

rate and using the percent of average pay specified in section 8339(a)(3) of title 5 that is normally applicable only to so much of an employee's total service as exceeds ten years.

(2) The portion of the annuity relating to service abroad as described in subsection (a) but that is actually performed at any time after the officer's or employee's first ten years of total service shall be computed as provided in section 8339(a)(3) of title 5; but, in addition, the officer or employee shall be deemed for annuity computation purposes to have actually performed an equivalent period of service abroad during his or her first ten years of total service, and in calculating the portion of the officer's or employee's annuity for his or her first ten years of total service, the computation rate and percent of average pay specified in paragraph (1) shall also be applied to the period of such deemed or equivalent service abroad.

(3) The portion of the annuity relating to other service by an officer or employee as described in subsection (a) shall be computed as provided in the provisions of section 8339(a) of title 5 that would otherwise be applicable to such service.

(4) For purposes of this subsection, the term "total service" has the meaning given such term under chapter 83 of title 5.

(c) Annuities deemed annuities under section 8339 of title 5

For purposes of subsections (f) through (m) of section 8339 of title 5, an annuity computed under this section shall be deemed to be an annuity computed under subsections (a) and (o)¹ of section 8339 of title 5.

(d) Officers and employees entitled to greater annuities under section 8339 of title 5

The provisions of subsection (a) of this section shall not apply to an officer or employee of the Central Intelligence Agency who would otherwise be entitled to a greater annuity computed under an otherwise applicable subsection of section 8339 of title 5.

(June 20, 1949, ch. 227, §18, as added Pub. L. 101-193, title III, §305, Nov. 30, 1989, 103 Stat. 1704; amended Pub. L. 102-496, title VIII, §803(a)(2), Oct. 24, 1992, 106 Stat. 3252.)

Editorial Notes

REFERENCES IN TEXT

Subsection (o) of section 8339 of title 5, referred to in subsec. (c), was redesignated subsec. (p) of that section by Pub. L. 102-378, §2(62), Oct. 2, 1992, 106 Stat. 1354.

CODIFICATION

Section was formerly classified to section 403r 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

1992—Subsec. (a). Pub. L. 102-496 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 which was formerly set out as a note under section 403 of this title.

Statutory Notes and Related Subsidiaries

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.

§ 3518a. Portability of overseas service retirement benefit

The special accrual rates provided by section 2153 of this title and by section 3518 of this title for computation of the annuity of an individual who has served abroad as an officer or employee of the Central Intelligence Agency shall be used to compute that portion of the annuity of such individual relating to such service abroad whether or not the individual is employed by the Central Intelligence Agency at the time of retirement from Federal service.

(Pub. L. 101-193, title III, §306, Nov. 30, 1989, 103 Stat. 1704; Pub. L. 103-178, title II, §204(a), Dec. 3, 1993, 107 Stat. 2033.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 403r-1 of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Intelligence Authorization Act, Fiscal Year 1990, and not as part of the Central Intelligence Agency Act of 1949 which comprises this chapter.

AMENDMENTS

1993—Pub. L. 103-178 substituted reference to section 2153 of this title for reference in original to section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

§ 3519. Special rules for disability retirement and death-in-service benefits with respect to certain employees

(a) Officers and employees to whom section 2051 rules apply

Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5 who—

(1) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5;

(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) has become disabled 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) satisfies the requirements for disability retirement under section 8337 of title 5—

shall, upon his own application or upon order of the Director, be retired on an annuity computed

¹ See References in Text note below.

¹ So in original. The comma probably should not appear.