

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).

§ 1794. Child abuse prevention and safety at facilities

(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

(2) The Secretary shall publicize the existence of the number by means including—

(A) posting it in public areas of military child development centers; and

(B) providing it to the parents and legal guardians of children who attend military child development centers.

(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not

remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 333; amended Pub. L. 118-159, div. A, title V, § 584, Dec. 23, 2024, 138 Stat. 1912.)

Editorial Notes

AMENDMENTS

2024—Subsec. (b)(2). Pub. L. 118-159 substituted “number by means including—” for “number.” and added subpars. (A) and (B).

§ 1795. Parent partnerships with child development centers

(a) PARENT BOARDS.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

(b) PARENT PARTICIPATION PROGRAMS.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 334.)

§ 1796. Subsidies for family home day care

The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 334.)

Statutory Notes and Related Subsidiaries

PRIORITY FOR CERTAIN MILITARY FAMILY HOUSING TO A MEMBER OF THE ARMED FORCES WHOSE SPOUSE AGREES TO PROVIDE FAMILY HOME DAY CARE SERVICES

Pub. L. 116-283, div. A, title VI, § 627, Jan. 1, 2021, 134 Stat. 3678, provided that:

“(a) PRIORITY.—If the Secretary of a military department determines that not enough child care employees