

111TH CONGRESS
1ST SESSION

H. R. 2059

To amend title 10, United States Code, to provide for the payment of monthly annuities under the Survivor Benefit Plan to a supplemental or special needs trust established for the sole benefit of a disabled dependent child of a participant in the Survivor Benefit Plan.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2009

Mr. FOSTER introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for the payment of monthly annuities under the Survivor Benefit Plan to a supplemental or special needs trust established for the sole benefit of a disabled dependent child of a participant in the Survivor Benefit Plan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. 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 established under subparagraph (A)
17 or (C) of section 1917(d)(4) of the Social Security
18 Act (42 U.S.C. 1936p(d)(4)) for the sole benefit of
19 a dependent child considered disabled under section
20 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who
21 is incapable of self-support because of mental or
22 physical incapacity.”.

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

1 (b) REGULATIONS.—Section 1455(d) of such title is
2 amended—

3 (1) in the subsection heading, by striking “AND
4 FIDUCIARIES” and inserting “, FIDUCIARIES, AND
5 SPECIAL NEEDS TRUSTS”;

6 (2) in paragraph (1)—

7 (A) in subparagraph (A), by striking
8 “and” at the end;

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

11 (C) by adding at the end the following new
12 subparagraph:

13 “(C) a dependent child incapable of self-
14 support because of mental or physical inca-
15 pacity for whom a supplemental or special
16 needs trust has been established under subpara-
17 graph (A) or (C) of section 1917(d)(4) of the
18 Social Security Act (42 U.S.C. 1936p(d)(4)).”;

19 (3) in paragraph (2)—

20 (A) by redesignating subparagraphs (C)
21 through (H) as subparagraphs (D) through (I),
22 respectively;

23 (B) by inserting after subparagraph (B)
24 the following new subparagraph (C):

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

5 (C) in subparagraph (D), as redesignated,
6 by striking “subparagraphs (D) and (E)” and
7 inserting “subparagraphs (E) and (F)”; and

8 (D) in subparagraph (H), as so redesign-
9 ated—

10 (i) by inserting “or (1)(C)” after
11 “paragraph (1)(B)” in the matter pre-
12 ceding clause (i);

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

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

17 (iv) by adding at the end the following
18 new clause:

19 “(iii) procedures for determining when
20 annuity payments to a supplemental or
21 special needs trust shall end based on the
22 death or marriage of the dependent child
23 for which the trust was established.”; and

1 (4) in paragraph (3), by striking “TO GUARD-
2 IAN OR FIDUCIARY” in the paragraph heading.

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