

AMENDMENT TO H.R. 4350
OFFERED BY MS. SHERRILL OF NEW JERSEY

At the appropriate place in title VI, insert the following:

1 **SEC. 6** ____ . **AUTHORIZATION TO PARTICIPATE IN OR**
2 **CHANGE BENEFICIARY UNDER THE SUR-**
3 **VIVOR BENEFIT PLAN TO PROVIDE COV-**
4 **ERAGE FOR CERTAIN CHILDREN WITH SPE-**
5 **CIAL NEEDS.**

6 (a) PARTICIPATION BY PERSON WHO ESTABLISHES
7 TRUST FOR SPECIAL NEEDS CHILD AFTER RETIRE-
8 MENT.—Section 1448(a)(5) of title 10, United States
9 Code, is amended—

10 (1) in subparagraph (A)—

11 (A) by striking “or” and inserting a
12 comma; and

13 (B) by inserting “, or establishes a trust
14 described in subsection (b)(6)” before “may”;
15 and

16 (2) in subparagraph (B)—

17 (A) by striking “or” and inserting a
18 comma; and

1 (B) by inserting “, or establishes a trust
2 described in subsection (b)(6)” before the pe-
3 riod.

4 (b) CHANGE IN ELECTION OF BENEFICIARY TO
5 TRUST FOR SPECIAL NEEDS CHILD.—Section
6 1450(f)(1)(A) of title 10, United States Code, is amend-
7 ed—

8 (1) in the heading, by striking “OR CHILD” and
9 inserting “, CHILD, OR TRUST”;

10 (2) by striking “or” and inserting a comma;
11 and

12 (3) by inserting “, or a trust described in sec-
13 tion 1448(b)(6) of this title” before the period.

14 (c) OPEN ENROLLMENT PERIOD FOR CHANGES IN
15 BENEFICIARIES UNDER THE SURVIVOR BENEFIT PLAN
16 TO PROVIDE COVERAGE FOR CERTAIN CHILDREN WITH
17 SPECIAL NEEDS.—

18 (1) ELECTION TO CHANGE BENEFICIARY.—
19 During the open enrollment period, an eligible indi-
20 vidual may elect to change the beneficiary, pre-
21 viously elected by that eligible individual, of an an-
22 nuity under the Survivor Benefit Plan, to provide
23 coverage for—

24 (A) a trust established for a special needs
25 child;

1 (B) a spouse and a trust established for a
2 special needs child; or

3 (C) a former spouse and a trust estab-
4 lished for a special needs child.

5 (2) MANNER OF MAKING ELECTION.—An elec-
6 tion under this section shall be made in writing,
7 signed by the eligible individual making the election,
8 and received by the Secretary concerned before the
9 end of the open enrollment period.

10 (3) EFFECTIVE DATE OF ELECTION.—An elec-
11 tion under this section shall be effective on the first
12 day of the first calendar month following the month
13 in which the election is made.

14 (4) DEFINITIONS.—In this section:

15 (A) The term “eligible individual” means
16 an individual who—

17 (i) is a person described in subsection
18 (b)(6) of section 1448 of title 10, United
19 States Code; and

20 (ii) before the open enrollment period,
21 is a participant in the Survivor Benefit
22 Plan providing coverage for a spouse or
23 former spouse.

1 (B) The term “open enrollment period”
2 means the one-year period beginning on the
3 date of the enactment of this Act.

4 (C) The term “Secretary concerned” has
5 the meaning given that term in section 101 of
6 the Servicemembers Civil Relief Act (50 U.S.C.
7 3911).

8 (D) The term “Survivor Benefit Plan”
9 means the program established under sub-
10 chapter II of chapter 73 of title 10, United
11 States Code.

12 (E) The term “trust established for a spe-
13 cial needs child” means a trust described in
14 subsection (b)(6) of section 1448 of title 10,
15 United States Code.

