

113TH CONGRESS
1ST SESSION

S. 1076

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 SENATE OF THE UNITED STATES

MAY 23, 2013

Mrs. HAGAN (for herself and Mrs. GILLIBRAND) introduced the following bill;
which was read twice and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disabled Military Child
5 Protection Act of 2013”.

1 **SEC. 2. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL**
2 **NEEDS TRUSTS ESTABLISHED FOR THE BEN-**
3 **EFIT OF DEPENDENT CHILDREN INCAPABLE**
4 **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
20 under section 1614(a)(3) of that Act (42 U.S.C.
21 1382c(a)(3)) who is incapable of self-support be-
22 cause of mental or 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, as described in subparagraph (A)
17 or (C) of section 1917(d)(4) of the Social Secu-
18 rity Act (42 U.S.C. 1396p(d)(4)), has been es-
19 tablished.”;

20 (3) in paragraph (2)—

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

24 (B) by inserting after subparagraph (B)
25 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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