

“(2) The term ‘major headquarters’ means the headquarters of a unit of the Armed Forces or command that is the appropriate command of a general officer or flag officer.”

§ 1781c. Office of Special Needs

(a) ESTABLISHMENT.—There is in the Office of Military Family Readiness Policy the Office of Special Needs (in this section referred to as the “Office”).

(b) PURPOSE.—The purpose of the Office is to standardize, 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) RESPONSIBILITIES.—The Office shall have the responsibilities as follows:

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

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

(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 conduct periodic reviews of best practices in the United States in the provision of medical and educational services for children with special needs.

(8) 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.

(d) POLICY.—(1) The Office shall develop, and regularly update, 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.

(C) Ability to request a second review of the approved assignment within or outside the continental United States if the member believes the location is inappropriate for the member’s family and would cause undue hardship.

(D) Protection from having a medical recommendation for an approved assignment overridden by the commanding officer.

(E) Ability to request continuation of location when there is a documented substantial risk of transferring medical care or educational services to a new provider or school at the specific time of permanent change of station.

(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 by an appropriate office of an individualized services plan (whether medical, educational, or both) 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.

(H) Procedures for the development of an individualized services plan for military family members with special needs who have requested family support services and have a completed family needs assessment.

(I) Requirements to prohibit disenrollment from the Exceptional Family Member Program unless there is new supporting medical or educational information that indicates the original condition is no longer present, and to track disenrollment data in each armed force.

(e) 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 (d).

(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.

(f) 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.

(g) REPORTS.—(1) Not later than April 30 each year, 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 (c)(3).

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

(C) With respect to the Extended Care Health Option program under section 1079(d) of this title—

(i) the utilization rates of services under such program by eligible dependents (as such term is defined in such section) during the prior year;

(ii) a description of gaps in such services, as ascertained by the Secretary from information provided by families of eligible dependents;

(iii) an assessment of factors that prevent knowledge of and access to such program, including a discussion of actions the Secretary may take to address these factors; and

(iv) an assessment of the average wait time for an eligible dependent enrolled in the program to access alternative health coverage for a qualifying condition (as such term is defined in such section), including a discussion of any adverse health outcomes associated with such wait.

(D) 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.

(h) 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.

(Added Pub. L. 111–84, div. A, title V, § 563(a)(1), Oct. 28, 2009, 123 Stat. 2304; amended Pub. L. 111–383, div. A, title V, § 582(a), (b), title X, § 1075(b)(24), Jan. 7, 2011, 124 Stat. 4226, 4227, 4370; Pub. L. 114–328, div. A, title IX, § 933(b)(1)–(5)(A), Dec. 23, 2016, 130 Stat. 2364, 2365; Pub. L. 116–283, div. A, title V, § 582(a), title VII, § 704(c), Jan. 1, 2021, 134 Stat. 3651, 3688.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 116–283, § 582(a)(1), substituted “standardize, enhance,” for “enhance”.

Subsec. (c)(1). Pub. L. 116–283, § 582(a)(2), inserted “and standard” after “comprehensive”.

Subsec. (d)(1). Pub. L. 116–283, § 582(a)(3)(A), substituted “regularly update” for “update from time to time”.

Subsec. (d)(3)(C) to (E). Pub. L. 116–283, § 582(a)(3)(B), added subpars. (C) to (E).

Subsec. (d)(4)(F). Pub. L. 116–283, § 582(a)(3)(C)(i), substituted “by an appropriate office of an individualized

services plan (whether medical, educational, or both)” for “of an individualized services plan (medical and educational)”.

Subsec. (d)(4)(H), (I). Pub. L. 116–283, § 582(a)(3)(C)(ii), which directed adding subpars. (H) and (I) after subpar. (F), was executed by adding them after subpar. (G) to reflect the probable intent of Congress.

Subsec. (g)(2)(C), (D). Pub. L. 116–283, § 704(c), added subpar. (C) and redesignated former subpar. (C) as (D).

2016—Pub. L. 114–328, § 933(b)(5)(A), substituted “Office of Special Needs” for “Office of Community Support for Military Families With Special Needs” in section catchline.

Subsec. (a). Pub. L. 114–328, § 933(b)(2), substituted “Office of Military Family Readiness Policy” for “Office of the Under Secretary of Defense for Personnel and Readiness”.

Pub. L. 114–328, § 933(b)(1), which directed substitution of “Office of Special Needs” for “Office of Community Support for Military Families with Special Needs”, was executed by making the substitution for “Office of Community Support for Military Families With Special Needs” to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 114–328, § 933(b)(3), (4)(A)–(C), redesignated subsec. (d) as (c), substituted “subsection (d)” for “subsection (e)” in par. (1) and “subsection (e)” for “subsection (f)” in par. (2), and struck out former subsec. (c). Prior to amendment, text read as follows:

“(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 a member of the Senior Executive Service or a general officer or flag officer.

“(2) In the discharge of the responsibilities of the Office, the Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness.”

Subsec. (d). Pub. L. 114–328, § 933(b)(4)(A), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 114–328, § 933(b)(4)(A), (B), redesignated subsec. (f) as (e) and substituted “subsection (d)” for “subsection (e)” in par. (3)(A). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 114–328, § 933(b)(4)(A), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (g). Pub. L. 114–328, § 933(b)(4)(A), (D), redesignated subsec. (h) as (g) and substituted “subsection (c)(3)” for “subsection (d)(3)” in par. (2)(A) and “subsection (c)(4)” for “subsection (d)(4)” in par. (2)(B). Former subsec. (g) redesignated (f).

Subsecs. (h), (i). Pub. L. 114–328, § 933(b)(4)(A), redesignated subsec. (i) as (h). Former subsec. (h) redesignated (g).

2011—Subsec. (c). Pub. L. 111–383, § 582(a), amended subsec. (c) generally. Prior to amendment, text read as follows:

“(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.”

Subsec. (d)(7), (8). Pub. L. 111–383, § 582(b), added par. (7) and redesignated former par. (7) as (8).

Subsec. (h)(1). Pub. L. 111–383, § 1075(b)(24), substituted “April 30 each year” for “180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter”.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (g) of this section requiring submittal of an-

nual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

INCLUSIVE PLAYGROUND PILOT PROGRAM

Pub. L. 118–159, div. A, title V, § 589B, Dec. 23, 2024, 138 Stat. 1916, provided that:

“(a) IN GENERAL.—Not later than March 1, 2026, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of a military families playground pilot program (in this section referred to as the ‘Inclusive Playground Pilot Program’) to design, develop, and construct playgrounds that directly support families enrolled in the Exceptional Family Member Program (hereinafter, ‘EFMP’) to increase the accessibility and inclusivity of access to playgrounds on military installations selected under subsection (c).

“(b) ELEMENTS.—The plan under subsection (a) shall include the following elements:

“(1) A definition of the term ‘inclusive playground’.

“(2) A list of existing inclusive playgrounds on military installations.

“(3) A list of military installations selected by the Secretary of Defense under subsection (c).

“(4) An explanation of how the Secretary of Defense selected such locations, including—

“(A) the numbers of military families enrolled in the EFMP at each such military installation; and

“(B) the minimum number of such military families that justifies the construction of an inclusive playground on such military installation.

“(5) The estimated costs to design, develop, and construct an inclusive playground (or upgrade an existing playground to meet such definition) on the military installations selected under subsection (c), including—

“(A) an explanation of how the Secretary determined whether to construct a new inclusive playground or to upgrade an existing playground;

“(B) the overall sustainment costs for an inclusive playground, and

“(C) they [sic] type of funding required for such design, development, and construction.

“(6) A list of additional authorities, appropriations, or other support the Secretary determines necessary to ensure the success of the Inclusive Playground Pilot Program.

“(c) LOCATIONS.—In selecting military installations on which to implement the Inclusive Playground Pilot Program, the Secretary of Defense shall—

“(1) select one military installation—

“(A) of each military department; and

“(B) that the Secretary determines has a large number of military families enrolled in the EFMP that would use an inclusive playground;

“(2) take into consideration any existing inclusive playground of the Department of Defense.

“(d) LIMITATION.—The Secretary of Defense may not implement the Inclusive Playground Pilot Program until—

“(1) 180 days after the date on which the Secretary submits the plan under subsection (a); and

“(2) funds are obligated for the design, development, and construction of inclusive playgrounds under the Inclusive Playground Pilot Program as minor military construction projects.”

IMPROVEMENTS TO EXCEPTIONAL FAMILY MEMBER PROGRAM

Pub. L. 117–81, div. A, title V, § 562(b)–(d), Dec. 27, 2021, 135 Stat. 1747, provided that:

“(b) RELOCATION.—The Secretary of the military department concerned may, if such Secretary determines it feasible, permit a covered member who receives permanent change of station orders to elect, not later than 14 days after such receipt, from at least two locations that provide support for the dependent of such covered member with a special need.

“(c) FAMILY MEMBER MEDICAL SUMMARY.—The Secretary of a military department, in coordination with the Director of the Defense Health Agency, shall require that a family member medical summary, completed by a licensed and credentialed medical provider, is accessible in the electronic health record of the Department of Defense for subsequent review by a licensed medical provider.

“(d) COVERED MEMBER DEFINED.—In this section, the term ‘covered member’ means a member of an Armed Force—

“(1) under the jurisdiction of the Secretary of a military department; and

“(2) with a dependent with a special need.”

Pub. L. 116-283, div. A, title V, § 582(b)-(e), Jan. 1, 2021, 134 Stat. 3652, 3653, provided that:

“(b) STANDARDIZATION.—Not later than six months after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense, in coordination with the Secretaries of the military departments, shall, to the extent practicable, standardize the Exceptional Family Member Program (in this section referred to as the ‘EFMP’) across the military departments. The EFMP, standardized under this subsection, shall include the following:

“(1) Processes for the identification and enrollment of dependents of covered members with special needs.

“(2) A process for the permanent change of orders for covered members, to ensure seamless continuity of services at the new permanent duty station.

“(3) If an order for assignment is declined for a military family with special needs, the member will receive a reason for the decline of that order.

“(4) A review process for installations to ensure that health care furnished through the TRICARE program, special needs education programs, and installation-based family support programs are available to military families enrolled in the EFMP.

“(5) A standardized respite care benefit across the covered Armed Forces, including the number of hours available under such benefit to military families enrolled in the EFMP.

“(6) Performance metrics for measuring, across the Department and with respect to each military department, the following:

“(A) Assignment coordination and support for military families with special needs, including a systematic process for evaluating each military department’s program for the support of military families with special needs.

“(B) The reassignment of military families with special needs, including how often members request reassignments, for what reasons, and from what military installations.

“(C) The level of satisfaction of military families with special needs with the family and medical support they are provided.

“(7) A requirement that the Secretary of each military department provide legal services by an attorney, trained in education law, at each military installation—

“(A) the Secretary determines is a primary receiving installation for military families with special needs; and

“(B) in a State that the Secretary determines has historically not supported families enrolled in the EFMP.

“(8) The option for a family enrolled in the EFMP to continue to receive all services under that program and a family separation allowance, if otherwise authorized, if—

“(A) the covered member receives a new permanent duty station; and

“(B) the covered member and family elect for the family not to relocate with the covered member.

“(9) The solicitation of feedback from military families with special needs, and discussions of challenges and best practices of the EFMP, using existing family advisory organizations.

“(c) CASE MANAGEMENT.—The Secretary of Defense, in coordination with the Secretaries of the military de-

partments, shall develop an EFMP case management model, including the following:

“(1) A single EFMP office, located at the headquarters of each covered Armed Force, to oversee implementation of the EFMP and coordinate health care services, permanent change of station order processing, and educational support services for that covered Armed Force.

“(2) An EFMP office at each military installation with case managers to assist each family of a covered member in the development of a plan that addresses the areas specified in subsection (b)(1).

“(d) REPORT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section, including any recommendations of the Secretary regarding additional legislation.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘covered Armed Force’ means an Armed Force under the jurisdiction of the Secretary of a military department.

“(2) The term ‘covered member’ means a member—

“(A) of a covered Armed Force; and

“(B) with a dependent with special needs.”

MATTERS RELATING TO EDUCATION FOR MILITARY DEPENDENT STUDENTS WITH SPECIAL NEEDS

Pub. L. 116-283, div. A, title V, § 589G, Jan. 1, 2021, 134 Stat. 3663, provided that:

“(a) INFORMATION ON SPECIAL EDUCATION DISPUTES.—

“(1) IN GENERAL.—Each Secretary of a military department shall collect and maintain information on special education disputes filed by members of the Armed Forces under the jurisdiction of such Secretary.

“(2) INFORMATION.—The information collected and maintained under this subsection shall include the following:

“(A) The number of special education disputes filed.

“(B) The outcome or disposition of the disputes.

“(3) SOURCE OF INFORMATION.—The information collected and maintained pursuant to this subsection shall be derived from the following:

“(A) Records and reports of case managers and navigators under the Exceptional Family Member Program of the Department of Defense.

“(B) Reports submitted by members of the Armed Forces to officials at military installations or other relevant military officials.

“(C) Such other sources as the Secretary of the military department concerned considers appropriate.

“(4) ANNUAL REPORTS.—On an annual basis, each Secretary of a military department shall submit to the Office of Special Needs of the Department of Defense a report on the information collected by such Secretary under this subsection during the preceding year.

“(b) GAO STUDY AND REPORT.—

“(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the following:

“(A) The manner in which local educational agencies with schools that serve military dependent students use the following:

“(i) Funds made available for impact aid for children with severe disabilities under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 20 U.S.C. 7703a).

“(ii) Funds made available for assistance to schools with a significant number of military dependent students under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

“(C) [sic] The efficacy of attorneys and other legal support for military families in special education disputes.

“(E) [sic] Whether, and to what extent, policies and guidance for School Liaison Officers are standardized between the Office of Special Needs of the Department of Defense and the military departments, and the efficacy of such policies and guidance.

“(F) The improvements made to family support programs of the Office of Special Needs, and of each military department, in light of the recommendations of the Comptroller General in the report titled ‘DOD Should Improve Its Oversight of the Exceptional Family Member Program’ (GAO-18-348).

“(2) RECOMMENDATIONS.—As part of the study under paragraph (1), the Comptroller General shall develop recommendations on the following:

“(A) Improvements to the ability of the Department of Defense to monitor and enforce the compliance of local educational agencies with requirements for the provision of a free appropriate public education to military dependent students with special needs.

“(B) Improvements to the policies of the Office of Special Needs, and of each military department, with respect to the standardization and efficacy of policies and programs for military dependent students with special needs.

“(3) BRIEFING AND REPORT.—Not later than March 31, 2021, the Comptroller General of the United States shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing and a report [on] the results of the study conducted under paragraph (1).

“(c) DEFINITIONS.—In this section:

“(1) The term ‘free appropriate public education’ has the meaning given that term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

“(2) The term ‘local educational agency’ has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(3) The term ‘special education dispute’ means a complaint filed regarding the education provided to a child with a disability (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), including a complaint filed in accordance with section 615 or 639 of such Act (20 U.S.C. 1415, 1439).”

FOUNDATION FOR SUPPORT OF MILITARY FAMILIES WITH SPECIAL NEEDS

Pub. L. 111-84, div. A, title V, § 563(b), Oct. 28, 2009, 123 Stat. 2307, provided that:

“(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 [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], 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)).”

MILITARY DEPARTMENT SUPPORT FOR LOCAL CENTERS TO ASSIST MILITARY CHILDREN WITH SPECIAL NEEDS

Pub. L. 111-84, div. A, title V, § 563(c), as added Pub. L. 111-383, div. A, title V, § 582(c)(2), Jan. 7, 2011, 124 Stat. 4227, provided that: “The Secretary of a military department may establish or support centers on or in the vicinity of military installations under the jurisdiction of such Secretary to coordinate and provide medical and educational services for children with special needs of members of the Armed Forces who are assigned to such installations.”

ADVISORY PANEL ON COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS

Pub. L. 111-84, div. A, title V, § 563(d), as added by Pub. L. 111-383, div. A, title V, § 582(c)(2), Jan. 7, 2011, 124 Stat. 4227; amended by Pub. L. 117-81, div. A, title V, § 562(a), Dec. 27, 2021, 135 Stat. 1746, provided that:

“(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection [Jan. 7, 2011], the Secretary of Defense shall establish an advisory panel on community support for military families with special needs.

“(2) MEMBERS.—The advisory panel shall consist of nine individuals, appointed by the Secretary of Defense, who are each a member of a military family with special needs. In appointing individuals to the panel, the Secretary shall ensure that—

“(A) one individual is the spouse of an enlisted member;

“(B) one individual is the spouse of an officer in a grade below O-6;

“(C) one individual is a junior enlisted member;

“(D) one individual is a junior officer;

“(E) individuals reside in different geographic regions;

“(F) one individual is a member serving at a remote installation or is a member of the family of such a member; and

“(G) at least two individuals are members serving on active duty, each with a dependent who—

“(i) is enrolled in the Exceptional Family Member Program; and

“(ii) has an individualized education program.

“(3) DUTIES.—The advisory panel shall—

“(A) provide informed advice to the Director of the Office of Community Support for Military Families With Special Needs [now Office of Special Needs] on the implementation of the policy required by subsection (e) [now (d)] of section 1781c of title 10, United States Code, and on the discharge of the programs required by subsection (f) [now (e)] of such section;

“(B) assess and provide information to the Director on services and support for children with special needs that is available from other departments and

agencies of the Federal Government and from State and local governments; and

“(C) otherwise advise and assist the Director in the discharge of the duties of the Office of Community Support for Military Families With Special Needs in such manner as the Secretary of Defense and the Director jointly determine appropriate.

“(4) MEETINGS.—The Director shall meet with the advisory panel at such times, and with such frequency, as the Director considers appropriate. The Director shall meet with the panel at least once each year. The Director may meet with the panel through teleconferencing or by other electronic means.”

§ 1782. Surveys of military families

(a) AUTHORITY.—The Secretary of Defense, in order to determine the effectiveness of Federal programs relating to military families and the need for new programs, may conduct surveys of—

- (1) members of the armed forces who are on active duty, in an active status, or retired;
- (2) family members of such members; and
- (3) survivors of deceased retired members and of members who died while on active duty.

(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to a survey authorized under subsection (a) that includes a person referred to in that subsection who is not an employee of the United States or is not otherwise considered an employee of the United States for the purposes of section 3502(3)(A)(i) of title 44, the person shall be considered as being an employee of the United States for the purposes of that section.

(d) SURVEY REQUIRED FOR FISCAL YEAR 2010.—Notwithstanding subsection (a), during fiscal year 2010, the Secretary of Defense shall conduct a survey otherwise authorized under such subsection. Thereafter, additional surveys may be conducted not less often than once every three fiscal years.

(Added Pub. L. 104–106, div. A, title V, §568(a)(1), Feb. 10, 1996, 110 Stat. 330; amended Pub. L. 107–107, div. A, title V, §572, Dec. 28, 2001, 115 Stat. 1122; Pub. L. 110–181, div. A, title V, §581(c), Jan. 28, 2008, 122 Stat. 122.)

Editorial Notes

AMENDMENTS

2008—Subsec. (d). Pub. L. 110–181 added subsec. (d).

2001—Subsec. (a). Pub. L. 107–107, §572(a), reenacted heading without change and amended text generally. Text read as follows: “The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.”

Subsec. (c). Pub. L. 107–107, §572(b), reenacted heading without change and amended text generally. Text read as follows: “With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.”

§ 1783. Family members serving on advisory committees

A committee within the Department of Defense which advises or assists the Department in

the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 1001(2) of title 5 solely because of such membership.

(Added Pub. L. 104–106, div. A, title V, §568(a)(1), Feb. 10, 1996, 110 Stat. 330; amended Pub. L. 117–286, §4(a)(50), Dec. 27, 2022, 136 Stat. 4311.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–286 substituted “section 1001(2) of title 5” for “section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)”.

§ 1784. Employment opportunities for military spouses

(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA–8 and below and equivalent positions and for positions paid at hourly rates.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

(1) to implement such measures as the President orders under subsection (a);

(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.