

last day of the month before the death or remarriage before attaining age 55 of the surviving spouse or former spouse (subject to the payment and restoration provisions of sections 2031(b)(3)(C), 2031(h), and 2032(b)(3) of this title).

(2) Computation

The annuity payable under paragraph (1) shall be computed in accordance with section 2031(a) of this title, except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's high-3 average pay, or (B) the sum obtained under such section after increasing the participant's length of service by the difference between the participant's age at the time of death and age 60.

(3) Limitation

Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 2032(b) of this title, the annuity of a surviving spouse under this section shall be subject to the limitation of section 2031(b)(3)(B) of this title, and the annuity of a former spouse under this section shall be subject to the limitation of section 2032(b)(4)(B) of this title.

(4) Precedence of section 2034 survivor annuity over death-in-service annuity

If a former spouse who is eligible for a death-in-service annuity under this section is or becomes eligible for an annuity under section 2034 of this title, the annuity provided under this section shall not be payable and shall be superseded by the annuity under section 2034 of this title.

(c) Annuities for surviving children

(1) Participants dying before April 1, 1992

In the case of a participant who before April 1, 1992, died before separation or retirement from the Agency and who was survived by a child or children—

(A) if the participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 2031(d)(3)(A) of this title; and

(B) if the participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 2031(d)(3)(B) of this title.

(2) Participants dying on or after April 1, 1992

In the case of a participant who on or after April 1, 1992, dies before separation or retirement from the Agency and who is survived by a child or children—

(A) if the participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 2031(d)(3)(A) of this title; and

(B) if the participant is not survived by a spouse or former spouse who is the natural

or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under section 2031(d)(3)(B) of this title.

(3) "Former spouse" defined

For purposes of this subsection, the term "former spouse" includes any former wife or husband of a participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

(Pub. L. 88-643, title II, §232, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3223; amended Pub. L. 103-178, title II, §202(a)(9), Dec. 3, 1993, 107 Stat. 2026.)

PRIOR PROVISIONS

A prior section 232 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1048; Pub. L. 91-185, §4, Dec. 30, 1969, 83 Stat. 848; Pub. L. 94-522, title II, §208, Oct. 17, 1976, 90 Stat. 2471; Pub. L. 99-335, title V, §501(2), June 6, 1986, 100 Stat. 622; Pub. L. 100-178, title IV, §402(a), Dec. 2, 1987, 101 Stat. 1013; Pub. L. 101-193, title III, §303, Nov. 30, 1989, 103 Stat. 1703; Pub. L. 102-88, title III, §305(a)(3), Aug. 14, 1991, 105 Stat. 432; Pub. L. 102-183, title III, §302(b), (c), Dec. 4, 1991, 105 Stat. 1262, 1263; Pub. L. 102-496, title III, §304(b), Oct. 24, 1992, 106 Stat. 3183, related to death in service 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. (b)(4). Pub. L. 103-178 substituted "eligible for an annuity under section 2034" for "eligible for an annuity under section 2032".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-178 effective Feb. 1, 1993, see section 202(b) of Pub. L. 103-178, set out as a note under section 2001 of this title.

EFFECTIVE DATE

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

§ 2053. Voluntary retirement

(a) A participant who is at least 50 years of age and has completed 20 years of service may, on the participant's application and with the consent of the Director, be retired from the Agency and receive benefits in accordance with the provisions of section 2031 of this title if the participant has not less than 10 years of service with the Agency.

(b) A participant who has at least 25 years of service, ten years of which are with the Agency, may retire, with the consent of the Director, at any age and receive benefits in accordance with the provisions of section 2031 of this title if the Office of Personnel Management has authorized separation from service voluntarily for Agency employees under section 8336(d)(2) of title 5 with respect to the Civil Service Retirement System or section 8414(b)(1)(B) of such title with respect to the Federal Employees' Retirement System.

(Pub. L. 88-643, title II, §233, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3225; amended Pub. L. 103-36, §3, June 8, 1993, 107 Stat. 106.)

PRIOR PROVISIONS

A prior section 233 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1048, related to voluntary 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

1993—Pub. L. 103-36 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

§ 2054. Discontinued service benefits**(a) Deferred annuity**

A participant who separates from the Agency may, upon separation or at any time before the commencement of an annuity under this subchapter, elect—

(1) to have the participant's contributions to the fund returned to the participant in accordance with section 2071(a) of this title; or

(2) except in a case in which the Director determines that separation was based in whole or in part on the ground of disloyalty to the United States, to leave the contributions in the fund and receive an annuity, computed as prescribed in section 2031 of this title, commencing at age 62.

(b) Refund of contributions if former participant dies before age 62

If a participant who qualifies under subsection (a) to receive a deferred annuity commencing at age 62 dies before reaching age 62, the participant's contributions to the fund, with interest, shall be paid in accordance with the provisions of section 2071 of this title.

(Pub. L. 88-643, title II, § 234, as added Pub. L. 102-496, title VIII, § 802, Oct. 24, 1992, 106 Stat. 3225; amended Pub. L. 103-178, title II, § 202(a)(10), Dec. 3, 1993, 107 Stat. 2026.)

PRIOR PROVISIONS

A prior section 234 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1048; Pub. L. 97-269, title VI, § 608, Sept. 27, 1982, 96 Stat. 1152; Pub. L. 99-335, title V, § 501(2), June 6, 1986, 100 Stat. 622, related to discontinued service benefits 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. (b). Pub. L. 103-178 substituted "section 2071" for "sections 2071 and 2121".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-178 effective Feb. 1, 1993, see section 202(b) of Pub. L. 103-178, set out as a note under section 2001 of this title.

EFFECTIVE DATE

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

§ 2055. Mandatory retirement**(a) Involuntary retirement**

(1) **AUTHORITY OF DIRECTOR.**—The Director may, in the Director's discretion, place in a re-

tired status any participant in the system described in paragraph (2).

(2) Paragraph (1) applies with respect to any participant who has not less than 10 years of service with the Agency and who—

(A) has completed at least 25 years of service; or

(B) is at least 50 years of age and has completed at least 20 years of service.

(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".

EFFECTIVE DATE

Section effective on first day of fourth month beginning after Oct. 24, 1992, see section 805 of Pub. L. 102-496, set out as a note under section 2001 of this title.

§ 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 el-