

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).

§ 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) of this section 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.

§ 2055. Mandatory retirement

(a) Involuntary retirement

(1) AUTHORITY OF DIRECTOR.—The Director may, in the Director's discretion, place in a retired 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 receiving compensation under the Senior Intelligence Service pay schedule at the rate 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.)

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.

§ 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 eligible for an annuity under this subchapter based on that separation.

(b) Refund of contributions for time not allowed for credit

If a participant (other than a participant separated from the service because of death or dis-