

(b) Mandatory retirement for age**(1) In general**

A participant in the system shall be automatically retired from the Agency—

(A) upon reaching age 65, in the case of a participant in the system who is at the Senior Intelligence Service rank of level 4 or above; and

(B) upon reaching age 60, in the case of any other participant in the system.

(2) Effective date of retirement

Retirement under paragraph (1) shall be effective on the last day of the month in which the participant reaches the age applicable to that participant under that paragraph.

(3) Authority for extension

In any case in which the Director determines it to be in the public interest, the Director may extend the mandatory retirement date for a participant under this subsection by a period of not to exceed 5 years.

(c) Retirement benefits

A participant retired under this section shall receive retirement benefits in accordance with section 2031 of this title.

(Pub. L. 88-643, title II, § 235, as added Pub. L. 102-496, title VIII, § 802, Oct. 24, 1992, 106 Stat. 3225; amended Pub. L. 111-259, title II, § 201, Oct. 7, 2010, 124 Stat. 2657.)

PRIOR PROVISIONS

A prior section 235 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1049; Ex. Ord. No. 12443, § 13, Sept. 27, 1983, 48 F.R. 44754; Pub. L. 99-335, title V, § 501(2), June 6, 1986, 100 Stat. 622; Pub. L. 102-183, title III, § 307, Dec. 4, 1991, 105 Stat. 1265, related to mandatory retirement 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

2010—Subsec. (b)(1)(A). Pub. L. 111-259 substituted “who is at the Senior Intelligence Service rank” for “receiving compensation under the Senior Intelligence Service pay schedule at the rate”.

§ 2056. Eligibility for annuity**(a) One-out-of-two requirement**

A participant must complete, within the last two years before any separation from service (except a separation because of death or disability) at least one year of creditable civilian service during which the participant is subject to this subchapter and in a pay status before the participant or the participant's survivors are eligible for an annuity under this subchapter based on that separation.

(b) Refund of contributions for time not allowed for credit

If a participant (other than a participant separated from the service because of death or disability) fails to meet the service and pay status requirement of subsection (a) of this section, any amounts deducted from the participant's pay during the period for which no eligibility is established based on the separation shall be returned to the participant on the separation.

(c) Exception

Failure to meet the service and pay status requirement of subsection (a) of this section shall

not deprive the participant or the participant's survivors of any annuity to which they may be entitled under this subchapter based on a previous separation.

(Pub. L. 88-643, title II, § 236, as added Pub. L. 102-496, title VIII, § 802, Oct. 24, 1992, 106 Stat. 3226.)

PRIOR PROVISIONS

A prior section 236 of Pub. L. 88-643, as added Pub. L. 101-193, title III, § 302(2), Nov. 30, 1989, 103 Stat. 1703, related to eligibility for annuity 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.

A prior section 237 of Pub. L. 88-643, title II, formerly § 236, Oct. 13, 1964, 78 Stat. 1049; Pub. L. 91-626, § 4, Dec. 31, 1970, 84 Stat. 1873; Pub. L. 93-31, May 8, 1973, 87 Stat. 65; Pub. L. 99-335, title V, § 501(2), June 6, 1986, 100 Stat. 622, renumbered § 237, Pub. L. 101-193, title III, § 302(1), Nov. 30, 1989, 103 Stat. 1703, related to limitation on number of retirements 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.

PART E—LUMP-SUM PAYMENTS

§ 2071. Lump-sum payments**(a) Entitlement to lump-sum credit**

Subject to section 2082(d) of this title and subsection (b) of this section, a participant who—

(1) is separated from the Agency for at least 31 consecutive days and is not transferred to employment covered by another retirement system for Government employees;

(2) files an application with the Director for payment of the lump-sum credit;

(3) is not reemployed in a position in which the participant is subject to this subchapter at the time the participant files the application; and

(4) will not become eligible to receive an annuity under this subchapter within 31 days after filing the application,

is entitled to be paid the lump-sum credit. Receipt of the payment of the lump-sum credit by the former participant voids all annuity rights under this subchapter based on the service on which the lump-sum credit is based, until the former participant is reemployed in service subject to this subchapter.

(b) Conditions for payment of lump-sum credit**(1) In general**

Whenever a former participant becomes entitled to receive payment of the lump-sum credit under subsection (a) of this section, such lump-sum credit shall be paid to the former participant and to any former spouse or former wife or husband of the former participant in accordance with paragraphs (2) through (4). The former participant's lump-sum credit shall be reduced by the amount of the lump-sum credit payable to any former spouse or former wife or husband.

(2) Pro rata share for former spouse

Unless otherwise expressly provided by any spousal agreement or court order under section 2094(b) of this title, a former spouse of the former participant shall be entitled to receive a share of such participant's lump-sum credit—