

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 4310
OFFERED BY MR. MORAN OF VIRGINIA**

At the end of title X, add the following new section:

1 **SEC. 10 ____. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPE-**
2 **CIAL NEEDS TRUSTS ESTABLISHED FOR THE**
3 **BENEFIT OF DEPENDENT CHILDREN INCAPA-**
4 **BLE OF SELF-SUPPORT.**

5 (a) SPECIAL NEEDS TRUST AS ELIGIBLE BENE-
6 FICIARY.—

7 (1) IN GENERAL.—Subsection (a) of section
8 1450 of title 10, United States Code, is amended—

9 (A) by redesignating paragraph (4) as
10 paragraph (5); and

11 (B) by inserting after paragraph (3) the
12 following new paragraph (4):

13 “(4) SPECIAL NEEDS TRUSTS FOR SOLE BEN-
14 EFIT OF CERTAIN DEPENDENT CHILDREN.—Not-
15 withstanding subsection (i), a supplemental or spe-
16 cial needs trust described in subparagraph (A) or
17 (C) of section 1917(d)(4) of the Social Security Act
18 (42 U.S.C. 1396p(d)(4)) that is established for the
19 sole benefit of a dependent child considered disabled

1 under section 1614(a)(3) of that Act (42 U.S.C.
2 1382c(a)(3)) who is incapable of self-support be-
3 cause of mental or physical incapacity.”.

4 (2) CONFORMING AMENDMENT.—Subsection (i)
5 of such section is amended by inserting “(a)(4) or”
6 after “subsection”.

7 (b) REGULATIONS.—Section 1455(d) of such title is
8 amended—

9 (1) in the subsection heading, by striking “AND
10 FIDUCIARIES” and inserting “, FIDUCIARIES, AND
11 SPECIAL NEEDS TRUSTS”;

12 (2) in paragraph (1)—

13 (A) in subparagraph (A), by striking
14 “and” at the end;

15 (B) in subparagraph (B), by striking the
16 period at the end and inserting “; and”; and

17 (C) by adding at the end the following new
18 subparagraph:

19 “(C) a dependent child incapable of self-
20 support because of mental or physical inca-
21 pacity for whom a supplemental or special
22 needs trust, as described in subparagraph (A)
23 or (C) of section 1917(d)(4) of the Social Secu-
24 rity Act (42 U.S.C. 1396p(d)(4)), has been es-
25 tablished.”;

1 (3) in paragraph (2)—

2 (A) by redesignating subparagraphs (C)
3 through (H) as subparagraphs (D) through (I),
4 respectively;

5 (B) by inserting after subparagraph (B)
6 the following new subparagraph (C):

7 “(C) In the case of an annuitant referred
8 to in paragraph (1)(C), payment of the annuity
9 to the supplemental or special needs trust es-
10 tablished for the annuitant.”;

11 (C) in subparagraph (D), as redesignated,
12 by striking “subparagraphs (D) and (E)” and
13 inserting “subparagraphs (E) and (F)”; and

14 (D) in subparagraph (H), as so redesign-
15 ated—

16 (i) by inserting “or (1)(C)” after
17 “paragraph (1)(B)” in the matter pre-
18 ceding clause (i);

19 (ii) in clause (i), by striking “and” at
20 the end;

21 (iii) in clause (ii), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (iv) by adding at the end the following
24 new clause:

1 “(iii) procedures for determining when
2 annuity payments to a supplemental or
3 special needs trust shall end based on the
4 death or marriage of the dependent child
5 for which the trust was established.”; and
6 (4) in paragraph (3), by striking “TO GUARD-
7 IAN OR FIDUCIARY” in the paragraph heading.

