

103^D CONGRESS
1ST 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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

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

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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