

6 September 1988

The Honorable David L. Boren
Chairman
Select Committee on Intelligence
United States Senate

The Honorable Louis Stokes
Chairman
Select Committee on Intelligence
U.S. House of Representatives

Dear Messrs. Chairmen:

We should like to bring to your attention the fact that many former spouses of CIA's overseas officers - as well as their lawyers - remain unaware of the benefits and protections provided to them by recent legislation. Others have learned of these provisions only after they have waived all rights to them in their divorce settlements. Lawyers, particularly in the Washington area, are extremely familiar with provisions of Civil Service legislation but remain unaware that the law provides unique benefits and protections for spouses of CIA overseas employees.

We believe that this omission can be overcome by a more vigorous and conscientious effort on the part of CIA to inform all spouses, current and former, of their rights.

Many otherwise eligible former spouses report that they received no communication regarding their vested rights from CIA or from their former employee-spouses. (See attachment for description of these rights.) As far as we can see, very little information has appeared in the press in the Washington, D.C. area and none elsewhere. Spouses divorced before enactment of the legislation giving these benefits report that they have had no direct communication with the CIA, especially those who have moved out of the local area. Spouses who contacted CIA by telephone or letter seeking information report receiving incomplete or inaccurate information. Some spouses who have contacted the CIA's Family Employee Liaison Office have been turned away with none.

Because of this lack of information, some spouses report that their final divorce decrees were written to meet the provisions of Civil Service legislation. These provisions do not give a spouse a presumed right to a pro-rata share of the retirement and survivor annuity, based on years of marriage and service overseas. As a result, spouses receive a smaller, and often inadequate, share, of the annuity. If this is identified as "alimony", the spouse is ineligible to receive the protection of group health insurance, as provided by the CIA legislation.

Also, the alimony ceases upon the death of the employee. Some divorce decrees have eliminated earned survivor benefits with such standard phrases as "waiving all future rights", or awarding all such benefits to a second spouse who may or may not have served abroad.

We know that CIA has undertaken to inform Agency personnel of these legislated benefits in connection with divorce. These employees were requested to inform their spouses. And certainly in many cases this was done. However, in certain instances when divorce was being contemplated, the necessary information did not reach the dependent spouses. The results are noted above.

We ask that CIA continue and expand its effort to get information to the dependent spouses of overseas employees in a complete and timely fashion. To accomplish this, we suggest:

Preparation of an information packet to be given directly to the spouses of all overseas employees as they enter on duty. This information should be updated throughout the employee's career. Guidance could include procedures to ensure that classified information, if any, be handled in an appropriate manner.

Information concerning legislated benefits should be available at all Family Employee Liaison Offices for both employees and spouses directly. Information could also be given out at seminars, training courses and briefings for spouses and employees, including supervisors and Chiefs and Deputy Chiefs of Station. (We urge a greater inclusion of spouses in such training.)

A well publicised "hotline" telephone number to answer questions by spouses and their lawyers before divorce papers are written.

Periodic information in the national press, retiree publications, and annuitant and employee bulletins. A single notification on such an important topic is insufficient. The publications should be selected from among those that CIA spouses can be expected to see and read.

A series of mailings to all current employees to establish a data bank of the identities of all current, and if possible, former spouses of employees, former and retired. The mailings should then be sent directly to the identified spouses, current and former, except in the few cases where security precludes direct contact. (Foreign Service lawyers have determined that no invasion of privacy occurs when official Government communications are sent directly to individual citizens.)

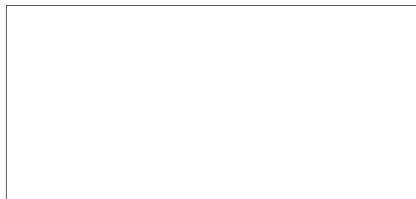
We believe that Congress intended security in old age for the spouses of CIA overseas employees who have served their country on foreign assignments long and well. At the hearing held by the House Select Committee on Intelligence prior to the 1986 legislation, then Director of Personnel [redacted] stated that the CIA could and would notify all spouses, current and former, of their rights. We believe that the time has come to do so - to ensure that ALL of these dependents of CIA employees who have earned this protection, and in many cases, desperately need such protection, receive it promptly. Closing the communication gap will guarantee this.

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We are at the disposal of your staff to discuss any aspect of this matter.

Sincerely,

Barbara Colby



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Attachment

**Legislative Benefits for Spouses of
CIA Employees Who Participate in CIARDS, the
CIA Employee Retirement and Disability
System**

In 1982 Congress enacted legislation adopting for the Central Intelligence Agency certain provisions of the Foreign Service Act of 1980 that would benefit former spouses of CIA employees who participate in the Central Intelligence Agency Retirement and Disability System (CIARDS). This legislation is the CIA Spouses Retirement Equity Act of 1982 (Title VI of FY 1983 Intelligence Authorization Bill).

To be eligible for benefits under this and subsequent legislation a spouse must have been married to such CIA employees for at least 10 years, and must have served five years herself overseas during the active career of the officer. Retirement and survivor benefits, if awarded, are computed as a pro-rata share of 50 percent of the employee's retirement annuity (55 percent as the survivor annuity). And very importantly, the spouse goes into divorce court with a presumed or vested right to this share. This may of course be modified or rejected by a state divorce court order or spousal agreement. P.L. 97-269, passed in 1982.

Applies to spouses divorced after this date. They are entitled to pension sharing rights outlined above if the employee retires after 1982. They also have the option for group health insurance, paying the entire cost of premiums themselves.

P.L. 99-569, passed in 1986.

Former spouses divorced before 15 November 1982 from employees retired before that date became eligible for survivor benefits, computed per above, but paid for by Government contributions to the Retirement Fund. They too become eligible for group health insurance, per above.

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CIA Spouses - Attachment.

P.L. 100-178, passed in 1987.

Former spouses divorced before 15 November 1982 whose former employee-spouses retired before that date became eligible for Government-funded retirement annuity when that employee retired and they (former spouses) have achieved age 55. Former spouses of employees who died in service were provided a Government-funded survivor annuity.

For each piece of legislation a former spouse become ineligible if she remarries before age 60.

The group health option is available when the former spouse is declared eligible under the above legislation and premiums must be paid in full by the former spouse.

In each piece of legislation above, the Director of Central Intelligence was given responsibility to inform former spouses of their rights.

For example, P.L. 99-569 states:

The Director of Central Intelligence shall, as soon as possible, take all steps practicable -

(a) to determine the identity and current address of each former spouse eligible for coverage - and

(b) to notify each such former spouse of that individual's rights under this section.