

Union Calendar No. 52

103D CONGRESS
1ST SESSION

H. R. 1723

[Report No. 103-102]

A BILL

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.

MAY 24, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1993

Mr. GLICKMAN introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

MAY 24, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 20, 1993]

A BILL

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.

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”.*

6 **SEC. 2. SEPARATION PAY.**

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

8 (1) *the term “Director” means the Director of*
9 *Central Intelligence; and*

10 (2) *the term “employee” means an employee of*
11 *the Central Intelligence Agency, serving under an ap-*
12 *pointment without time limitation, who has been cur-*
13 *rently employed for a continuous period of at least 12*
14 *months, except that such term does not include—*

15 (A) *a reemployed annuitant under sub-*
16 *chapter III of chapter 83 or chapter 84 of title*
17 *5, United States Code, or another retirement sys-*
18 *tem for employees of the Government; or*

19 (B) *an employee having a disability on the*
20 *basis of which such employee is or would be eli-*
21 *gible for disability retirement under any of the*
22 *retirement systems referred to in subparagraph*
23 *(A).*

24 (b) *ESTABLISHMENT OF PROGRAM.—In order to avoid*
25 *or minimize the need for involuntary separations due to*

1 *downsizing, reorganization, transfer of function, or other*
2 *similar action, the Director may establish a program under*
3 *which employees may be offered separation pay to separate*
4 *from service voluntarily (whether by retirement or resigna-*
5 *tion). An employee who receives separation pay under such*
6 *program may not be reemployed by the Central Intelligence*
7 *Agency for the 12-month period beginning on the effective*
8 *date of the employee's separation.*

9 *(c) BAR ON CERTAIN EMPLOYMENT.—*

10 *(1) BAR.—An employee may not be separated*
11 *from service under this section unless the employee*
12 *agrees that the employee will not—*

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

20 *(B) participate in any manner in the*
21 *award, modification, extension, or performance*
22 *of any contract for property or services with the*
23 *Central Intelligence Agency,*

24 *during the 12-month period beginning on the effective*
25 *date of the employee's separation from service.*

1 (2) *PENALTY.*—An employee who violates an
2 agreement under this subsection shall be liable to the
3 United States in the amount of the separation pay
4 paid to the employee pursuant to this section times
5 the proportion of the 12-month period during which
6 the employee was in violation of the agreement.

7 (d) *LIMITATIONS.*—Under this program, separation
8 pay may be offered only—

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

10 (2) to employees within such occupational groups
11 or geographic locations, or subject to such other simi-
12 lar limitations or conditions, as the Director may re-
13 quire.

14 (e) *AMOUNT AND TREATMENT FOR OTHER PUR-*
15 *POSES.*—Such separation pay—

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

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

18 (A) an amount equal to the amount the em-
19 ployee would be entitled to receive under section
20 5595(c) of title 5, United States Code, if the em-
21 ployee were entitled to payment under such sec-
22 tion; or

23 (B) \$25,000;

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

4 (4) shall not be taken into account for the pur-
5 pose of determining the amount of any severance pay
6 to which an individual may be entitled under section
7 5595 of title 5, United States Code, based on any
8 other separation.

9 (f) TERMINATION.—No amount shall be payable under
10 this section based on any separation occurring after Sep-
11 tember 30, 1997.

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

14 (h) REPORTING REQUIREMENTS.—

15 (1) OFFERING NOTIFICATION.—The Director may
16 not make an offering of voluntary separation pay
17 pursuant to this section until 30 days after submit-
18 ting to the Permanent Select Committee on Intel-
19 ligence of the House of Representatives and the Select
20 Committee on Intelligence of the Senate a report de-
21 scribing the occupational groups or geographic loca-
22 tions, or other similar limitations or conditions, re-
23 quired by the Director under subsection (d).

24 (2) ANNUAL REPORT.—At the end of each of the
25 fiscal years 1993 through 1997, the Director shall sub-

tion 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.”.