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

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

SEC. 6. AUTHORIZATION TO PARTICIPATE IN OR CHANGE BENEFICIARY UNDER THE SURVIVOR BENEFIT PLAN TO PROVIDE COVERAGE FOR CERTAIN CHILDREN WITH SPECIAL NEEDS.

(a) Participation by Person Who Establishes Trust for Special Needs Child After Retirement.—Section 1448(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

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

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

(2) in subparagraph (B)—

(A) by striking “or” and inserting a comma; and
(B) by inserting ‘‘, or establishes a trust described in subsection (b)(6)’’ before the period.

(b) Change in Election of Beneficiary to Trust for Special Needs Child.—Section 1450(f)(1)(A) of title 10, United States Code, is amended—

(1) in the heading, by striking ‘‘OR CHILD’’ and inserting ‘‘, CHILD, OR TRUST’’;

(2) by striking ‘‘or’’ and inserting a comma;

and

(3) by inserting ‘‘, or a trust described in section 1448(b)(6) of this title’’ before the period.

c) Open Enrollment Period for Changes in Beneficiaries Under the Survivor Benefit Plan to Provide Coverage for Certain Children With Special Needs.—

(1) Election to change beneficiary.—

During the open enrollment period, an eligible individual may elect to change the beneficiary, previously elected by that eligible individual, of an annuity under the Survivor Benefit Plan, to provide coverage for—

(A) a trust established for a special needs child;
(B) a spouse and a trust established for a special needs child; or
(C) a former spouse and a trust established for a special needs child.

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

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

(4) DEFINITIONS.—In this section:

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

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

(ii) before the open enrollment period, is a participant in the Survivor Benefit Plan providing coverage for a spouse or former spouse.
(B) The term “open enrollment period” means the one-year period beginning on the date of the enactment of this Act.

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

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

(E) The term “trust established for a special needs child” means a trust described in subsection (b)(6) of section 1448 of title 10, United States Code.