

**§ 2143. Alternative forms of annuities****(a) Authority for alternative form of annuity**

The Director shall prescribe regulations under which any participant who has a life-threatening affliction or other critical medical condition may, at the time of retiring under this subchapter (other than under section 2051 of this title), elect annuity benefits under this section instead of any other benefits under this subchapter (including any survivor benefits under this subchapter) based on the service of the participant creditable under this subchapter.

**(b) Basis for alternative forms of annuity**

The regulations and alternative forms of annuity shall, to the maximum extent practicable, meet the requirements prescribed in section 8343a of title 5.

**(c) Lump-sum credit**

Any lump-sum credit provided pursuant to an election under subsection (a) of this section shall not preclude an individual from receiving other benefits provided under that subsection.

**(d) Submission of regulations to congressional intelligence committees**

The Director shall submit the regulations prescribed under subsection (a) of this section to the congressional intelligence committees before the regulations take effect.

(Pub. L. 88-643, title II, § 294, as added Pub. L. 102-496, title VIII, § 802, Oct. 24, 1992, 106 Stat. 3242; amended Pub. L. 103-66, title XI, § 11002(c), Aug. 10, 1993, 107 Stat. 409.)

## PRIOR PROVISIONS

A prior section 294 of Pub. L. 88-643, as added Pub. L. 99-335, title V, § 505, June 6, 1986, 100 Stat. 624, related to alternative forms of annuities 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

1993—Subsec. (a). Pub. L. 103-66 substituted “any participant who has a life-threatening affliction or other critical medical condition” for “a participant”.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-66 effective Oct. 1, 1994, and applicable with respect to any annuity commencing on or after that date, see section 11002(d) of Pub. L. 103-66, set out as a note under section 8343a of Title 5, Government Organization and Employees.

**§ 2144. Payments from CIARDS fund for portions of certain Civil Service Retirement System annuities**

The amount of the increase in any annuity that results from the application of section 403r of this title, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund.

(Pub. L. 88-643, title II, § 295, as added Pub. L. 102-496, title VIII, § 802, Oct. 24, 1992, 106 Stat. 3242.)

## PRIOR PROVISIONS

A prior section 295 of Pub. L. 88-643, as added Pub. L. 101-193, title III, § 307(b), Nov. 30, 1989, 103 Stat. 1707, re-

lated to payments from CIARDS fund for portions of certain Civil Service Retirement System annuities 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 III—PARTICIPATION IN FEDERAL EMPLOYEES' RETIREMENT SYSTEM

**§ 2151. Application of Federal Employees' Retirement System to Agency employees****(a) General rule**

Except as provided in subsections (b) and (c) of this section, all employees of the Agency, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act [42 U.S.C. 401 et seq.] and chapter 21 of title 26, shall be subject to chapter 84 of title 5.

**(b) Exception for pre-1984 employees**

Participants in the Central Intelligence Agency Retirement and Disability System who were participants in such system on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not subject to chapter 84 of title 5 without regard to whether they are subject to title II of the Social Security Act [42 U.S.C. 401 et seq.].

**(c) Nonapplicability of FERS to certain employees**

(1) The provisions of chapter 84 of title 5 shall not apply with respect to—

(A) any individual who separates, or who has separated, from Federal Government service after having been an employee of the Agency subject to subchapter II of this chapter; and

(B) any employee of the Agency having at least 5 years of civilian service which was performed before January 1, 1987, and is creditable under subchapter II of this chapter (determined without regard to any deposit or re-deposit requirement under subchapter III of chapter 83 of title 5, or under subchapter II of this chapter, or any requirement that the individual become subject to such subchapter or to subchapter II of this chapter after performing the service involved).

(2) Paragraph (1) shall not apply with respect to an individual who has elected under regulations prescribed under section 2157 of this title to become subject to chapter 84 of title 5 to the extent provided in such regulations.

(3) An individual described in paragraph (1) shall be deemed to be an individual excluded under section 8402(b)(2) of title 5.

**(d) Election to become subject to FERS**

An employee who is designated as a participant in the Central Intelligence Agency Retirement and Disability System after December 31, 1987, pursuant to section 2013 of this title may elect to become subject to chapter 84 of title 5. Such election—

(1) shall not be effective unless it is made during the six-month period beginning on the date on which the employee is so designated;

(2) shall take effect beginning with the first pay period beginning after the date of the election; and