers; and

“(2) there is a shortage of childcare services providers.

“(b) **REGULATIONS.**—The Secretary shall carry out this section in accordance with regulations prescribed by the Secretary for purposes of this section.

“(c) **DEADLINE FOR IMPLEMENTATION.**—The Secretary shall prescribe the regulations required by subsection (b), and commence implementation of subsection (a), by not later than May 1, 2018.

“(d) **BRIEFING.**—Not later than 90 days after the end of each of fiscal years 2019 and 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on the use of the appointment authority provided by subsection (a).

“(e) **CHILDCARE SERVICES PROVIDER DEFINED.**—In this section, the term ‘childcare services provider’ means a person who provides childcare services for dependent children of members of the Armed Forces and civilian employees of the Department of Defense in child development centers on Department installations.

“(f) **EXPIRATION OF AUTHORITY.**—The appointment authority provided by subsection (a) expires on September 30, 2021.”

§ 1793. Parent fees

(a) **IN GENERAL.**—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a reg-