

(2) has not been designated under section 2013 of this title,¹ as a participant in the Central Intelligence Agency Retirement and Disability System;

(3) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 2013 of this title; and

(4) is survived by a surviving spouse, former spouse, or child as defined in section 2002 of this title, who would otherwise be entitled to an annuity under section 8341 of title 5—

such surviving spouse, former spouse, or child of such officer or employee shall be entitled to an annuity computed in accordance with section 2052 of this title, in lieu of an annuity computed in accordance with section 8341 of title 5.

(c) Annuities under this section deemed annuities under chapter 83 of title 5

The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5 for purposes of the other provisions of such chapter and other laws (including title 26) relating to such annuities, and shall be payable from the Central Intelligence Agency Retirement and Disability Fund maintained pursuant to section 2012 of this title.

(June 20, 1949, ch. 227, §19, as added Pub. L. 101-193, title III, §307(a), Nov. 30, 1989, 103 Stat. 1705; amended Pub. L. 102-496, title VIII, §803(a)(3), Oct. 24, 1992, 106 Stat. 3252; Pub. L. 103-178, title V, §501(3), Dec. 3, 1993, 107 Stat. 2038.)

CODIFICATION

Section was formerly classified to section 403s of this title prior to editorial reclassification and renumbering as this section. Some section numbers of this title referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-178, §501(3)(A), (C), substituted “section 2052” for “section 2051” in heading and concluding provisions.

Subsec. (b)(2). Pub. L. 103-178, §501(3)(B), made technical amendment to reference to section 2013 of this title to update reference to corresponding section of original act.

1992—Subsec. (a). Pub. L. 102-496, §803(a)(3)(A), inserted heading, redesignated cl. (i) as par. (1), in cl. (ii), substituted reference to section 2013 of this title for reference in original to section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, which was formerly set out as a note under section 403 of this title, and redesignated such cl. as par. (2), in cl. (iii), inserted “such” before reference to section 2013 of this title and redesignated such cl. as par. (3), redesignated cl. (iv) as par. (4), and substituted reference to section 2051 of this title for “such section 231” in concluding provisions.

Subsec. (b). Pub. L. 102-496, §803(a)(3)(B)(i), (ii), (iv)–(vi), inserted heading, redesignated cl. (i) as par. (1), in cl. (ii), substituted reference to section 2013 of this title for reference in original to section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, which was formerly set out as a note under section 403 of this title, and redesignated cl. (ii) as par. (2), redesignated cls. (iii) and (iv) as pars. (3) and (4), respectively, and in concluding

provisions, substituted “surviving spouse, former spouse, or child” for “widow or widower, former spouse, and/or child or children” and substituted reference to section 2051 of this title for “such section 232”.

Pub. L. 102-496, §803(a)(3)(B)(iii), which directed the substitution of “surviving spouse, former spouse, or child as defined in section 2002 of this title” in cl. (iv) for “widow or widower, former spouse, and/or child or children as defined in section 204 and section 232 of such the Central Intelligence Agency Retirement Act of 1964 for Certain Employees”, was executed by making the substitution for “widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees”, to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 102-496, §803(a)(3)(D)(i)–(iii), inserted heading, struck out par. (1) designation before “The annuities provided”, substituted “maintained pursuant to section 2012 of this title” for “established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees”, and struck out par. (2) which read as follows: “The annuities and/or other benefits provided under subsections (c) and (d) of this section shall be deemed to be annuities and/or benefits under chapter 84 of title 5 for purposes of the other provisions of such chapter and other laws (including title 26) relating to such annuities and/or benefits, but shall be payable from the Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.”

Pub. L. 102-496, §803(a)(3)(C), (D), redesignated subsec. (e) as (c) and struck out former subsec. (c) which provided for retirement of officers and employees of the Central Intelligence Agency as though designated pursuant to section 302(a) of Pub. L. 88-643 which was formerly set out as a note under section 403 of this title.

Subsec. (d). Pub. L. 102-496, §803(a)(3)(C), struck out subsec. (d) which provided that survivors of officers and employees of the Central Intelligence Agency were to receive benefits as though deceased had been designated pursuant to section 302(a) of Pub. L. 88-643, which was formerly set out as a note under section 403 of this title.

Subsec. (e). Pub. L. 102-496, §803(a)(3)(D), redesignated subsec. (e) as (c).

EFFECTIVE DATE OF 1992 AMENDMENT

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

§ 3519a. Separation pay program for voluntary separation from service

(a) Definitions

For purposes of this section—

(1) the term “Director” means the Director of the Central Intelligence Agency;¹

(2) the term “employee” means an employee of the Central Intelligence Agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

¹ So in original. Probably should be followed by “and”.

(b) Establishment of program

In order to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, the Director may establish a program under which employees may be offered separation pay to separate from service voluntarily (whether by retirement or resignation). An employee who receives separation pay under such program may not be reemployed by the Central Intelligence Agency for the 12-month period beginning on the effective date of the employee's separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after March 30, 1994, and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the Central Intelligence Agency. If the employment is with an Executive agency (as defined by section 105 of title 5), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(c) Bar on certain employment**(1) Bar**

An employee may not be separated from service under this section unless the employee agrees that the employee will not—

(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the Central Intelligence Agency; or

(B) participate in any manner in the award, modification, extension, or performance of any contract for property or services with the Central Intelligence Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

(2) Penalty

An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section times the proportion of the 12-month period during which the employee was in violation of the agreement.

(d) Limitations

Under this program, separation pay may be offered only—

(1) with the prior approval of the Director; and

(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

(e) Amount and treatment for other purposes

Such separation pay—

(1) shall be paid in a lump sum;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section; or

(B) \$25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(4) shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5 based on any other separation.

(f) Regulations

The Director shall prescribe such regulations as may be necessary to carry out this section.

(g) Reporting requirements**(1) Offering notification**

The Director may not make an offering of voluntary separation pay pursuant to this section until 30 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (d).

(2) Annual report

At the end of each of the fiscal years 1993 through 1997, the Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the effectiveness and costs of carrying out this section.

(Pub. L. 103-36, § 2, June 8, 1993, 107 Stat. 104; Pub. L. 103-226, § 8(b), Mar. 30, 1994, 108 Stat. 118; Pub. L. 104-93, title IV, § 401, Jan. 6, 1996, 109 Stat. 968; Pub. L. 104-293, title IV, § 401, Oct. 11, 1996, 110 Stat. 3468; Pub. L. 106-120, title IV, § 402, Dec. 3, 1999, 113 Stat. 1616; Pub. L. 107-108, title IV, § 402, Dec. 28, 2001, 115 Stat. 1403; Pub. L. 107-306, title IV, § 401, Nov. 27, 2002, 116 Stat. 2403; Pub. L. 108-458, title I, § 1071(d), Dec. 17, 2004, 118 Stat. 3691; Pub. L. 108-487, title IV, § 401(a), (b)(1), Dec. 23, 2004, 118 Stat. 3945, 3946.)

CODIFICATION

Section was formerly classified to section 403x of this title prior to editorial reclassification and renumbering as this section, and as a note under section 403-4 of this title prior to editorial transfer to section 403x.

Section was enacted as part of the Central Intelligence Agency Voluntary Separation Pay Act, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-458, § 1071(d), amended par. (1) generally. Prior to amendment, par. (1) read: “the term ‘Director’ means the Director of Central Intelligence; and”.

Subsecs. (f) to (h). Pub. L. 108-487, § 401(a), redesignated subsecs. (g) and (h) as (f) and (g), respectively, and struck out former subsec. (f), which related to termination of payments under this section.

Subsec. (i). Pub. L. 108-487, § 401(b)(1), struck out subsec. (i) which related to remittance of funds.

2002—Subsec. (f). Pub. L. 107-306, § 401(1), substituted “September 30, 2005” for “September 30, 2003”.

Subsec. (i). Pub. L. 107-306, § 401(2), substituted “2003, 2004, or 2005” for “or 2003”.

2001—Subsec. (f). Pub. L. 107-108, § 402(1), substituted “September 30, 2003” for “September 30, 2002”.

Subsec. (i). Pub. L. 107-108, § 402(2), substituted “2002, or 2003” for “or 2002”.

1999—Subsec. (f). Pub. L. 106-120, § 402(a), substituted “September 30, 2002” for “September 30, 1999”.

Subsec. (i). Pub. L. 106-120, § 402(b), substituted “, 1999, 2000, 2001, or 2002” for “or fiscal year 1999”.

1996—Subsec. (f). Pub. L. 104-93, § 401(a), substituted “September 30, 1999” for “September 30, 1997”.

Subsec. (i). Pub. L. 104-293 inserted at end: “The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).”

Pub. L. 104-93, § 401(b), added subsec. (i).

1994—Subsec. (b). Pub. L. 103-226, § 8(b), inserted four sentences at end relating to repayment of separation pay requirement.

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.

POST-EMPLOYMENT RESTRICTIONS

Pub. L. 104-293, title IV, § 402, Oct. 11, 1996, 110 Stat. 3468, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 11, 1996], the Director of Central Intelligence shall prescribe regulations requiring each employee of the Central Intelligence Agency designated by the Director for such purpose to sign a written agreement restricting the activities of the employee upon ceasing employment with the Central Intelligence Agency. The Director may designate a group or class of employees for such purpose.

“(b) AGREEMENT ELEMENTS.—The regulations shall provide that an agreement contain provisions specifying that the employee concerned not represent or advise the government, or any political party, of any foreign country during the three-year period beginning on the cessation of the employee’s employment with the Central Intelligence Agency unless the Director determines that such representation or advice would be in the best interests of the United States.

“(c) DISCIPLINARY ACTIONS.—The regulations shall specify appropriate disciplinary actions (including loss of retirement benefits) to be taken against any employee determined by the Director of Central Intelligence to have violated the agreement of the employee under this section.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of Na-

tional Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of this title.]

§ 3519b. Special rules for certain individuals injured by reason of war, insurgency, hostile act, terrorist activities, or incidents designated by the Director

(a) Definitions

In this section:

(1) Covered dependent

The term “covered dependent” means a family member (as defined by the Director) of a covered employee who, on or after September 11, 2001—

(A) accompanies the covered employee to an assigned duty station in a foreign country; and

(B) becomes injured by reason of a qualifying injury.

(2) Covered employee

The term “covered employee” means an officer or employee of the Central Intelligence Agency who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

(3) Covered individual

The term “covered individual” means an individual who—

(A)(i) is detailed to the Central Intelligence Agency from other agencies of the United States Government or from the Armed Forces; or

(ii) is affiliated with the Central Intelligence Agency, as determined by the Director; and

(B) who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

(4) Qualifying injury

The term “qualifying injury” means the following:

(A) With respect to a covered dependent, an injury incurred—

(i) during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country;

(ii) in connection with war, insurgency, hostile act, terrorist activity, or an incident designated for purposes of this section by the Director; and

(iii) that was not the result of the willful misconduct of the covered dependent.

(B) With respect to a covered employee or a covered individual—

(i) an injury incurred—

(I) during a period of assignment to a duty station in a foreign country;

(II) in connection with war, insurgency, hostile act, or terrorist activity; and

(III) that was not the result of the willful misconduct of the covered employee or the covered individual; or