

are employed at a military child development center on a military installation under the jurisdiction of that Secretary to adequately care for the children of members of the Armed Forces stationed at that military installation, the Secretary, to the extent practicable, may give priority for covered military family housing to a member whose spouse is an eligible military spouse.

“(b) NUMBER OF PRIORITY POSITIONS.—A Secretary of a military department may grant priority under subsection (a) only to the minimum number of eligible military spouses that the Secretary determines necessary to provide adequate child care to the children of members stationed at a military installation described in subsection (a).

“(c) LIMITATION.—Nothing in this section may be construed to require the Secretary of a military department to provide covered military family housing that has been adapted for disabled individuals to a member under this section instead of to a member with one more dependents enrolled in the Exceptional Family Member Program.

“(d) RESULT OF FAILURE TO PROVIDE FAMILY HOME DAY CARE SERVICES OR LOSS OF ELIGIBILITY.—The Secretary of the military department concerned may remove a household provided covered military family housing under this section therefrom if the Secretary determines the spouse of that member has failed to abide by an agreement described in subsection (e)(3) or has ceased to be an eligible military spouse. Such removal may not occur sooner than 60 days after the date of such determination.

“(e) DEFINITIONS.—In this section:

“(1) The terms ‘child care employee’, ‘family home day care’, and ‘military child development center’ have the meanings given those terms in section 1800 of title 10, United States Code.

“(2) The term ‘covered military family housing’ means military family housing—

“(A) located on a military installation described in subsection (a); and

“(B) that the Secretary of the military department concerned determines is large enough to provide family home day care services to no fewer than six children (not including children in the household of the eligible military spouse).

“(3) The term ‘eligible military spouse’ means a military spouse who—

“(A) is eligible for military family housing;

“(B) is eligible to provide family home day care services;

“(C) has provided family home day care services for at least one year; and

“(D) agrees in writing to provide family home day care services in covered military family housing for a period not shorter than one year.”

#### § 1797. Early childhood education program

The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 335.)

#### § 1798. Child care services and youth program services for dependents: financial assistance for providers

(a) AUTHORITY.—The Secretary of Defense may provide financial assistance to an eligible civilian provider of child care services or youth program services that furnishes such services for members of the armed forces, survivors of members of the armed forces who die in combat-related incidents in the line of duty, and employ-

ees of the United States if the Secretary determines that providing such financial assistance—

(1) is in the best interest of the Department of Defense;

(2) enables supplementation or expansion of furnishing of child care services or youth program services for military installations, while not supplanting or replacing such services; and

(3) ensures that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards of the Department of Defense that are applicable to the furnishing of such services.

(b) ELIGIBLE PROVIDERS.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

(1) is licensed to provide those services under applicable State and local law;

(2) has previously provided such services for members of the armed forces or employees of the United States; and

(3) either—

(A) is a family home day care provider; or

(B) is a provider of family child care services that—

(i) otherwise provides federally funded or sponsored child development services;

(ii) provides the services in a child development center owned and operated by a private, not-for-profit organization;

(iii) provides before-school or after-school child care program in a public school facility;

(iv) conducts an otherwise federally funded or federally sponsored school age child care or youth services program;

(v) conducts a school age child care or youth services program that is owned and operated by a not-for-profit organization; or

(vi) is a provider of another category of child care services or youth services determined by the Secretary of Defense as appropriate for meeting the needs of members of the armed forces or employees of the Department of Defense.

(c) FUNDING.—To provide financial assistance under this subsection, the Secretary of Defense may use any funds appropriated to the Department of Defense for operation and maintenance.

(Added Pub. L. 106-65, div. A, title V, § 584(a)(1)(B), Oct. 5, 1999, 113 Stat. 634; amended Pub. L. 107-314, div. A, title X, § 1041(a)(6), Dec. 2, 2002, 116 Stat. 2645; Pub. L. 116-92, div. A, title VI, § 624, Dec. 20, 2019, 133 Stat. 1428.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1798 was renumbered section 1800 of this title.

##### AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92 inserted “, survivors of members of the armed forces who die in combat-related incidents in the line of duty,” after “armed forces” in introductory provisions.

2002—Subsec. (d). Pub. L. 107-314 struck out heading and text of subsec. (d). Text read as follows:

“(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of that authority for meeting the needs of members of the armed forces or employees of the Department of Defense for child care services and youth program services. The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to meet those needs.

“(2) A biennial report under this subsection may be combined with the biennial report under section 1799(d) of this title into a single report for submission to Congress.”

#### Statutory Notes and Related Subsidiaries

##### CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS

Pub. L. 118-159, div. A, title V, § 588, Dec. 23, 2024, 138 Stat. 1914, provided that:

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Defense shall fully fund requests under section 1798 of title 10, United States Code, for financial assistance to eligible civilian providers of child care services or youth program services, as such terms are used in such section.

“(b) RULE OF CONSTRUCTION.—This section shall not be construed to limit the authority of the Secretary, under subsection (a) of such section, to determine whether to provide such financial assistance to an eligible provider for such services.”

##### PROMOTION OF CERTAIN CHILD CARE ASSISTANCE

Pub. L. 117-263, div. A, title V, § 577, Dec. 23, 2022, 136 Stat. 2606, provided that:

“(a) IN GENERAL.—Each Secretary concerned shall promote, to members of the Armed Forces under the jurisdiction of such Secretary concerned, awareness of child care assistance available under—

“(1) section 1798 of title 10, United States Code; and

“(2) section 589 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 1791 note).

“(b) REPORTING.—Not later than one year after the date of the enactment of this Act [Dec. 23, 2022], each Secretary concerned shall submit to the Committees on Armed Services of the Senate and House of Representatives a report summarizing activities taken by such Secretary concerned to carry out subsection (a).

“(c) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ has the meaning given such term in section 101 of title 10, United States Code.”

##### FIRST BIENNIAL REPORTS

Pub. L. 106-65, div. A, title V, § 584(b), Oct. 5, 1999, 113 Stat. 636, provided that the first biennial reports under former sections 1798(d) and 1799(d) of this title were to be submitted not later than Mar. 31, 2002, and were to cover fiscal years 2000 and 2001.

#### § 1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible

(a) AUTHORITY.—The Secretary of Defense may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in those programs.

(b) LIMITATION.—Authorization of participation in a program under subsection (a) shall be

limited to situations in which that participation promotes the attainment of the objectives set forth in subsection (c), as determined by the Secretary.

(c) OBJECTIVES.—The objectives for authorizing participation in a program under subsection (a) are as follows:

(1) To support the integration of children and youth of military families into civilian communities.

(2) To make more efficient use of Department of Defense facilities and resources.

(3) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of members of the armed forces.

(Added Pub. L. 106-65, div. A, title V, § 584(a)(1)(B), Oct. 5, 1999, 113 Stat. 634; amended Pub. L. 107-314, div. A, title X, § 1041(a)(7), Dec. 2, 2002, 116 Stat. 2645.)

#### Editorial Notes

##### AMENDMENTS

2002—Subsec. (d). Pub. L. 107-314 struck out heading and text of subsec. (d). Text read as follows:

“(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of that authority for achieving the objectives set out under subsection (c). The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to attain those objectives.

“(2) A biennial report under this subsection may be combined with the biennial report under section 1798(d) of this title into a single report for submission to Congress.”

#### § 1800. Definitions

In this subchapter:

(1) The term “military child development center” means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

(2) The term “family home day care” means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

(3) The term “child care employee” means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

(4) The term “child care fee receipts” means those nonappropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 335, § 1798; renumbered