

tem shall remain a participant of the system for the duration of that individual's employment with the Agency.

(2) Irrevocability of election

Such an election shall be irrevocable except as and to the extent provided in section 2151(d) of this title.

(3) Election not subject to approval

An election under this section is not subject to review or approval by the Director.

(Pub. L. 88-643, title II, §203, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3202.)

PRIOR PROVISIONS

A prior section 203 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1044; Pub. L. 102-88, title III, §303, Aug. 14, 1991, 105 Stat. 431, related to participants in the system 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.

§ 2014. Annuitants

Persons who are annuitants under the system are—

(1) those persons who, on the basis of their service in the Agency, have met all requirements for an annuity under this subchapter or any other Act and are receiving an annuity from the fund; and

(2) those persons who, on the basis of someone else's service, meet all the requirements under this subchapter or any other Act for an annuity payable from the fund.

(Pub. L. 88-643, title II, §204, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3202.)

PRIOR PROVISIONS

A prior section 204 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1044; Pub. L. 91-626, §1, Dec. 31, 1970, 84 Stat. 1872; Pub. L. 94-552, title II, §201, Oct. 17, 1976, 90 Stat. 2468; Pub. L. 97-269, title VI, §602, Sept. 27, 1982, 96 Stat. 1145; Pub. L. 99-335, title V, §501(2), June 6, 1986, 100 Stat. 622; Pub. L. 102-88, title III, §302, Aug. 14, 1991, 105 Stat. 431; Pub. L. 102-183, title III, §§302(c), 310(a), Dec. 4, 1991, 105 Stat. 1263, 1266, related to annuitants under the system 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.

PART B—CONTRIBUTIONS

§ 2021. Contributions to fund

(a) In general

(1) Participant's contributions

Except as provided in subsection (d) of this section, 7 percent of the basic pay received by a participant for any pay period shall be deducted and withheld from the pay of that participant and contributed to the fund.

(2) Agency contributions

An equal amount shall be contributed to the fund for that pay period from the appropriation or fund which is used for payment of the participant's basic pay.

(3) Deposits to the fund

The amounts deducted and withheld from basic pay, together with the amounts so con-

tributed from the appropriation or fund, shall be deposited by the Director to the credit of the fund.

(b) Consent of participant to deductions from pay

Each participant shall be deemed to consent and agree to such deductions from basic pay, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which the participant is entitled under this subchapter, notwithstanding any law, rule, or regulation affecting the individual's pay.

(c) Treatment of contributions after 35 years of service

(1) Accrual of interest

Amounts deducted and withheld from the basic pay of a participant under this section for pay periods after the first day of the first pay period beginning after the day on which the participant completes 35 years of creditable service computed under sections 2081 and 2082 of this title (excluding service credit for unused sick leave under section 2031(a)(2) of this title) shall accrue interest. Such interest shall accrue at the rate of 3 percent a year through December 31, 1984, and thereafter at the rate computed under section 8334(e) of title 5, and shall be compounded annually from the date on which the amount is so deducted and withheld until the date of the participant's retirement or death.

(2) Use of amounts withheld after 35 years of service

(A) Use for deposits due under section 2082(b)

Amounts described in paragraph (1), including interest accrued on such amounts, shall be applied upon the participant's retirement or death toward any deposit due under section 2082(b) of this title.

(B) Lump-sum payment

Any balance of such amounts not so required for such a deposit shall be refunded to the participant in a lump sum after the participant's separation (or, in the event of a death in service, to a beneficiary in order of precedence specified in subsection¹ 2071(c) of this title), subject to prior notification of a current spouse, if any, unless the participant establishes to the satisfaction of the Director, in accordance with regulations which the Director may prescribe, that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the current spouse.

(C) Purchases of additional elective benefits

In lieu of such a lump-sum payment, the participant may use such amounts—

(i) to purchase an additional annuity in accordance with section 2121 of this title; or

(ii) provide any additional survivor benefit for a current or former spouse or spouses.

¹ So in original. Probably should be "section".

(d) Offset for social security taxes

(1) Persons covered

In the case of a participant who was a participant subject to this subchapter before January 1, 1984, and whose service—

(A) is employment for the purposes of title II of the Social Security Act [42 U.S.C. 401 et seq.] and chapter 21 of title 26, and

(B) is not creditable service for any purpose under subchapter III of this chapter or chapter 84 of title 5,

there shall be deducted and withheld from the basic pay of the participant under this section during any pay period only the amount computed under paragraph (2).

(2) Reduction in contribution

The amount deducted and withheld from the basic pay of a participant during any pay period pursuant to paragraph (1) shall be the excess of—

(A) the amount determined by multiplying the percent applicable to the participant under subsection (a) of this section by the basic pay payable to the participant for that pay period, over

(B) the amount of the taxes deducted and withheld from such basic pay under section 3101(a) of title 26 (relating to old-age, survivors, and disability insurance) for that pay period.

(Pub. L. 88-643, title II, §211, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3202; amended Pub. L. 103-178, title II, §202(a)(3), Dec. 3, 1993, 107 Stat. 2026.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (d)(1)(A), 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 211 of Pub. L. 88-643, title II, Oct. 13, 1964, 78 Stat. 1045; Pub. L. 91-185, §1, Dec. 30, 1969, 83 Stat. 847; Pub. L. 97-269, title VI, §611, Sept. 27, 1982, 96 Stat. 1153; Pub. L. 99-335, title V, §§501(2), 502, June 6, 1986, 100 Stat. 622, 623; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, related to compulsory contributions to the fund 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. (c)(2)(B). Pub. L. 103-178 substituted “prior notification of a current spouse, if any, unless the participant establishes to the satisfaction of the Director, in accordance with regulations which the Director may prescribe, that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the current spouse” for “the requirement under section 2071(b)(4) of this title”.

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.

TEMPORARY ADJUSTMENT OF CONTRIBUTION LEVELS

Pub. L. 106-346, §101(a) [title V, §505(g)], Oct. 23, 2000, 114 Stat. 1356, 1356A-54, provided that: “Notwithstand-

ing section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.”

Pub. L. 105-33, title VII, §7001(c)(1), (2), Aug. 5, 1997, 111 Stat. 658, as amended by Pub. L. 106-346, §101(a) [title V, §505(c)(1)], Oct. 23, 2000, 114 Stat. 1356, 1356A-53, provided that:

“(1) AGENCY CONTRIBUTIONS.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 1997, through September 30, 2002, the Central Intelligence Agency shall contribute 8.51 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

“(2) INDIVIDUAL DEDUCTIONS, WITHHOLDINGS, AND DEPOSITS.—Notwithstanding section 211(a)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(1)) beginning on January 1, 1999, through December 31, 2000, the percentage deducted and withheld from the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System shall be as follows:

7.25	January 1, 1999, to December 31, 1999.
7.4	January 1, 2000, to December 31, 2000.”

PART C—COMPUTATION OF ANNUITIES

§ 2031. Computation of annuities

(a) Annuity of participant

(1) Computation of annuity

The annuity of a participant is the product of—

(A) the participant’s high-3 average pay (as defined in paragraph (4)); and

(B) the number of years, not exceeding 35, of service credit (determined in accordance with sections 2081 and 2082 of this title) multiplied by 2 percent.

(2) Credit for unused sick leave

The total service of a participant who retires on an immediate annuity (except under section 2051 of this title) or who dies leaving a survivor or survivors entitled to an annuity shall include (without regard to the 35-year limitation prescribed in paragraph (1)) the days of unused sick leave to the credit of the participant. Days of unused sick leave may not be counted in determining average basic pay or eligibility for an annuity under this subchapter. A deposit shall not be required for days of unused sick leave credited under this paragraph.

(3) Crediting of part-time service

(A) In general

In the case of a participant whose service includes service on a part-time basis performed after April 6, 1986, the participant’s annuity shall be the sum of the amounts determined under subparagraphs (B) and (C).

(B) Computation of pre-April 7, 1986, annuity

The portion of an annuity referred to in subparagraph (A) with respect to service be-