

itable 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 of this chapter.

(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.)

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.

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 403–1(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.)

REFERENCES IN TEXT

The Central Intelligence Agency Retirement Act of 1964 for Certain Employees, referred to in subsec. (a)(1), is Pub. L. 88–643, Oct. 13, 1964, 78 Stat. 1043, as amended, which was formerly set out as a note under section 403 of this title. Pub. L. 88–643 was revised generally by Pub. L. 102–496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3196, and is now known as the Central Intelligence Agency Retirement Act. As so revised, title II of Pub. L. 88–643 is classified generally to this subchapter.

PRIOR PROVISIONS

A prior section 201 of Pub. L. 88–643, title II, Oct. 13, 1964, 78 Stat. 1043; Pub. L. 98–618, title III, §302, Nov. 8, 1984, 98 Stat. 3300; Pub. L. 99–335, title V, §501(1), June 6, 1986, 100 Stat. 622, related to rules and regulations 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.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108–458 substituted “section 403–1(i) of this title that the Director of National Intelligence” for “paragraph (6) of section 403–3(c) of this title that the Director of Central Intelligence”.

1998—Subsec. (c). Pub. L. 105–272 substituted “paragraph (6) of section 403–3(c) of this title” for “section 403–3(c)(5) of this title”.

1993—Subsec. (c). Pub. L. 103–178 substituted “section 403–3(c)(5) of this title” for “the proviso of section 403(d)(3) of this title”.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108–458 take effect on Apr. 21, 2005, see Memo-

randum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Amendment by Pub. L. 108–458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–178 effective Feb. 1, 1993, see section 202(b) of Pub. L. 103–178, set out as a note under section 2001 of this title.

§ 2012. Central Intelligence Agency Retirement and Disability Fund

The Director shall maintain the fund in the Treasury known as the “Central Intelligence Agency Retirement and Disability Fund” (hereinafter in this chapter referred to as the “fund”), originally created pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

(Pub. L. 88–643, title II, §202, as added Pub. L. 102–496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3201.)

REFERENCES IN TEXT

The Central Intelligence Agency Retirement Act of 1964 for Certain Employees, referred to in text, is Pub. L. 88–643, Oct. 13, 1964, 78 Stat. 1043, as amended, which was formerly set out as a note under section 403 of this title. Pub. L. 88–643 was revised generally by Pub. L. 102–496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3196, and is now known as the Central Intelligence Agency Retirement Act. As so revised, title II of Pub. L. 88–643 is classified generally to this subchapter.

PRIOR PROVISIONS

A prior section 202 of Pub. L. 88–643, title II, Oct. 13, 1964, 78 Stat. 1043, related to establishment and maintenance of the Central Intelligence Agency Retirement and Disability Fund 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.

§ 2013. Participants in CIARDS system

(a) Designation of participants

The Director may from time to time designate employees of the Agency who shall be entitled to participate in the system. Employees so designated who elect to participate in the system are referred to in this chapter as “participants”.

(b) Qualifying service

Designation of employees under this section may be made only from among employees of the Agency who have completed at least 5 years of qualifying service. For purposes of this chapter, qualifying service is service in the Agency performed in carrying out duties that are determined by the Director—

- (1) to be in support of Agency activities abroad hazardous to life or health; or
- (2) to be so specialized because of security requirements as to be clearly distinguishable from normal government employment.

(c) Election of employee to be participant

(1) Permanence of election

An employee of the Agency who elects to accept designation as a participant in the sys-