

Public Law 103-36  
103d Congress

An Act

June 8, 1993  
[H.R. 1723]

To authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Central Intelligence Agency Voluntary Separation Pay Act".

**SEC. 2. SEPARATION PAY.**

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term "Director" means the Director of Central Intelligence; and

(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, United States Code, 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).

(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.

(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 influ-

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ence, 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, United States Code, 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, United States Code, based on any other separation.

(f) **TERMINATION.**—No amount shall be payable under this section based on any separation occurring after September 30, 1997.

(g) **REGULATIONS.**—The Director shall prescribe such regulations as may be necessary to carry out this section.

(h) **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.

**SEC. 3. EARLY RETIREMENT FOR CIARDS AND FERS SPECIAL PARTICIPANTS.**

Section 233 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2053) is amended—

(1) by inserting “(a)” before “A participant”; and

(2) by adding at the end the following new subsection:

“(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 221 if the Office of Personnel Management has authorized separation from service voluntarily for Agency employees under section 8336(d)(2) of title 5, United States Code, 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.”.

Approved June 8, 1993.

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**LEGISLATIVE HISTORY—H.R. 1723:**

HOUSE REPORTS: No. 103-102 (Select Comm. on Intelligence).

CONGRESSIONAL RECORD, Vol. 139 (1993):

May 24, considered and passed House.

May 26, considered and passed Senate.