

103D CONGRESS  
1ST SESSION

**H. R. 1723**

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**AN ACT**

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.

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1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Central Intelligence  
5        Agency Voluntary Separation Pay Act”.

1 **SEC. 2. SEPARATION PAY.**

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

3 (1) the term “Director” means the Director of  
4 Central Intelligence; and

5 (2) the term “employee” means an employee of  
6 the Central Intelligence Agency, serving under an  
7 appointment without time limitation, who has been  
8 currently employed for a continuous period of at  
9 least 12 months, except that such term does not in-  
10 clude—

11 (A) a reemployed annuitant under sub-  
12 chapter III of chapter 83 or chapter 84 of title  
13 5, United States Code, or another retirement  
14 system for employees of the Government; or

15 (B) an employee having a disability on the  
16 basis of which such employee is or would be eli-  
17 gible for disability retirement under any of the  
18 retirement systems referred to in subparagraph  
19 (A).

20 (b) ESTABLISHMENT OF PROGRAM.—In order to  
21 avoid or minimize the need for involuntary separations due  
22 to downsizing, reorganization, transfer of function, or  
23 other similar action, the Director may establish a program  
24 under which employees may be offered separation pay to  
25 separate from service voluntarily (whether by retirement  
26 or resignation). An employee who receives separation pay

1 under such program may not be reemployed by the Central  
2 Intelligence Agency for the 12-month period beginning on  
3 the effective date of the employee's separation.

4 (c) BAR ON CERTAIN EMPLOYMENT.—

5 (1) BAR.—An employee may not be separated  
6 from service under this section unless the employee  
7 agrees that the employee will not—

8 (A) act as agent or attorney for, or other-  
9 wise represent, any other person (except the  
10 United States) in any formal or informal ap-  
11 pearance before, or, with the intent to influence,  
12 make any oral or written communication on be-  
13 half of any other person (except the United  
14 States) to the Central Intelligence Agency; or

15 (B) participate in any manner in the  
16 award, modification, extension, or performance  
17 of any contract for property or services with the  
18 Central Intelligence Agency,

19 during the 12-month period beginning on the effec-  
20 tive date of the employee's separation from service.

21 (2) PENALTY.—An employee who violates an  
22 agreement under this subsection shall be liable to  
23 the United States in the amount of the separation  
24 pay paid to the employee pursuant to this section  
25 times the proportion of the 12-month period during

1 which the employee was in violation of the agree-  
2 ment.

3 (d) LIMITATIONS.—Under this program, separation  
4 pay may be offered only—

5 (1) with the prior approval of the Director; and

6 (2) to employees within such occupational  
7 groups or geographic locations, or subject to such  
8 other similar limitations or conditions, as the Direc-  
9 tor may require.

10 (e) AMOUNT AND TREATMENT FOR OTHER PUR-  
11 POSES.—Such separation pay—

12 (1) shall be paid in a lump sum;

13 (2) shall be equal to the lesser of—

14 (A) an amount equal to the amount the  
15 employee would be entitled to receive under sec-  
16 tion 5595(c) of title 5, United States Code, if  
17 the employee were entitled to payment under  
18 such section; or

19 (B) \$25,000;

20 (3) shall not be a basis for payment, and shall  
21 not be included in the computation, of any other  
22 type of Government benefit; and

23 (4) shall not be taken into account for the pur-  
24 pose of determining the amount of any severance  
25 pay to which an individual may be entitled under

1 section 5595 of title 5, United States Code, based on  
2 any other separation.

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

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

9 (h) REPORTING REQUIREMENTS.—

10 (1) OFFERING NOTIFICATION.—The Director  
11 may not make an offering of voluntary separation  
12 pay pursuant to this section until 30 days after sub-  
13 mitting to the Permanent Select Committee on Intel-  
14 ligence of the House of Representatives and the Se-  
15 lect Committee on Intelligence of the Senate a re-  
16 port describing the occupational groups or geo-  
17 graphic locations, or other similar limitations or con-  
18 ditions, required by the Director under subsection  
19 (d).

20 (2) ANNUAL REPORT.—At the end of each of  
21 the fiscal years 1993 through 1997, the Director  
22 shall submit to the President and the Permanent Se-  
23 lect Committee on Intelligence of the House of Rep-  
24 resentatives and the Select Committee on Intel-

