

117TH CONGRESS
1ST SESSION

H. R. 2109

To amend title 10, United States Code, to authorize a person participating in the Survivor Benefit Plan to change the beneficiary to a supplemental or special needs trust for the benefit of a dependent child, to authorize a person who establishes such a trust to begin participating in the Survivor Benefit Plan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Ms. SHERRILL (for herself and Mr. BILIRAKIS) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize a person participating in the Survivor Benefit Plan to change the beneficiary to a supplemental or special needs trust for the benefit of a dependent child, to authorize a person who establishes such a trust to begin participating in the Survivor Benefit Plan, and for other purposes.

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 “Debra Nixon Special
5 Needs Trust Inclusion Act”.

1 **SEC. 2. AUTHORIZATION TO PARTICIPATE IN OR CHANGE**
 2 **BENEFICIARY UNDER THE SURVIVOR BEN-**
 3 **EFIT PLAN TO PROVIDE COVERAGE FOR CER-**
 4 **TAIN CHILDREN WITH SPECIAL NEEDS.**

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

9 (1) in subparagraph (A)—

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

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

15 (2) in subparagraph (B)—

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

18 (B) by inserting “, or establishes a trust
 19 described in subsection (b)(6)” before the pe-
 20 riod.

21 (b) CHANGE IN ELECTION OF BENEFICIARY TO
 22 TRUST FOR SPECIAL NEEDS CHILD.—Section
 23 1450(f)(1)(A) of title 10, United States Code, is amend-
 24 ed—

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

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

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

5 **SEC. 3. OPEN ENROLLMENT PERIOD FOR CHANGES IN**
6 **BENEFICIARIES UNDER THE SURVIVOR BEN-**
7 **EFIT PLAN TO PROVIDE COVERAGE FOR CER-**
8 **TAIN CHILDREN WITH SPECIAL NEEDS.**

9 (a) **ELECTION TO CHANGE BENEFICIARY.**—During
10 the open enrollment period, an eligible individual may elect
11 to change the beneficiary, previously elected by that eligi-
12 ble individual, of an annuity under the Survivor Benefit
13 Plan, to provide coverage for—

14 (1) a trust established for a special needs child;

15 (2) a spouse and a trust established for a spe-
16 cial needs child; or

17 (3) a former spouse and a trust established for
18 a special needs child.

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

24 (c) **EFFECTIVE DATE OF ELECTION.**—An election
25 under this section shall be effective on the first day of

1 the first calendar month following the month in which the
2 election is made.

3 (d) DEFINITIONS.—In this section;

4 (1) The term “eligible individual” means an in-
5 dividual who—

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

9 (B) before the open enrollment period, is a
10 participant in the Survivor Benefit Plan pro-
11 viding coverage for a spouse or former spouse.

12 (2) The term “open enrollment period” means
13 the one-year period beginning on the date of the en-
14 actment of this Act.

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

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

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

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