

**§ 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) 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) 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 3518 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), 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

(3) shall be irrevocable.

**(e) Special rules**

The application of the provisions of chapter 84 of title 5 to an employee referred to in subsection (a) shall be subject to the exceptions and special rules provided in this subchapter. Any provision of that chapter which is inconsistent with a special rule provided in this subchapter shall not apply to such employees.

(Pub. L. 88-643, title III, §301, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3243.)

## REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a) and (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

## PRIOR PROVISIONS

A prior section 301 of Pub. L. 88-643, as added Pub. L. 99-335, title V, §506, June 6, 1986, 100 Stat. 624; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-453, title V, §502, Sept. 29, 1988, 102 Stat. 1909, related to application of Federal Employees' Retirement System to Agency 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.

**§ 2152. Special rules relating to section 2013 criteria employees****(a) In general**

Except as otherwise provided in this section, in the application of chapter 84 of title 5 to an employee of the Agency who is subject to such chapter and is designated by the Director under the criteria prescribed in section 2013 of this title, such employee shall be treated for purposes of determining such employee's retirement benefits and obligations under such chapter as if the employee were a law enforcement officer (as defined in section 8401(17) of title 5).

**(b) Voluntary and mandatory retirement**

The provisions of sections 2053 and 2055 of this title shall apply to employees referred to in subsection (a), except that the retirement benefits shall be determined under chapter 84 of title 5.

**(c) Recall**

(1) Except as provided in paragraph (2), section 2111 of this title shall apply to an employee referred to in subsection (a).

(2) Contributions during recall service shall be made as provided in section 8422 of title 5.

(3) When an employee recalled under this subsection reverts to a retired status, the annuity of such employee shall be redetermined under the provisions of chapter 84 of title 5.

(Pub. L. 88-643, title III, §302, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3244.)

## PRIOR PROVISIONS

A prior section 302 of Pub. L. 88-643, as added Pub. L. 99-335, title V, §506, June 6, 1986, 100 Stat. 625, related to special rules relating to employees designated under criteria of former section 203 of 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.

**§ 2153. Special rules for other employees for service abroad****(a) Special computation rule**

Notwithstanding any provision of chapter 84 of title 5, the annuity under subchapter II of such chapter of a retired employee of the Agency who is not designated under section 2152(a) of this title and who has served abroad as an employee of the Agency after December 31, 1986, shall be computed as provided in subsection (b).

**(b) Computation****(1) Service abroad**

The portion of the annuity relating to such service abroad shall be computed as provided in section 8415(e) of title 5.

**(2) Other service**

The portions of the annuity relating to other creditable service shall be computed as provided in section 8415 of such title that is applicable to such service under the conditions prescribed in chapter 84 of such title.

(Pub. L. 88-643, title III, §303, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3244; amended Pub. L. 112-96, title V, §5001(c)(2)(G), Feb. 22, 2012, 126 Stat. 200.)

## PRIOR PROVISIONS

A prior section 303 of Pub. L. 88-643, as added Pub. L. 99-335, title V, §506, June 6, 1986, 100 Stat. 626, related to special rules for other employees for service abroad 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

2012—Subsec. (b)(1). Pub. L. 112-96 substituted “section 8415(e)” for “section 8415(d)”.

**§ 2154. Special rules for former spouses****(a) General rule**

Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5 shall apply in the case of an employee of the Agency who is subject to chapter 84 of title 5 and who has a former spouse (as defined in section 8401(12) of title 5) or a qualified former spouse.

**(b) Definitions**

For purposes of this section:

**(1) Employee**

The term “employee” means an employee of the Agency who is subject to chapter 84 of title 5, including an employee referred to in section 2152(a) of this title.

**(2) Qualified former spouse**

The term “qualified former spouse” means a former spouse of an employee or retired employee who—

(A) in the case of a former spouse whose divorce from such employee became final on or before December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, at