

partment 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”.

PORTABILITY OF BACKGROUND INVESTIGATIONS FOR CHILD CARE PROVIDERS

Pub. L. 116–92, div. A, title V, §580(f), Dec. 20, 2019, 133 Stat. 1408, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall ensure that the background investigation and training certification for a child care provider employed by the Department of Defense in a facility of the Department may be transferred to another facility of the Department, without regard to which Secretary of a military department has jurisdiction over either such facility.”

PROVISIONAL OR INTERIM CLEARANCES TO PROVIDE CHILDCARE SERVICES AT MILITARY CHILDCARE CENTERS

Pub. L. 115–232, div. A, title V, §576, Aug. 13, 2018, 132 Stat. 1781, provided that:

“(a) **IN GENERAL.**—The Secretary of Defense shall implement a policy to permit the issuance on a provisional or interim basis of clearances for the provision of childcare services at military childcare centers.

“(b) **ELEMENTS.**—The policy required by subsection (a) shall provide for the following:

“(1) Any clearance issued under the policy shall be temporary and contingent upon the satisfaction of such requirements for the issuance of a clearance on a permanent basis as the Secretary considers appropriate.

“(2) Any individual issued a clearance on a provisional or interim basis under the policy shall be subject to such supervision in the provision of childcare services using such clearance as the Secretary considers appropriate.

“(c) **CLEARANCE DEFINED.**—In this section, the term ‘clearance’, with respect to an individual and the provision of childcare services, means the formal approval of the individual, after appropriate background checks and other review, to provide childcare services to children at a military childcare center of the Department of Defense.”

DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS AND EMPLOYEES AT INSTALLATION MILITARY HOUSING OFFICES

Pub. L. 116–92, div. B, title XXX, §3035(c), Dec. 20, 2019, 133 Stat. 1937, provided that: “The Secretary of

Defense shall use the authority in section 559 of the National Defense Authorization Act for Fiscal Year 2018 [Pub. L. 115–91, set out below] granted by the amendments made by this section [amending section 559 of Pub. L. 115–91] in a manner consistent with the regulations prescribed for purposes of such section 559 pursuant to subsection (b) of such section 559, without the need to prescribe separate regulations for the use of such authority.”

Pub. L. 115–91, div. A, title V, §559, Dec. 12, 2017, 131 Stat. 1406, as amended by Pub. L. 116–92, div. A, title V, §580(a), div. B, title XXX, §3035(a), (b), Dec. 20, 2019, 133 Stat. 1407, 1937, 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, and individuals to fill vacancies in installation military housing offices, 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 or for employees at installation military housing offices; and

“(2) there is a shortage of childcare services providers or for installation military housing office employees.

“(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 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 (including family childcare coordinator services and school age childcare coordinator 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) **INSTALLATION MILITARY HOUSING OFFICE DEFINED.**—The term ‘installation military housing office’ means any office whose primary function is performing day-to-day supervision of military housing covered by subchapter IV of chapter 169 of title 10, United States Code.

“(g) **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 regular basis, the fees shall be based on family income.

(b) **LOCAL WAIVER AUTHORITY.**—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis, to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive