

retary shall first obtain the concurrence of the head of that agency.

**(f) Funding**

The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.

(Pub. L. 102-183, title VIII, § 813, as added Pub. L. 112-239, div. A, title IX, § 954(a), Jan. 2, 2013, 126 Stat. 1895.)

**CHAPTER 38—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY**

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**CODIFICATION**

The Central Intelligence Agency Retirement Act, comprising this chapter, was originally enacted as the Central Intelligence Agency Retirement Act of 1964 for Certain Employees by Pub. L. 88-643, Oct. 13, 1964, 78 Stat. 1043, as amended by Pub. L. 90-539, Sept. 30, 1968, 82 Stat. 902; Pub. L. 91-185, Dec. 30, 1969, 83 Stat. 847; Pub. L. 91-626, §§1-6, Dec. 31, 1970, 84 Stat. 1872-1874; Pub. L. 93-31, May 8, 1973, 87 Stat. 65; Pub. L. 93-210, §1(a), Dec. 28, 1973, 87 Stat. 908; Pub. L. 94-361, title VIII, §801(b), July 14, 1976, 90 Stat. 929; Pub. L. 94-522, title I, §§101, 102, title II, §§201-213, Oct. 17, 1976, 90 Stat. 2467-2471; Ex. Ord. No. 12273, Jan. 16, 1981, 46 F.R. 5854; Ex. Ord. No. 12326, Sept. 30, 1981, 46 F.R. 48889; Pub. L. 97-269, title VI, §§602-611, Sept. 27, 1982, 96 Stat. 1145-1148, 1152-1153; Ex. Ord. No. 12443, Sept. 27, 1983, 48 F.R. 44751; Ex. Ord. No. 12485, July 13, 1984, 49 F.R. 28827; Pub. L. 98-618, title III, §302, Nov. 8, 1984, 98 Stat. 3300; Pub. L. 99-169, title VII, §702, Dec. 4, 1985, 99 Stat. 1008; Pub. L. 99-335, title V, §§501-506, June 6, 1986, 100 Stat. 622-624; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-569, title III, §302(a), Oct. 27, 1986, 100 Stat. 3192; Pub. L. 100-178, title IV, §§401(a), 402(a), (b)(1), (2), Dec. 2, 1987, 101 Stat. 1012-1014; Pub. L. 100-453, title III, §302(a), (b)(1), (c)(1), (d)(1), (2), title V, §502, Sept. 29, 1988, 102 Stat. 1906, 1907, 1909; Pub. L. 101-193, title III, §§302-304(a), 307(b), Nov. 30, 1989, 103 Stat. 1703, 1707; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-88, title III, §§302-305(a), 306-307(b), Aug. 14, 1991, 105 Stat. 431-433; Pub. L. 102-183, title III, §§302(a)-(c), 303(a), 304-306(b), 307, 309(a), 310(a), Dec. 4, 1991, 105 Stat. 1262-1266; Pub. L. 102-496, title III, §304(b), Oct. 24, 1992, 106 Stat. 3183, and was set out as a note under section 403 of this title. The Act is shown herein, however, as having been added by Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3196, without reference to such

intervening amendments because of the extensive revision and restatement of the Act's provisions by Pub. L. 102-496.

#### SUBCHAPTER I—DEFINITIONS

### § 2001. Definitions relating to the system

When used in this chapter:

#### (1) Agency

The term “Agency” means the Central Intelligence Agency.

#### (2) Director

The term “Director” means the Director of the Central Intelligence Agency.

#### (3) Qualifying service

The term “qualifying service” means service determined by the Director to have been performed in carrying out duties described in section 2013 of this title.

#### (4) Fund balance

The term “fund balance” means the sum of—

(A) the investments of the fund calculated at par value; and

(B) the cash balance of the fund on the books of the Treasury.

#### (5) Unfunded liability

The term “unfunded liability” means the estimated amount by which—

(A) the present value of all benefits payable from the fund exceeds

(B) the sum of—

(i) the present value of deductions to be withheld from the future basic pay of participants subject to subchapter II of this chapter and of future Agency contributions to be made on the behalf of such participants;

(ii) the present value of Government payments to the fund under sections 2091(c) and 2091(d) of this title; and

(iii) the fund balance as of the date on which the unfunded liability is determined.

#### (6) Normal cost

The term “normal cost” means the level percentage of payroll required to be deposited in the fund to meet the cost of benefits payable under the system (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for government employees and less the cost of credit allowed for military service.

#### (7) Lump-sum credit

The term “lump-sum credit” means the un-refunded amount consisting of retirement deductions made from a participant's basic pay and amounts deposited by a participant covering earlier service, including any amounts deposited under section 2082(h) of this title.

#### (8) Congressional intelligence committees

The term “congressional intelligence committees” means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

#### (9) Employee

The term “employee” includes an officer of the Agency.

(Pub. L. 88-643, title I, §101, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3197; amended Pub. L. 103-178, title II, §202(a)(1), Dec. 3, 1993, 107 Stat. 2025; Pub. L. 108-458, title I, §1071(c), Dec. 17, 2004, 118 Stat. 3691.)

#### PRIOR PROVISIONS

A prior section 101 of Pub. L. 88-643, title I, Oct. 13, 1964, 78 Stat. 1043, provided a short title for Pub. L. 88-643 as the “Central Intelligence Agency Retirement Act of 1964 for Certain Employees” 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—Par. (2). Pub. L. 108-458 added par. (2) and struck out heading and text of former par. (2). Text read as follows: “The term ‘Director’ means the Director of Central Intelligence.”

1993—Par. (7). Pub. L. 103-178 substituted “basic pay and amounts deposited” for “basic pay, amounts deposited” and struck out “, and interest determined under section 2121 of this title” after “section 2082(h) 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 Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 3001 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 3001 of this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-178, title II, §202(b), Dec. 3, 1993, 107 Stat. 2027, provided that: “The amendments made by subsection (a) [amending this section and sections 2011, 2021, 2031, 2032, 2034, 2035, 2051, 2052, 2054, 2071, 2094, 2095, 2131, and 2154 of this title] shall take effect as of February 1, 1993.”

#### EFFECTIVE DATE

Pub. L. 102-496, title VIII, §805, Oct. 24, 1992, 106 Stat. 3254, provided that: “The amendments made by sections 802 and 803 [enacting this chapter and amending sections 3514, 3518, 3519, and 3607 of this title, sections 8347 and 8423 of Title 5, Government Organization and Employees, and section 1605 of Title 10, Armed Forces] shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act [Oct. 24, 1992].”

#### EFFECTIVE DATE OF AMENDMENTS TO PUB. L. 88-643 PRIOR TO ENACTMENT OF PUB. L. 102-496

Pub. L. 102-183, title III, §302(d), Dec. 4, 1991, 105 Stat. 1263, provided that: “The amendments made by this section [amending sections 204(b)(3), 221(c)-(e), and 232(c)-(e) of Pub. L. 88-643] shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act [Dec. 4, 1991] and shall apply with respect to annuities payable to children by reason of the death of a participant or annuitant on or after that date.”

Pub. L. 102-183, title III, §303(b), Dec. 4, 1991, 105 Stat. 1264, provided that: “(1) The amendments made by subsection (a) [amending section 221(p)-(r) of Pub. L. 88-643] shall take effect on the first day of the fourth