

Disability System and Civil Service Retirement and Disability System with regard to prior service credit.

EXECUTIVE ORDER NO. 12684

Ex. Ord. No. 12684, July 27, 1989, 54 F.R. 31643, conformed Central Intelligence Agency and Civil Service Retirement and Disability Systems with regard to considering part-time service in computing annuities and remarriage of surviving spouses.

§ 2002. Definitions relating to participants and annuitants

(a) General definitions

When used in subchapter II:

(1) Former participant

The term “former participant” means a person who—

(A) while an employee of the Agency was a participant in the system; and

(B) separates from the Agency without entitlement to immediate receipt of an annuity from the fund.

(2) Retired participant

The term “retired participant” means a person who—

(A) while an employee of the Agency was a participant in the system; and

(B) is entitled to receive an annuity from the fund based upon such person’s service as a participant.

(3) Surviving spouse

(A) In general

The term “surviving spouse” means the surviving wife or husband of a participant or retired participant who (i) was married to the participant or retired participant for at least 9 months immediately preceding the participant’s or retired participant’s death, or (ii) who is the parent of a child born of the marriage.

(B) Treatment when participant dies less than 9 months after marriage

In a case in which the participant or retired participant dies within the 9-month period beginning on the date of the marriage, the requirement under subparagraph (A)(i) that a marriage have a duration of at least 9 months immediately preceding the death of the participant or retired participant shall be treated as having been met if—

(i) the death of the participant or retired participant was accidental; or

(ii) the surviving wife or husband had been previously married to the participant or retired participant (and subsequently divorced) and the aggregate time married is at least 9 months.

(4) Former spouse

The term “former spouse” means a former wife or husband of a participant, former participant, or retired participant as follows:

(A) Divorces on or before December 4, 1991

In the case of a divorce that became final on or before December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant

for not less than 10 years during periods of the participant’s creditable service, at least 5 years of which were spent outside the United States by both such participant and former wife or husband during the participant’s service as an employee of the Agency.

(B) Divorces after December 4, 1991

In the case of a divorce that becomes final after December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant for not less than 10 years during periods of the participant’s creditable service, at least 5 years of which were spent by the participant during the participant’s service as an employee of the Agency (i) outside the United States, or (ii) otherwise in a position the duties of which qualified the participant for designation by the Director as a participant under section 2013 of this title.

(C) Creditable service

For purposes of subparagraphs (A) and (B), the term “creditable service” means all periods of a participant’s service that are creditable under sections 2081, 2082, and 2083 of this title.

(5) Previous spouse

The term “previous spouse” means an individual who was married for at least 9 months to a participant, former participant, or retired participant who had at least 18 months of service which are creditable under sections 2081, 2082, and 2083 of this title.

(6) Spousal agreement

The term “spousal agreement” means an agreement between a participant, former participant, or retired participant and the participant, former participant, or retired participant’s spouse or former spouse that—

(A) is in writing, is signed by the parties, and is notarized;

(B) has not been modified by court order; and

(C) has been authenticated by the Director.

(7) Court order

The term “court order” means—

(A) a court decree of divorce, annulment, or legal separation; or

(B) a court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

(8) Court

The term “court” means a court of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court.

(b) “Child” defined

For purposes of sections 2031 and 2052 of this title:

(1) In general

The term “child” means any of the following:

(A) Minor children

An unmarried dependent child under 18 years of age, including—

- (i) an adopted child;
- (ii) a stepchild, but only if the stepchild lived with the participant or retired participant in a regular parent-child relationship;
- (iii) a recognized natural child; and
- (iv) a child who lived with the participant, for whom a petition of adoption was filed by the participant or retired participant, and who is adopted by the surviving spouse after the death of the participant or retired participant.

(B) Disabled adult children

An unmarried dependent child, regardless of age, who is incapable of self-support because of a physical or mental disability incurred before age 18.

(C) Students

An unmarried dependent child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

(2) Special rules for students**(A) Extension of age termination of status as “child”**

For purposes of this subsection, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while regularly pursuing such a course of study or training, shall be treated as having attained the age of 22 on the first day of July following that birthday.

(B) Treatment of interim period between school years

A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim does not exceed 5 months and if the child shows to the satisfaction of the Director that the child has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim.

(3) “Dependent” defined

For purposes of this subsection, the term “dependent”, with respect to the child of a participant or retired participant, means that the participant or retired participant was, at the time of the death of the participant or retired participant, either living with or contributing to the support of the child, as determined in accordance with regulations prescribed under subchapter II.

(4) Exclusion of stepchildren from lump-sum payment

For purposes of section 2071(c) of this title, the term “child” includes an adopted child and a natural child, but does not include a stepchild.

(Pub. L. 88-643, title I, §102, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3198.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 111 of Pub. L. 88-643, title I, Oct. 13, 1964, 78 Stat. 1043; Pub. L. 94-522, title I, §101, Oct. 17, 1976, 90 Stat. 2467, provided definitions for Pub. L. 88-643 and was set out as a note under section 403 of this title prior to the general amendment of Pub. L. 88-643 by section 802 of Pub. L. 102-496.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

SUBCHAPTER II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**PART A—ESTABLISHMENT OF SYSTEM****§ 2011. CIARDS system****(a) In general****(1) Establishment of system**

There is a retirement and disability system for certain employees of the Central Intelligence Agency known as the Central Intelligence Agency Retirement and Disability System (hereinafter in this chapter referred to as the “system”), originally established pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

(2) DCI regulations

The Director shall prescribe regulations for the system. The Director shall submit any proposed regulations for the system to the congressional intelligence committees not less than 14 days before they take effect.

(b) Administration of system

The Director shall administer the system in accordance with regulations prescribed under this subchapter and with the principles established by this subchapter.

(c) Finality of decisions of DCI

In the interests of the security of the foreign intelligence activities of the United States and in order further to implement section 3024(i) of this title that the Director of National Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of chapter 7 of title 5 or any other provision of law (except section 2155(b) of this title), any determination by the Director authorized by this chapter shall be final and conclusive and shall not be subject to review by any court.

(Pub. L. 88-643, title II, §201, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3201; amended Pub. L. 103-178, title II, §202(a)(2), Dec. 3, 1993, 107 Stat. 2026; Pub. L. 105-272, title IV, §403(b), Oct. 20, 1998, 112 Stat. 2404; Pub. L. 108-458, title I, §1072(c), Dec. 17, 2004, 118 Stat. 3693.)