

“(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.**—(1) 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 who are paid from nonappropriated funds—

(A) in the case of entry-level employees, shall be paid a rate of pay competitive with the rates of pay paid to other equivalent non-Federal positions within the metropolitan statistical area or non-metropolitan statistical area (as the case may be) in which such Department employee’s position is located; and

(B) in the case of any employee not covered by subparagraph (A), shall be paid a rate of

pay competitive with the rates of pay paid to other employees with similar training, seniority, and experience within the metropolitan statistical area or non-metropolitan statistical area (as the case may be) in which such Department employee’s position is located.

(2) Notwithstanding paragraph (1), no employee shall receive a rate of pay under this subsection that is lower than the minimum hourly rate of pay applicable to civilian employees of the Department of Defense.

(3) For purposes of determining the rates of pay under paragraph (1), the Secretary shall use the metropolitan and nonmetropolitan area occupational employment and wage estimates published monthly by the Bureau of Labor Statistics.

(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; Pub. L. 118–159, div. A, title V, § 583(a), Dec. 23, 2024, 138 Stat. 1911.)

### Editorial Notes

#### AMENDMENTS

2024—Subsec. (c). Pub. L. 118–159 amended subsec. (c) generally. Prior to amendment, subsec. (c) provided for competitive rates of pay for employees providing child care.

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”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2024 AMENDMENT

Pub. L. 118–159, div. A, title V, § 583(b)(1), Dec. 23, 2024, 138 Stat. 1911, provided that: “The amendment made by subsection (a) [amending this section] shall take effect not later than April 1, 2025.”

#### RATES OF PAY

Pub. L. 118–159, div. A, title V, § 583(b)(2), Dec. 23, 2024, 138 Stat. 1911, provided that:

“(A) **EMPLOYEE PAY RATE NOT REDUCED.**—The rate of pay for any individual who is an employee covered by subsection (c) of section 1792 of title 10, United States Code, as amended by subsection (a) of this section, on the date of the enactment of this Act [Dec. 23, 2024] shall not be reduced by operation of such amendment.

“(B) PAY BAND MINIMUM.—Any employee whose rate of pay is fixed under such subsection (c), as so amended, and who is within any pay band shall receive a rate of pay not less than the minimum rate of pay applicable to such pay band.”

CHILD DEVELOPMENT PROGRAM STAFFING AND  
COMPENSATION MODEL

Pub. L. 118-159, div. A, title V, § 589A, Dec. 23, 2024, 138 Stat. 1914, provided that:

“(a) IN GENERAL.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall carry out a redesign of the Department of Defense child development program compensation model and modernization of the child development program staffing model.

“(b) REDESIGNED COMPENSATION MODEL.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall—

“(1) redesign child development program staff compensation for non-entry level, mid-to-senior level classroom staff by modernizing the duties and responsibilities captured in position descriptions to more accurately reflect performance and expectations of the positions;

“(2) adjust compensation for higher-level program management positions by modernizing the duties and responsibilities captured in position descriptions to more accurately reflect performance and expectations of the positions;

“(3) direct the Department’s personnel office to make necessary adjustments to modernize the pay plan to accommodate any compensation and wage increases driven by the updated position descriptions for child development program staff; and

“(4) begin implementation of the revised position descriptions and accompanying compensation adjustments no later than April 1, 2025, subject to the availability of appropriations.

“(c) MODERNIZE CHILD DEVELOPMENT PROGRAM STAFFING MODEL.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall—

“(1) add key positions to facilitate classroom operations and provide direct support to child development program staff;

“(2) add key positions to coordinate support for the needs of children with special needs and provide direct support to the child development program staff working with these children; and

“(3) develop and implement a 5-year phased plan to ensure responsible funding execution, successful implementation allowing for adjustments as necessary, and long-term sustainable impact.

“(d) BRIEFINGS REQUIRED.—

“(1) INITIAL BASELINE BRIEFING.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary, in collaboration with the Secretaries of the military departments, shall provide to the Committees on Armed Services of the Senate and the House of Representatives an initial baseline briefing that describes progress, accomplishments, and the impact of the redesign of the Department of Defense child development program compensation model and the modernization of the child development program staffing model.

“(B) ESTABLISHMENT OF DATA BASELINE.—The briefing required by subparagraph (A) shall be used to establish a data baseline.

“(2) ANNUAL BRIEFINGS.—

“(A) IN GENERAL.—Not later than one year after providing the briefing required by paragraph (1), and annually thereafter for four years, the Secretary, in collaboration with the Secretaries of the military departments, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the progress made with respect to the redesign of the Department of Defense child development program compensation

model and the modernization of the child development program staffing model.

“(B) ELEMENTS.—Each briefing required by subparagraph (A) shall include the following:

“(i) The percentage of child development program staff that are also military spouses.

“(ii) The turnover or retention rate of child development program staff.

“(iii) The utilization rate of child development program child care spaces.

“(iv) The number of child development program employees who were hired during the year preceding the briefing.

“(v) The percentage of such employees who resigned within their first six months of employment.

“(vi) Information on the ability to staff newly constructed facilities.

“(vii) An assessment of the impact of adding key positions to the child development program staffing model under paragraphs (1) and (2) of subsection (c).”

PILOT PROGRAM ON HIRING OF SPECIAL NEEDS INCLUSION COORDINATORS FOR DEPARTMENT OF DEFENSE CHILD DEVELOPMENT CENTERS

Pub. L. 117-263, div. A, title V, § 576, Dec. 23, 2022, 136 Stat. 2605, as amended by Pub. L. 118-31, div. A, title V, § 586, Dec. 22, 2023, 137 Stat. 282, provided that:

“(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall carry out a pilot program to hire special needs inclusion coordinators at child development centers selected by the Secretary under subsection (b).

“(b) SELECTION OF CENTERS.—The Secretary of Defense shall select the child development centers at which the pilot program required by subsection (a) will be carried out based on—

“(1) the number of dependent children enrolled in the Exceptional Family Member Program at the military installation on which the center in [sic; probably should be “is”] located;

“(2) the number of children with special needs enrolled in the center; and

“(3) such other considerations as the Secretary, in consultation with the Secretaries of the military departments, considers appropriate.

“(c) FUNCTIONS.—Each special needs inclusion coordinator assigned to a child development center under the pilot program required by subsection (a) shall—

“(1) coordinate intervention and inclusion services at the center;

“(2) provide direct classroom support; and

“(3) provide guidance and assistance relating to the increased complexity of working with the behaviors of children with special needs.

“(d) BRIEFINGS REQUIRED.—

“(1) BRIEFING ON ANTICIPATED COSTS.—Not later than March 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the anticipated costs for the pilot program required by subsection (a).

“(2) BRIEFINGS ON IMPLEMENTATION.—Beginning on January 31, 2024, until the termination of the pilot program, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a biannual briefing on the implementation of the pilot program. Each such briefing shall include the following:

“(A) The process for selecting child development centers under subsection (b).

“(B) How a special needs inclusion coordinator hired under the pilot program coordinates with the head of the child development center concerned and the commander of the military installation concerned.

“(C) How many special needs inclusion coordinators have been hired under the pilot program.

“(3) BRIEFING ON EFFECTIVENESS OF PROGRAM.—Not later than September 30, 2025, the Secretary of De-

fense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the pilot program required by subsection (a) that includes—

“(A) the number of special needs inclusion coordinators hired under the pilot program;

“(B) a description of any issues relating to the retention of those coordinators;

“(C) a recommendation with respect to whether the pilot program should be made permanent or expanded to other military installations; and

“(D) an assessment of the amount of funding required to make the pilot program permanent or expand the pilot program to other military installations, as the Secretary recommends under subparagraph (C).

“(e) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall—

“(1) commence not later than January 1, 2024; and

“(2) terminate on December 31, 2026.

“(f) CHILD DEVELOPMENT CENTER DEFINED.—In this section, the term ‘child development center’ has the meaning given that term in section 2871(2) of title 10, United States Code, and includes a facility identified as a child care center or day care center.”

#### 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 could use the authority in section 559 of Pub. L. 115–91, formerly set out below, in a manner consistent with the regulations prescribed for purposes of such section 559 pursuant to subsec. (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, authorized the Secretary of Defense to 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 under certain circumstances and to prescribe regulations, prior to the expiration of such appointment authority on Sept. 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 with rates at local non-military child development centers.

(c) FAMILY DISCOUNT.—In the case of a family with two or more children attending a child development center, the regulations prescribed pursuant to subsection (a) may require that installations commanders charge a fee for attendance at the center of any child of the family after the first child of the family in amount equal to 85 percent of the amount of the fee otherwise chargeable for the attendance of such child at the center.

(d) CHILD CARE EMPLOYEE DISCOUNT.—In order to support recruitment and retention initiatives, the Secretary of Defense shall charge reduced fees for the attendance, at a military child development center, of the children of a child care employee as follows:

(1) For the first child, no fee.

(2) For each other child, a fee equal to or less than a fee discounted under subsection (c).

(e) PROHIBITION OF CONCURRENT DISCOUNTS.—A family may not receive discounts under subsections (c) and (d) concurrently.

(Added Pub. L. 104–106, div. A, title V, §568(a)(1), Feb. 10, 1996, 110 Stat. 333; amended Pub. L. 116–283, div. A, title V, §585(a), Jan. 1, 2021, 134 Stat. 3654; Pub. L. 117–263, div. A, title VI, §642, Dec. 23, 2022, 136 Stat. 2634; Pub. L. 118–159, div. A, title VI, §633, Dec. 23, 2024, 138 Stat. 1937.)

#### Editorial Notes

##### AMENDMENTS

2024—Subsecs. (d), (e). Pub. L. 118–159 added subsecs. (d) and (e) and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: “The Secretary of Defense may, to support recruitment and retention initiatives, charge a child care employee, whose child attends a military child development center, a reduced fee for such attendance.”

2022—Subsec. (d). Pub. L. 117–263 added subsec. (d).

2021—Subsec. (c). Pub. L. 116–283 added subsec. (c).