

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 981

To provide for the payment of retirement and survivor annuities to, and to improve access to health insurance for, certain ex-spouses of employees of the Central Intelligence Agency.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Mrs. KENNELLY introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

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## A BILL

To provide for the payment of retirement and survivor annuities to, and to improve access to health insurance for, certain ex-spouses of employees of the Central Intelligence Agency.

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. SURVIVOR ANNUITY FOR CERTAIN EX-SPOUSES**

4 **OF CENTRAL INTELLIGENCE AGENCY EM-**

5 **PLOYEES.**

6 (a) SURVIVOR ANNUITY.—

7 (1) ENTITLEMENT OF FORMER WIFE OR HUS-

8 BAND.—Any person who was divorced on or before

1 December 4, 1991, from a participant or retired  
2 participant in the Central Intelligence Agency Re-  
3 tirement and Disability System (CIARDS) and who  
4 was married to such participant for not less than 10  
5 years during such participant's creditable service, at  
6 least five years of which were spent by the partici-  
7 pant during the participant's service as an employee  
8 of the Central Intelligence Agency outside the Unit-  
9 ed States, or otherwise in a position the duties of  
10 which qualified the participant for designation by  
11 the Director of Central Intelligence as a participant  
12 under section 203 of the Central Intelligence Agency  
13 Retirement Act (50 U.S.C. 2013), shall be entitled,  
14 except to the extent such person is disqualified  
15 under subsection (b), to a survivor annuity equal to  
16 55 percent of the greater of—

17 (A) the unreduced amount of the partici-  
18 pant's annuity, as computed under section  
19 221(a) of such Act; or

20 (B) the unreduced amount of what such  
21 annuity as so computed would be if the partici-  
22 pant had not elected payment of the lump-sum  
23 credit under section 294 of such Act.

24 (2) REDUCTION IN SURVIVOR ANNUITY.—A  
25 survivor annuity payable under this section shall be

1 reduced by an amount equal to any survivor annuity  
2 payments made to the former wife or husband under  
3 section 226 of such Act.

4 (b) LIMITATIONS.—A former wife or husband is not  
5 entitled to a survivor annuity under this section if—

6 (1) the former wife or husband remarries before  
7 age 55, except that the entitlement of the former  
8 wife or husband to such a survivor annuity shall be  
9 restored on the date such remarriage is dissolved by  
10 death, annulment, or divorce;

11 (2) the former wife or husband is less than 50  
12 years of age; or

13 (3) the former wife or husband meets the defi-  
14 nition of “former spouse” that was in effect under  
15 section 204(b)(4) of the Central Intelligence Agency  
16 Retirement Act of 1964 for Certain Employees be-  
17 fore December 4, 1991.

18 (c) COMMENCEMENT AND TERMINATION OF ANNU-  
19 ITY.—

20 (1) COMMENCEMENT OF ANNUITY.—The enti-  
21 tlement of a former wife or husband to a survivor  
22 annuity under this section shall commence—

23 (A) in the case of a former wife or hus-  
24 band of a participant or retired participant who

1 is deceased as of October 1, 1993, beginning on  
2 the later of—

3 (i) the 60th day after such date; or

4 (ii) the date on which the former wife  
5 or husband reaches age 50; and

6 (B) in the case of any other former wife or  
7 husband, beginning on the latest of—

8 (i) the date on which the participant  
9 or retired participant to whom the former  
10 wife or husband was married dies;

11 (ii) the 60th day after October 1,  
12 1993; or

13 (iii) the date on which the former wife  
14 or husband attains age 50.

15 (2) TERMINATION OF ANNUITY.—The entitle-  
16 ment of a former wife or husband to a survivor an-  
17 nuity under this section terminates on the last day  
18 of the month before the former wife's or husband's  
19 death or remarriage before attaining age 55. The en-  
20 titlement of a former wife or husband to such a sur-  
21 vivor annuity shall be restored on the date such re-  
22 marriage is dissolved by death, annulment, or di-  
23 vorce.

24 (d) ELECTION OF BENEFITS.—A former wife or hus-  
25 band of a participant or retired participant shall not be-

1 come entitled under this section to a survivor annuity or  
2 to the restoration of the survivor annuity unless the  
3 former wife or husband elects to receive it instead of any  
4 other survivor annuity to which the former wife or hus-  
5 band may be entitled under CIARDS or any other retire-  
6 ment system for Government employees on the basis of  
7 a marriage to someone other than the participant.

8 (e) APPLICATION.—

9 (1) TIME LIMIT; WAIVER.—A survivor annuity  
10 under this section shall not be payable unless appro-  
11 priate written application is provided to the Direc-  
12 tor, complete with any supporting documentation  
13 which the Director may by regulation require. Any  
14 such application shall be submitted not later than  
15 October 1, 1994. The Director may waive the appli-  
16 cation deadline under the preceding sentence in any  
17 case in which the Director determines that the cir-  
18 cumstances warrant such a waiver.

19 (2) RETROACTIVE BENEFITS.—Upon approval  
20 of an application provided under paragraph (1), the  
21 appropriate survivor annuity shall be payable to the  
22 former wife or husband with respect to all periods  
23 before such approval during which the former wife  
24 or husband was entitled to such annuity under this  
25 section, but in no event shall a survivor annuity be

1 payable under this section with respect to any period  
2 before October 1, 1993.

3 (f) RESTORATION OF ANNUITY.—Notwithstanding  
4 subsection (e)(1), the deadline by which an application for  
5 a survivor annuity must be submitted shall not apply in  
6 cases in which a former spouse's entitlement to such a  
7 survivor annuity is restored after October 1, 1993, under  
8 subsection (b)(1) or (c)(2).

9 (g) APPLICABILITY IN CASES OF PARTICIPANTS  
10 TRANSFERRED TO FERS.—

11 (1) ENTITLEMENT.—Except as provided in  
12 paragraph (2), this section shall apply to a former  
13 wife or husband of a CIARDS participant who has  
14 elected to become subject to chapter 84 of title 5,  
15 United States Code.

16 (2) AMOUNT OF ANNUITY.—The survivor annu-  
17 ity of a person covered by paragraph (1) shall be  
18 equal to 50 percent of the unreduced amount of the  
19 participant's annuity computed in accordance with  
20 section 302(a) of the Federal Employees' Retirement  
21 System Act of 1986 and shall be reduced by an  
22 amount equal to any survivor annuity payments  
23 made to the former wife or husband under section  
24 8445 of title 5, United States Code.

1 **SEC. 2. RETIREMENT ANNUITY FOR CERTAIN EX-SPOUSES**  
2 **OF CIA EMPLOYEES.**

3 (a) RETIREMENT ANNUITY.—

4 (1) ENTITLEMENT OF FORMER WIFE OR HUS-  
5 BAND.—A person described in section 1(a)(1) shall  
6 be entitled, except to the extent such former spouse  
7 is disqualified under subsection (b), to an annuity—

8 (A) if married to the participant through-  
9 out the creditable service of the participant,  
10 equal to 50 percent of the annuity of the partic-  
11 ipant; or

12 (B) if not married to the participant  
13 throughout such creditable service, equal to  
14 that former wife's or husband's pro rata share  
15 of 50 percent of such annuity (determined in  
16 accordance with section 222(a)(1)(B) of the  
17 Central Intelligence Agency Retirement Act (50  
18 U.S.C. 2032 (a)(1)(B)).

19 (2) REDUCTION IN RETIREMENT ANNUITIES.—

20 (A) AMOUNT OF REDUCTION.—An annuity  
21 payable under this section shall be reduced by  
22 an amount equal to any apportionment pay-  
23 ments payable to the former wife or husband  
24 pursuant to the terms of a court order incident  
25 to the dissolution of the marriage of such

1 former spouse and the participant, former par-  
2 ticipant, or retired participant.

3 (B) DEFINITION OF TERMS.—For pur-  
4 poses of subparagraph (A):

5 (i) APPORTIONMENT.—The term “ap-  
6 portionment” means a portion of a retired  
7 participant’s annuity payable to a former  
8 wife or husband either by the retired par-  
9 ticipant or the Government in accordance  
10 with the terms of a court order.

11 (ii) COURT ORDER.—The term “court  
12 order” means any decree of divorce or an-  
13 nulment or any court order or court-ap-  
14 proved property settlement agreement inci-  
15 dent to such decree.

16 (b) LIMITATIONS.—A former wife or husband is not  
17 entitled to an annuity under this section if—

18 (1) the former wife or husband remarries before  
19 age 55, except that the entitlement of the former  
20 wife or husband to an annuity under this section  
21 shall be restored on the date such remarriage is dis-  
22 solved by death, annulment, or divorce;

23 (2) the former wife or husband is less than 50  
24 years of age; or

1           (3) the former wife or husband meets the defi-  
2           nition of “former spouse” that was in effect under  
3           section 204(b)(4) of the Central Intelligence Agency  
4           Retirement Act of 1964 for Certain Employees be-  
5           fore December 4, 1991.

6           (c) COMMENCEMENT AND TERMINATION.—

7           (1) RETIREMENT ANNUITIES.—The entitlement  
8           of a former wife or husband to an annuity under  
9           this section—

10           (A) shall commence on the later of—

11           (i) October 1, 1993;

12           (ii) the day the participant upon  
13           whose service the right to the annuity is  
14           based becomes entitled to an annuity  
15           under such Act; or

16           (iii) such former wife’s or husband’s  
17           50th birthday; and

18           (B) shall terminate on the earlier of—

19           (i) the last day of the month before  
20           the former wife or husband dies or remar-  
21           ries before 55 years of age, except that the  
22           entitlement of the former wife or husband  
23           to an annuity under this section shall be  
24           restored on the date such remarriage is

1 dissolved by death, annulment, or divorce;

2 or

3 (ii) the date on which the annuity of  
4 the participant terminates.

5 (2) DISABILITY ANNUITIES.—Notwithstanding  
6 paragraph (1)(A)(ii), in the case of a former wife or  
7 husband of a disability annuitant—

8 (A) the annuity of the former wife or hus-  
9 band shall commence on the date on which the  
10 participant would qualify on the basis of the  
11 participant's creditable service for an annuity  
12 under the Central Intelligence Agency Retirement  
13 Act (other than a disability annuity) or  
14 the date the disability annuity begins, whichever  
15 is later; and

16 (B) the amount of the annuity of the  
17 former wife or husband shall be calculated on  
18 the basis of the annuity for which the partici-  
19 pant would otherwise so qualify.

20 (3) ELECTION OF BENEFITS.—A former wife or  
21 husband of a participant or retired participant shall  
22 not become entitled under this section to an annuity  
23 or to the restoration of an annuity unless the former  
24 wife or husband elects to receive it instead of any  
25 other annuity to which the former wife or husband

1 may be entitled under CIARDS or any other retire-  
2 ment system for Government employees on the basis  
3 of a marriage to someone other than the participant.

4 (4) APPLICATION.—

5 (A) TIME LIMIT; WAIVER.—An annuity  
6 under this section shall not be payable unless  
7 appropriate written application is provided to  
8 the Director of Central Intelligence, complete  
9 with any supporting documentation which the  
10 Director may by regulation require, not later  
11 than October 1, 1994. The Director may waive  
12 the application deadline under the preceding  
13 sentence in any case in which the Director de-  
14 termines that the circumstances warrant such a  
15 waiver.

16 (B) RETROACTIVE BENEFITS.—Upon ap-  
17 proval of an application under subparagraph  
18 (A), the appropriate annuity shall be payable to  
19 the former wife or husband with respect to all  
20 periods before such approval during which the  
21 former wife or husband was entitled to an an-  
22 nuity under this section, but in no event shall  
23 an annuity be payable under this section with  
24 respect to any period before October 1, 1993.

1 (d) RESTORATION OF ANNUITIES.—Notwithstanding  
2 subsection (c)(4)(A), the deadline by which an application  
3 for a retirement annuity must be submitted shall not apply  
4 in cases in which a former spouse’s entitlement to such  
5 annuity is restored after October 1, 1993, under sub-  
6 section (b)(1) or (c)(1)(B).

7 (e) APPLICABILITY IN CASES OF PARTICIPANTS  
8 TRANSFERRED TO FERS.—The provisions of this section  
9 shall apply to a former wife or husband of a CIARDS par-  
10 ticipant who has elected to become subject to chapter 84  
11 of title 5, United States Code. For purposes of this sub-  
12 section, any reference in this section to a participant’s  
13 CIARDS annuity shall be deemed to refer to the trans-  
14 ferred participant’s annuity computed in accordance with  
15 section 302(a) of the Federal Employees’ Retirement Sys-  
16 tem Act of 1986.

17 (f) SAVINGS PROVISION.—Nothing in this section  
18 shall be construed to impair, reduce, or otherwise affect  
19 the annuity or the entitlement to an annuity of a partici-  
20 pant or former participant under title II or III of the  
21 Central Intelligence Agency Retirement Act.

22 **SEC. 3. HEALTH BENEFITS.**

23 (a) IN GENERAL.—Section 16 of the Central Intel-  
24 ligence Agency Act of 1949 (50 U.S.C. 403p) is amend-  
25 ed—

1 (1) by redesignating subsections (c) through (e)  
2 as subsections (d) through (f), respectively;

3 (2) by inserting after subsection (b) the follow-  
4 ing new subsection (c):

5 “(c) ELIGIBILITY OF FORMER WIVES OR HUS-  
6 BANDS.—(1) Notwithstanding subsections (a) and (b) and  
7 except as provided in subsection (d), an individual—

8 “(A) who was divorced on or before December  
9 4, 1991, from a participant or retired participant in  
10 the Central Intelligence Agency Retirement and Dis-  
11 ability System or the Federal Employees Retirement  
12 System Special Category;

13 “(B) who was married to such participant for  
14 not less than ten years during the participant’s cred-  
15 itable service, at least five years of which were spent  
16 by the participant during the participant’s service as  
17 an employee of the Agency outside the United  
18 States, or otherwise in a position the duties of which  
19 qualified the participant for designation by the Di-  
20 rector of Central Intelligence as a participant under  
21 section 203 of the Central Intelligence Agency Re-  
22 tirement Act (50 U.S.C. 2013); and

23 “(C) who was enrolled in a health benefits plan  
24 as a family member at any time during the 18-

1 month period before the date of dissolution of the  
2 marriage to such participant;  
3 is eligible for coverage under a health benefits plan.

4 “(2) A former spouse eligible for coverage under  
5 paragraph (1) may enroll in a health benefits plan in ac-  
6 cordance with subsection (b)(1), except that the election  
7 for such enrollment must be submitted within 60 days  
8 after the date on which the Director notifies the former  
9 spouse of such individual’s eligibility for health insurance  
10 coverage under this subsection.”.

11 (b) CONFORMING AMENDMENT.—Subsection (a) of  
12 such section is amended by striking out “subsection  
13 (c)(1)” and inserting in lieu thereof “subsection (d)”.

14 **SEC. 4. SOURCE OF PAYMENT FOR ANNUITIES.**

15 Annuities provided under sections 1 and 2 shall be  
16 payable from the Central Intelligence Agency Retirement  
17 and Disability Fund maintained under section 202 of the  
18 Central Intelligence Agency Retirement Act (50 U.S.C.  
19 2012).

20 **SEC. 5. EFFECTIVE DATE.**

21 Sections 1 through 3 shall take effect as of October  
22 1, 1993. No benefits provided pursuant to those sections  
23 shall be payable with respect to any period before that  
24 date.

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