

# National Defense Authorization Act for Fiscal Year 2010

Public Law 111-84 / Bill H.R. 2647  
Signed into law on October 28, 2009

## **SEC. 563. SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.**

[Link to Section 563 of law online](#)

(a) Office of Community Support for Military Families With Special Needs-

(1) IN GENERAL- Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781b the following new section:

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### **` Sec. 1781c. Office of Community Support for Military Families With Special Needs**

`(a) Establishment- There is in the Office of the Under Secretary of Defense for Personnel and Readiness the Office of Community Support for Military Families With Special Needs (in this section referred to as the `Office').

`(b) Purpose- The purpose of the Office is to enhance and improve Department of Defense support around the world for military families with special needs (whether medical or educational needs) through the development of appropriate policies, enhancement and dissemination of appropriate information throughout the Department of Defense, support for such families in obtaining referrals for services and in obtaining service, and oversight of the activities of the military departments in support of such families.

`(c) Director-

(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be appointed by the Secretary of Defense from among civilian employees of the Department of Defense who are members of the Senior Executive Service or members of the Armed Forces in a general or flag grade.

`(2) The Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness in the discharge of the responsibilities of the Office, and shall report directly to the Under Secretary regarding the discharge of such responsibilities.

`(d) Responsibilities- The Office shall have the responsibilities as follows:

`(1) To develop and implement a comprehensive policy on support for military families with special needs as required by subsection (e).

`(2) To establish and oversee the programs required by subsection (f).

`(3) To identify gaps in services available through the Department of Defense for military families with special needs.

`(4) To develop plans to address gaps identified under paragraph (3) through appropriate mechanisms, such as enhancing resources and training and ensuring the provision of special assistance to military families with special needs and military parents of individuals with special needs (including through the provision of training and seminars to members of the armed forces).

`(5) To monitor the programs of the military departments for the assignment of members of the armed forces who are members of military families with special needs, and the programs for the support of such military families, and to advise the Secretary of Defense on the adequacy of such programs in conjunction with the preparation of future-years defense programs and other budgeting and planning activities of the Department of Defense.

`(6) To monitor the availability and accessibility of programs provided by other Federal, State, local, and non-governmental agencies to military families with special needs.

`(7) To carry out such other matters with respect to the programs and activities of the Department of Defense regarding military families with special needs as the Under Secretary of Defense for Personnel and Readiness shall specify.

`(e) Policy-

(1) The Office shall develop, and update from time to time, a uniform policy for the Department of Defense regarding military families with special needs. The policy shall apply with respect to members of the armed forces without regard to their location, whether within or outside the continental United States.

`(2) The policy developed under this subsection shall include elements regarding the following:

`(A) The assignment of members of the armed forces who are members of military families with special needs.

`(B) Support for military families with special needs.

` (3) In addressing the assignment of members of the armed forces under paragraph (2)(A), the policy developed under this subsection shall, in a manner consistent with the needs of the armed forces and responsive to the career development of members of the armed forces on active duty, provide for such members each of the following:

` (A) Assignment to locations where care and support for family members with special needs are available.

` (B) Stabilization of assignment for a minimum of 4 years.

` (4) In addressing support for military families under paragraph (2)(B), the policy developed under this subsection shall provide the following:

` (A) Procedures to identify members of the armed forces who are members of military families with special needs.

` (B) Mechanisms to ensure timely and accurate evaluations of members of such families who have special needs.

` (C) Procedures to facilitate the enrollment of such members of the armed forces and their families in programs of the military department for the support of military families with special needs.

` (D) Procedures to ensure the coordination of Department of Defense health care programs and support programs for military families with special needs, and the coordination of such programs with other Federal, State, local, and non-governmental health care programs and support programs intended to serve such families.

` (E) Requirements for resources (including staffing) to ensure the availability through the Department of Defense of appropriate numbers of case managers to provide individualized support for military families with special needs.

` (F) Requirements regarding the development and continuous updating of an individualized services plan (medical and educational) for each military family with special needs.

` (G) Requirements for record keeping, reporting, and continuous monitoring of available resources and family needs under individualized services support plans for military families with special needs, including the establishment and maintenance of a central or various regional databases for such purposes.

`(f) Programs-

(1) The Office shall establish, maintain, and oversee a program to provide information and referral services on special needs matters to military families with special needs on a continuous basis regardless of the location of the member's assignment. The program shall provide for timely access by members of such military families to individual case managers and counselors on matters relating to special needs.

`(2) The Office shall establish, maintain, and oversee a program of outreach on special needs matters for military families with special needs. The program shall--

`(A) assist military families in identifying whether or not they have a member with special needs; and

`(B) provide military families with special needs with information on the services, support, and assistance available through the Department of Defense regarding such members with special needs, including information on enrollment in programs of the military departments for such services, support, and assistance.

`(3)

(A) The Office shall provide support to the Secretary of each military department in the establishment and sustainment by such Secretary of a program for the support of military families with special needs under the jurisdiction of such Secretary. Each program shall be consistent with the policy developed by the Office under subsection (e).

`(B) Each program under this paragraph shall provide for appropriate numbers of case managers for the development and oversight of individualized services plans for educational and medical support for military families with special needs.

`(C) Services under a program under this paragraph may be provided by contract or other arrangements with non-Department of Defense entities qualified to provide such services.

`(g) Resources- The Secretary of Defense shall assign to the Office such resources, including personnel, as the Secretary considers necessary for the discharge of the responsibilities of the Office, including a sufficient number of members of the armed forces to ensure appropriate representation by the military departments in the personnel of the Office.

`(h) Reports-

(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the Office.

`(2) Each report under this subsection shall include the following:

`(A) A description of any gaps in services available through the Department of Defense for military families with special needs that were identified under subsection (d)(3).

`(B) A description of the actions being taken, or planned, to address such gaps, including any plans developed under subsection (d)(4).

`(C) Such recommendations for legislative action as the Secretary considers appropriate to provide for the continuous improvement of support and services for military families with special needs.

`(i) Military Family With Special Needs- For purposes of this section, a military family with special needs is any military family with one or more members who has a medical or educational special need (as defined by the Secretary in regulations for purposes of this section), including a condition covered by the Extended Health Care Option Program under section 1079f of this title.'.

[END OF NEW U.S. CODE SECTION]

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(2) CLERICAL AMENDMENT- The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781b the following new item:

` 1781c. Office of Community Support for Military Families With Special Needs.'.
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(3) REPEAL OF SUPERSEDED AUTHORITY- Section 587 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 133; 10 U.S.C. 1781 note) is repealed.

(b) Foundation for Support of Military Families With Special Needs-

(1) ESTABLISHMENT AUTHORIZED- The Secretary of Defense may establish a foundation for the provision of assistance to the Department of Defense in providing support to military families with special needs.

(2) PURPOSES- The purposes of the foundation shall be to assist the Department of Defense as follows:

(A) In conducting outreach to identify military families with special needs.

(B) In developing programs to support and provide services to military families with special needs.

(C) In developing educational curricula for the training of professional and paraprofessional personnel providing support and services on special needs to military families with special needs.

(D) In conducting research on the following:

(i) The unique factors associated with a military career (including deployments of members of the Armed Forces) and their effects on families and individuals with special needs.

(ii) Evidence-based therapeutic and medical services for members of military families with special needs, including research in conjunction with non-Department of Defense entities such as the National Institutes of Health.

(E) In providing vocational education and training for adolescent and adult members of military families with special needs.

(F) In carrying out other initiatives to contribute to improved support for military families with special needs.

(3) DEPARTMENT OF DEFENSE FUNDING- The Secretary may provide the foundation such financial support as the Secretary considers appropriate, including the provision to the foundation of appropriated funds and non-appropriated funds available to the Department of Defense.

(4) ANNUAL REPORT- The foundation shall submit to the Secretary, and to the congressional defense committees, each year a report on its activities under this subsection during the preceding year. Each report shall include, for the year covered by such report, the following:

(A) A description of the programs and activities of the foundation.

(B) The budget of the foundation, including the sources of any funds provided to the foundation.

(5) MILITARY FAMILY WITH SPECIAL NEEDS DEFINED- In this subsection, the term `military family with special needs' has the meaning given such term in section 1781c(i) of title 10, United States Code (as added by subsection (a)).

(c) Authorization of Appropriations- In addition to any other amounts authorized to be appropriated for the Department of Defense for fiscal year 2010 for support of military families with special needs, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 2010 for military personnel, \$50,000,000 for purposes of carrying out this section and the amendments made by this section. Of such amount, not less than \$40,000,000 shall be allocated to the military departments for the execution of programs and activities in carrying out this section and the amendments made by this section in fiscal year 2010.