

(1) shall not be effective unless it is made during the six-month period beginning on the date on which the employee is so designated;

(2) shall take effect beginning with the first pay period beginning after the date of the election; and

(3) shall be irrevocable.

(e) Special rules

The application of the provisions of chapter 84 of title 5 to an employee referred to in subsection (a) shall be subject to the exceptions and special rules provided in this subchapter. Any provision of that chapter which is inconsistent with a special rule provided in this subchapter shall not apply to such employees.

(Pub. L. 88-643, title III, §301, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3243.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a) and (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. 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 301 of Pub. L. 88-643, as added Pub. L. 99-335, title V, §506, June 6, 1986, 100 Stat. 624; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-453, title V, §502, Sept. 29, 1988, 102 Stat. 1909, related to application of Federal Employees' Retirement System to Agency employees 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 2152. Special rules relating to section 2013 criteria employees

(a) In general

Except as otherwise provided in this section, in the application of chapter 84 of title 5 to an employee of the Agency who is subject to such chapter and is designated by the Director under the criteria prescribed in section 2013 of this title, such employee shall be treated for purposes of determining such employee's retirement benefits and obligations under such chapter as if the employee were a law enforcement officer (as defined in section 8401(17) of title 5).

(b) Voluntary and mandatory retirement

The provisions of sections 2053 and 2055 of this title shall apply to employees referred to in subsection (a), except that the retirement benefits shall be determined under chapter 84 of title 5.

(c) Recall

(1) Except as provided in paragraph (2), section 2111 of this title shall apply to an employee referred to in subsection (a).

(2) Contributions during recall service shall be made as provided in section 8422 of title 5.

(3) When an employee recalled under this subsection reverts to a retired status, the annuity of such employee shall be redetermined under the provisions of chapter 84 of title 5.

(d) Employees disabled on duty

(1) Definitions

In this subsection—

(A) the term “affected employee” means an employee of the Agency covered under subchapter II of chapter 84 of title 5 who—

(i) is performing service in a position designated under subsection (a);

(ii) while on duty in the position designated under subsection (a), becomes ill or is injured as a direct result of the performance of such duties before the date on which the employee becomes entitled to an annuity under section 2053 of this title or section 8412(d)(1) of title 5;

(iii) because of the illness or injury described in clause (ii), is permanently unable to render useful and efficient service in the employee's covered position, as determined by the Director; and

(iv) is appointed to a position in the civil service that is not a covered position but is within the Agency; and

(B) the term “covered position” means a position as—

(i) a law enforcement officer described in section 8331(20) or 8401(17) of title 5;

(ii) a customs and border protection officer described in section 8331(31) or 8401(36) of title 5;

(iii) a firefighter described in section 8331(21) or 8401(14) of title 5;

(iv) an air traffic controller described in section 8331(30) or 8401(35) of title 5;

(v) a nuclear materials courier described in section 8331(27) or 8401(33) of title 5;

(vi) a member of the United States Capitol Police;

(vii) a member of the Supreme Court Police;

(viii) an affected employee; or

(ix) a special agent described in section 4044(15) of title 22.

(2) Treatment of service after disability

Unless an affected employee files an election described in paragraph (3), creditable service by the affected employee in a position described in paragraph (1)(A)(iv) shall be treated as creditable service in a covered position for purposes of this chapter and chapter 84 of title 5, including eligibility for an annuity under section 2053 of this title or 8412(d)(1) of title 5 and determining the amount to be deducted and withheld from the pay of the affected employee under section 8422 of title 5.

(3) Break in service

Paragraph (2) shall only apply if the affected employee transitions to a position described in paragraph (1)(A)(iv) without a break in service exceeding 3 days.

(4) Limitation on treatment of service

The service of an affected employee shall no longer be eligible for treatment under paragraph (2) if such service occurs after the em-

ployee is transferred to a supervisory or administrative position related to the activities of the former covered position of the employee.

(5) Opt out

An affected employee may file an election to have any creditable service performed by the affected employee treated in accordance with chapter 84 of title 5 without regard to paragraph (2).

(Pub. L. 88-643, title III, §302, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3244; amended Pub. L. 117-225, §3(c), Dec. 9, 2022, 136 Stat. 2296.)

Editorial Notes

PRIOR PROVISIONS

A prior section 302 of Pub. L. 88-643, as added Pub. L. 99-335, title V, §506, June 6, 1986, 100 Stat. 625, related to special rules relating to employees designated under criteria of former section 203 of Pub. L. 88-643 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

2022—Subsec. (d). Pub. L. 117-225 added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-225 effective Dec. 9, 2022, and applicable to an individual who suffers an illness or injury described in certain Code provisions on or after the date that is 2 years after Dec. 9, 2022, see section 3(f) of Pub. L. 117-225, set out as a note under section 8336 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

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

REGULATIONS

For provisions relating to promulgation of regulations to carry out the amendments made by Pub. L. 117-225, see section 3(e) of Pub. L. 117-225, set out as a note under section 8336 of Title 5, Government Organization and Employees.

§ 2153. Special rules for other employees for service abroad

(a) Special computation rule

Notwithstanding any provision of chapter 84 of title 5, the annuity under subchapter II of such chapter of a retired employee of the Agency who is not designated under section 2152(a) of this title and who has served abroad as an employee of the Agency after December 31, 1986, shall be computed as provided in subsection (b).

(b) Computation

(1) Service abroad

The portion of the annuity relating to such service abroad shall be computed as provided in section 8415(e) of title 5.

(2) Other service

The portions of the annuity relating to other creditable service shall be computed as pro-

vided in section 8415 of such title that is applicable to such service under the conditions prescribed in chapter 84 of such title.

(Pub. L. 88-643, title III, §303, as added Pub. L. 102-496, title VIII, §802, Oct. 24, 1992, 106 Stat. 3244; amended Pub. L. 112-96, title V, §5001(c)(2)(G), Feb. 22, 2012, 126 Stat. 200.)

Editorial Notes

PRIOR PROVISIONS

A prior section 303 of Pub. L. 88-643, as added Pub. L. 99-335, title V, §506, June 6, 1986, 100 Stat. 626, related to special rules for other employees for service abroad 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

2012—Subsec. (b)(1). Pub. L. 112-96 substituted “section 8415(e)” for “section 8415(d)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 2154. Special rules for former spouses

(a) General rule

Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5 shall apply in the case of an employee of the Agency who is subject to chapter 84 of title 5 and who has a former spouse (as defined in section 8401(12) of title 5) or a qualified former spouse.

(b) Definitions

For purposes of this section:

(1) Employee

The term “employee” means an employee of the Agency who is subject to chapter 84 of title 5, including an employee referred to in section 2152(a) of this title.

(2) Qualified former spouse

The term “qualified former spouse” means a former spouse of an employee or retired employee who—

(A) in the case of a former spouse whose divorce from such employee became final on or before December 4, 1991, was married to such employee for not less than 10 years during periods of the employee’s service which are creditable under section 8411 of title 5, at least 5 years of which were spent outside the United States by both the employee and the former spouse during the employee’s service with the Agency; and

(B) in the case of a former spouse whose divorce from such employee becomes final after December 4, 1991, was married to such employee for not less than 10 years during periods of the employee’s service which are creditable under section 8411 of title 5, at least 5 years of which were spent by the employee outside the United States during the employee’s service with the Agency or otherwise in a position the duties of which