SEC. ____. CLARIFICATION OF OFFICE OF SPECIAL NEEDS POLICY FOR INDIVIDUALIZED SERVICES PLANS.

Section 1781c(d)(4) of title 10, United States Code, is amended by striking subparagraph (F) and inserting the following new subparagraph:

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

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would clarify that individualized services plans need only be provided to military families with special needs who have requested support, rather than to all families. This issue was identified in a May 2018 United States Government Accountability Office (GAO) study, GAO 18-348, "*DoD Should Improve Its Oversight of the Exceptional Family Member Program*." As written, the current statute requires each military family member with special needs to have a plan developed. Services Plans are developed by family support personnel/case managers in collaboration with the family following the completion of a family needs assessment and are not necessary for every military family. The purpose of the Services Plan is to identify, document, and track the goals and objectives established by the family and outline and prioritize non-clinical services. The requirement to provide and monitor individualized plans for all families is burdensome and unnecessary and would require significant additional funding to execute as written. If this proposal is not accepted, the Department of Defense projects that it will require an additional $4.67M to meet the current standard outlined in section 1781c(d) of title 10, United States Code (U.S.C); as such, this proposal will lead to cost avoidance should it be accepted. Moreover, as the proposal would align the requirements of section 1781c with the appropriate and effective standard to which the Department is currently executing, it would require no additional funding.

Budget Implications: The resources impacted are reflected in the table below and are included within the Fiscal Year (FY) 2021 President's Budget. The Department projects that if this proposal is not accepted, meeting the existing standard outlined in 10 U.S.C. 1781c(d) would require an additional $4.67M of resources requested within the Fiscal Year (FY) 2021 President's Budget. These amounts are not currently budgeted specifically for this purpose, but are instead programmed to support the priorities of the National Defense Strategy implementation within the appropriations listed in the table below. If this proposal is not enacted, these funds would have to be redirected away from their current requirements and priorities in order to cover the costs of

meeting the existing statute. This is reflected as a negative in the table to reflect the cost avoidance of implementing vs not implementing the proposal.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2021	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**Appropriation**	**Budget Activity**	**BLI/SAG**	**Program Element**
Army Exceptional Family Member Program (EFMP)	-3.11	-3.17	-3.23	-3.30	-3.36	Operation and Maintenance, Army	1	131	
Navy EFMP	-0.41	-0.41	-0.42	-0.43	-0.43	Operation and Maintenance, Navy			
Marine Corps EFMP	-0.22	-0.22	-0.23	-0.23	-0.23	Operation and Maintenance, Marine Corps			
Air Force EFMP	-0.93	-0.95	-0.97	-0.99	-1.01	Operation and Maintenance, Air Force			
Total	-4.67	-4.75	-4.85	-4.95	-5.03	--	-	--	--

Changes to Existing Law: This proposal would amend section 1781c of title 10, United States Code, as follows:

§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 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 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 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.~~

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

(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.

(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) 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.