

112TH CONGRESS
1ST SESSION

S. 742

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.

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 2011

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

6 **SEC. 2. RETIREMENT AGE.**

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

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

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

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

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

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

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

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

19 (2) in section 8338, by adding at the end the
20 following:

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

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

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

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

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

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

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

18 (1) in section 8412, by adding at the end the
19 following:

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

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

24 “(B) shall be eligible for an annuity if the indi-
25 vidual is separated from the service after attaining

1 retirement age (as defined in section 216(l)(1) of the
2 Social Security Act (42 U.S.C. 416(l)(1)) and com-
3 pleting 5 years of service.

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

9 (2) in section 8413, by adding at the end the
10 following:

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

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

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

22 “(2) This subsection applies to an individual serving
23 as a Member on or after the date of enactment of this
24 subsection without regard to whether the individual serves

1 as an employee before, on, or after the date of enactment
2 of this subsection.”; and

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

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

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