

112TH CONGRESS  
1ST SESSION

# H. R. 2397

To amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. SCHILLING introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

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 “Congressional Retire-  
5 ment Age Act of 2011”.

1 **SEC. 2. RETIREMENT AGE.**

2 (a) CSRS.—Subchapter III of chapter 83 of title 5,  
3 United States Code, is amended—

4 (1) in section 8336, by adding at the end the  
5 following:

6 “(q)(1) An individual serving as a Member on or  
7 after the date of enactment of this subsection—

8 “(A) shall not be eligible for an annuity under  
9 any other provision of this section; and

10 “(B) shall be eligible for an annuity if the indi-  
11 vidual is separated from the service after attaining  
12 retirement age (as defined in section 216(l)(1) of the  
13 Social Security Act (42 U.S.C. 416(l)(1)) and com-  
14 pleting 5 years of service.

15 “(2) This subsection applies to an individual serving  
16 as a Member on or after the date of enactment of this  
17 subsection without regard to whether—

18 “(A) the individual is separated from the serv-  
19 ice while serving as an employee or a Member; or

20 “(B) any service by the individual is subject to  
21 section 8334(k)”; and

22 (2) in section 8338, by adding at the end the  
23 following:

24 “(i)(1) An individual serving as a Member on or after  
25 the date of enactment of this subsection—

1           “(A) shall not be eligible for an annuity under  
2 any other provision of this section; and

3           “(B) if the individual is separated from the  
4 service, or transferred to a position in which the in-  
5 dividual does not continue subject to this sub-  
6 chapter, after completing 5 years of service, is eligi-  
7 ble for an annuity beginning at retirement age (as  
8 defined in section 216(l)(1) of the Social Security  
9 Act (42 U.S.C. 416(l)(1)).

10          “(2) This subsection applies to an individual serving  
11 as a Member on or after the date of enactment of this  
12 subsection without regard to whether—

13           “(A) the individual serves as an employee be-  
14 fore, on, or after the date of enactment of this sub-  
15 section; or

16           “(B) any service by the individual is subject to  
17 section 8334(k).”.

18          (b) FERS.—Chapter 84 of title 5, United States  
19 Code, is amended—

20           (1) in section 8412, by adding at the end the  
21 following:

22           “(i)(1) An individual serving as a Member on or after  
23 the date of enactment of this subsection—

24           “(A) shall not be eligible for an annuity under  
25 any other provision of this section; and

1           “(B) shall be eligible for an annuity if the indi-  
2           vidual is separated from the service after attaining  
3           retirement age (as defined in section 216(l)(1) of the  
4           Social Security Act (42 U.S.C. 416(l)(1)) and com-  
5           pleting 5 years of service.

6           “(2) This subsection applies to an individual serving  
7           as a Member on or after the date of enactment of this  
8           subsection without regard to whether the individual is sep-  
9           arated from the service while serving as an employee or  
10          a Member.”;

11           (2) in section 8413, by adding at the end the  
12          following:

13           “(c)(1) An individual serving as a Member on or after  
14          the date of enactment of this subsection—

15           “(A) shall not be eligible for an annuity under  
16          any other provision of this section; and

17           “(B) if the individual is separated from the  
18          service, or transferred to a position in which the in-  
19          dividual does not continue subject to this chapter,  
20          after completing 5 years of service, is eligible for an  
21          annuity beginning at retirement age (as defined in  
22          section 216(l)(1) of the Social Security Act (42  
23          U.S.C. 416(l)(1)).

24           “(2) This subsection applies to an individual serving  
25          as a Member on or after the date of enactment of this

1 subsection without regard to whether the individual serves  
2 as an employee before, on, or after the date of enactment  
3 of this subsection.”; and

4 (3) in section 8414, by adding at the end the  
5 following:

6 “(e) Notwithstanding any other provision of this sec-  
7 tion, an individual serving as a Member on or after the  
8 date of enactment of this subsection who otherwise meets  
9 the requirements for an annuity under another provision  
10 of this section shall not be entitled to an annuity until  
11 after attaining retirement age (as defined in section  
12 216(l)(1) of the Social Security Act (42 U.S.C.  
13 416(l)(1)).”.

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