

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4268

To amend certain provisions of title 5, United States Code, relating to the age and service requirements for entitlement to an immediate annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1994

Mr. SHAYS (for himself, Mr. BALLENGER, Mr. BOEHNER, and Mr. PENNY) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To amend certain provisions of title 5, United States Code, relating to the age and service requirements for entitlement to an immediate annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, and for other purposes.

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 "Federal Retirement  
5       Reform Act".

1 **SEC. 2. REVISED AGE AND SERVICE REQUIREMENTS FOR**  
 2 **ENTITLEMENT TO AN IMMEDIATE ANNUITY**  
 3 **UNDER CSRS.**

4 (a) AMENDMENT RELATING TO RETIREMENT AT  
 5 AGE 55 WITH 30 YEARS OF SERVICE.—Section 8336(a)  
 6 of title 5, United States Code, is amended to read as  
 7 follows:

8 “(a)(1)(A) An employee who is separated from the  
 9 service after attaining the minimum retirement age under  
 10 subparagraph (B) and completing 30 years of service is  
 11 entitled to an annuity.

12 “(B) The minimum retirement age under this sub-  
 13 paragraph shall be determined in accordance with the  
 14 following:

<b>“For an individual whose date of birth is in calendar year</b>	<b>The minimum retirement age under this subparagraph is</b>
1942 or earlier .....	55
1943, 1944 or 1945 .....	56
1946, 1947 or 1948 .....	57
1949, 1950 or 1951 .....	58
1952, 1953 or 1954 .....	59
1955, 1956 or 1957 .....	60
1958, 1959 or 1960 .....	61
1961, 1962 or 1963 .....	62
1964, 1965 or 1966 .....	63
1967, 1968 or 1969 .....	64.

15 “(2) This subsection shall not apply in the case of  
 16 any employee whose date of birth is after December 31,  
 17 1969.”.

18 (b) AMENDMENT RELATING TO RETIREMENT AT  
 19 AGE 60 WITH 20 YEARS OF SERVICE.—Section 8336(b)

1 of title 5, United States Code, is amended to read as  
2 follows:

3 “(b)(1)(A) An employee who is separated from the  
4 service after attaining the minimum retirement age under  
5 subparagraph (B) and completing 20 years of service is  
6 entitled to an annuity.

7 “(B) The minimum retirement age under this sub-  
8 paragraph shall be determined in accordance with the  
9 following:

<b>“For an individual whose date of birth is in calendar year</b>	<b>The minimum retirement age under this subparagraph is</b>
1957 or earlier .....	60
1958, 1959 or 1960 .....	61.

10 “(2) This subsection shall not apply in the case of  
11 any employee whose date of birth is after December 31,  
12 1960.”.

13 (c) AMENDMENT RELATING TO RETIREMENT AT AGE  
14 62 WITH 5 YEARS OF SERVICE.—Section 8336(f) of title  
15 5, United States Code, is amended to read as follows:

16 “(f)(1) An employee who is separated from the serv-  
17 ice after attaining the minimum retirement age under  
18 paragraph (2) and completing 5 years of service is entitled  
19 to an annuity.

20 “(2) The minimum retirement age under this para-  
21 graph shall be determined in accordance with the  
22 following:

<b>“For an individual whose date of birth is in calendar year</b>	<b>The minimum retirement age under this paragraph is</b>
1963 or earlier .....	62
1964, 1965 or 1966 .....	63
1967, 1968 or 1969 .....	64
1970 or later .....	65.”.

1 (d) REDUCTION FOR EARLY RETIREMENT.—Sub-  
2 section (h) of section 8339 of title 5, United States Code,  
3 is amended—

4 (1) before the first sentence by striking “(h)”  
5 and inserting “(h)(1)”;

6 (2) in the first sentence by striking “55 years  
7 of age at the date of separation,” and inserting “the  
8 minimum age for an unreduced annuity (as deter-  
9 mined under paragraph (2)),”;

10 (3) by adding at the end the following:

11 “(2) The minimum age under this paragraph for an  
12 unreduced annuity shall be determined in accordance with  
13 the following:

<b>“For an individual whose date of separation (on which entitlement to annuity is based) is in calendar year</b>	<b>The minimum age under this paragraph for an unreduced annuity is</b>
1997 or earlier .....	55
1998, 1999 or 2000 .....	56
2001, 2002 or 2003 .....	57
2004, 2005 or 2006 .....	58
2007, 2008 or 2009 .....	59
2010, 2011 or 2012 .....	60
2013, 2014 or 2015 .....	61
2016, 2017 or 2018 .....	62
2019, 2020 or 2021 .....	63
2022, 2023 or 2024 .....	64
2025 or later .....	65.”.

1 **SEC. 3. REVISED AGE AND SERVICE REQUIREMENTS FOR**  
 2 **ENTITLEMENT TO AN IMMEDIATE ANNUITY**  
 3 **UNDER FERS.**

4 (a) AMENDMENT RELATING TO RETIREMENT AT  
 5 AGE 55 TO 57 WITH 30 YEARS OF SERVICE.—

6 (1) IN GENERAL.—Section 8412(a) of title 5,  
 7 United States Code, is amended to read as follows:

8 “(a)(1)(A) An employee or Member who is separated  
 9 from the service after attaining the minimum retirement  
 10 age under subparagraph (B) and completing 30 years of  
 11 service is entitled to an annuity.

12 “(B) The minimum retirement age under this sub-  
 13 paragraph shall be determined in accordance with the  
 14 following:

<b>“For an individual whose date of birth is in calendar year</b>	<b>The minimum retirement age under this subparagraph is</b>
1942 or earlier .....	55
1943, 1944 or 1945 .....	56
1946, 1947 or 1948 .....	57
1949, 1950 or 1951 .....	58
1952, 1953 or 1954 .....	59
1955, 1956 or 1957 .....	60
1958, 1959 or 1960 .....	61
1961, 1962 or 1963 .....	62
1964, 1965 or 1966 .....	63
1967, 1968 or 1969 .....	64.

15 “(2) This subsection shall not apply in the case of  
 16 an employee or Member whose date of birth is after De-  
 17 cember 31, 1969.”.

18 (2) TECHNICAL AND CONFORMING AMEND-  
 19 MENTS.—

1 (A) Section 8412(h) of title 5, United  
 2 States Code, is repealed.

3 (B) Sections 8421(a)(2),  
 4 8421a(b)(4)(B)(ii), and 8442(c)(2) of title 5,  
 5 United States Code, are each amended by strik-  
 6 ing “8412(h)” each place it appears and insert-  
 7 ing “8412(a)(1)(B)”.

8 (b) AMENDMENT RELATING TO RETIREMENT AT  
 9 AGE 60 WITH 20 YEARS OF SERVICE.—Section 8412(b)  
 10 of title 5, United States Code, is amended to read as  
 11 follows:

12 “(b)(1)(A) An employee or Member who is separated  
 13 from the service after attaining the minimum retirement  
 14 age under subparagraph (B) and completing 20 years of  
 15 service is entitled to an annuity.

16 “(B) The minimum retirement age under this sub-  
 17 paragraph shall be determined in accordance with the  
 18 following:

<b>“For an individual whose date of birth is in calendar year</b>	<b>The minimum retirement age under this subparagraph is</b>
1957 or earlier .....	60
1958, 1959 or 1960 .....	61.

19 “(2) This subsection shall not apply in the case of  
 20 any employee or Member whose date of birth is after De-  
 21 cember 31, 1960.”.

1 (c) AMENDMENT RELATING TO RETIREMENT AT AGE  
 2 62 WITH 5 YEARS OF SERVICE.—Section 8412(c) of title  
 3 5, United States Code, is amended to read as follows:

4 “(c)(1) An employee or Member who is separated  
 5 from the service after attaining the minimum retirement  
 6 age under paragraph (2) and completing 5 years of service  
 7 is entitled to an annuity.

8 “(2) The minimum retirement age under this para-  
 9 graph shall be determined in accordance with the follow-  
 10 ing:

<b>“For an individual whose date of birth is in calendar year</b>	<b>The minimum retirement age under this paragraph is</b>
1963 or earlier .....	62
1964, 1965 or 1966 .....	63
1967, 1968 or 1969 .....	64
1970 or later .....	65.”.

11 (d) REDUCTION FOR EARLY RETIREMENT.—Sub-  
 12 section (f)(1) of section 8415 of title 5, United States  
 13 Code, is amended—

14 (1) before the first sentence by striking “(f)(1)”  
 15 and inserting “(f)(1)(A)”;

16 (2) by striking “the sixty-second anniversary of  
 17 the birth of the employee or Member” and inserting  
 18 “the date as of which the employee or Member at-  
 19 tains the minimum age for an unreduced annuity (as  
 20 determined under subparagraph (B))”; and

21 (3) by adding at the end the following:

1 “(B) The minimum age under this subparagraph for  
 2 an unreduced annuity shall be determined in accordance  
 3 with the following:

<b>“For an individual whose date of separation (on which entitlement to annuity is based) is in calendar year</b>	<b>The minimum age under this subparagraph for an unreduced annuity is</b>
2018 or earlier .....	62
2019, 2020 or 2021 .....	63
2022, 2023 or 2024 .....	64
2025 or later .....	65.”.

4 **SEC. 4. PROVISIONS RELATING TO AGE AND SERVICE RE-**  
 5 **QUIREMENTS SPECIFIC TO MEMBERS OF**  
 6 **CONGRESS.**

7 (A) CSRS.—

8 (1) AGE AND SERVICE REQUIREMENTS FOR EN-  
 9 TITLEMENT TO AN IMMEDIATE ANNUITY.—Section  
 10 8336(g) of title 5, United States Code, is amended  
 11 to read as follows:

12 “(g)(1)(A) A Member who is separated from the serv-  
 13 ice after attaining the minimum retirement age under sub-  
 14 paragraph (B) and completing 5 years of civilian service  
 15 is entitled to an annuity.

16 “(B) The minimum retirement age under this sub-  
 17 paragraph shall be determined in accordance with sub-  
 18 section (f)(2).

19 “(2)(A) A Member who is separated from the service  
 20 after attaining the minimum retirement age under sub-

1 paragraph (B) and completing 10 years of Member service  
2 is entitled to an annuity.

3 “(B) The minimum retirement age under this sub-  
4 paragraph shall be determined in accordance with the  
5 following:

<b>“For a Member whose date of birth is in calendar year</b>	<b>The minimum retirement age under this subparagraph is</b>
1954 or earlier .....	60
1955, 1956 or 1957 .....	61.

6 “(C) This paragraph shall not apply in the case of  
7 a Member whose date of birth is after December 31, 1957.

8 “(3)(A) A Member who is separated from the service  
9 after attaining the minimum retirement age under sub-  
10 paragraph (B) (but before becoming 60 years of age) and  
11 completing 30 years of service is entitled to a reduced  
12 annuity.

13 “(B) The minimum retirement age under this sub-  
14 paragraph shall be determined in accordance with section  
15 8336(a)(1)(B), except that this paragraph shall not apply  
16 in the case of any Member whose date of birth is after  
17 December 31, 1954.

18 “(4)(A) A Member who is separated from the service,  
19 except by resignation or expulsion, after completing the  
20 minimum years of service under subparagraph (B) or after  
21 attaining the minimum retirement age under subpara-  
22 graph (C) and (i) completing 20 years of service, or (ii)  
23 serving in 9 Congresses is entitled to an annuity.

1           “(B)(i) The minimum years of service under this sub-  
 2 paragraph shall be determined in accordance with the  
 3 following:

<b>“For a Member whose date of separation (on which entitlement to annuity is based) is in calendar year</b>	<b>The minimum years of service under this subparagraph is</b>
1997 or earlier .....	25
1998, 1999 or 2000 .....	26
2001, 2002 or 2003 .....	27
2004, 2005 or 2006 .....	28
2007, 2008 or 2009 .....	29
2010, 2011 or 2012 .....	30
2013, 2014 or 2015 .....	31
2016, 2017 or 2018 .....	32
2019, 2020 or 2021 .....	33
2022, 2023 or 2024 .....	34.

4           “(ii) This subparagraph shall not apply in the case  
 5 of any Member whose date of separation (on which entitle-  
 6 ment to annuity is based) occurs after December 31,  
 7 2024.

8           “(C)(i) The minimum retirement age under this sub-  
 9 paragraph shall be determined in accordance with the  
 10 following:

<b>“For a Member whose date of birth is in calendar year</b>	<b>The minimum retirement age under this subparagraph is</b>
1947 or earlier .....	50
1948, 1949 or 1950 .....	51
1951, 1952 or 1953 .....	52
1954, 1955 or 1956 .....	53
1957, 1958 or 1959 .....	54
1960, 1961 or 1962 .....	55
1963, 1964 or 1965 .....	56
1966, 1967 or 1968 .....	57
1969 .....	58

1 “(ii) This subparagraph shall not apply in the case  
 2 of any Member whose date of birth is after December 31,  
 3 1969.”.

4 (2) REDUCTION FOR EARLY RETIREMENT.—  
 5 Subsection (h) of section 8339 of title 5, United  
 6 States Code, as amended by section 2(d), is further  
 7 amended—

8 (A) in the second sentence of paragraph  
 9 (1) (as so designated by section 2(d)) by strik-  
 10 ing “60 years of age at the date of separation.”  
 11 and inserting “the minimum age for an  
 12 unreduced annuity (as determined under para-  
 13 graph (3)).”; and

14 (B) by adding after paragraph (2) (as  
 15 added by section 2(d)) the following:

16 “(3) The minimum age under this paragraph for an  
 17 unreduced annuity shall be determined in accordance with  
 18 the following:

<b>“For a Member whose date of separation (on which entitlement to annuity is based) is in calendar year</b>	<b>The minimum age under this paragraph for an unreduced annuity is</b>
2012 or earlier .....	60
2013, 2014 or 2015 .....	61
2016, 2017 or 2018 .....	62
2019, 2020 or 2021 .....	63
2022, 2023 or 2024 .....	64
2025 or later .....	65.”.

19 (b) FERS.—Section 8412(f) of title 5, United States  
 20 Code, is amended to read as follows:

1 “(f)(1) A Member who is separated from the service,  
2 except by resignation or expulsion, after—

3 “(A) completing the minimum years of service  
4 under paragraph (2), or

5 “(B) attaining the minimum retirement age  
6 under paragraph (3) and completing 20 years of  
7 service,

8 is entitled to an annuity.

9 “(2) The minimum years of service under this para-  
10 graph shall be determined in accordance with section  
11 8336(g)(4)(B).

12 “(3) The minimum retirement age under this para-  
13 graph shall be determined in accordance with section  
14 8336(g)(4)(C).”.

15 **SEC. 5. DEFERRED RETIREMENT.**

16 (a) IN GENERAL.—

17 (1) CSRS.—Section 8338 of title 5, United  
18 States Code, is amended by striking subsections (a)  
19 and (b) and inserting the following:

20 “(a)(1) An employee who is separated from the serv-  
21 ice or transferred to a position in which such employee  
22 does not continue subject to this subchapter after complet-  
23 ing 5 years of civilian service is entitled to an annuity be-  
24 ginning at the age determined under paragraph (2).

1       “(2) The age at which entitlement to an annuity  
2 under this subsection begins shall be determined in ac-  
3 cordance with section 8336(f)(2).

4       “(b)(1)(A) A Member who, after December 31, 1955,  
5 and before January 1, 1998, is separated from the service  
6 as a Member after completing 5 years of civilian service  
7 is entitled to an annuity beginning at the age of 62 years.

8       “(B)(i) A Member who, after December 31, 1997, is  
9 separated from the service as a Member after completing  
10 5 years of civilian service is entitled to an annuity begin-  
11 ning at the age determined under clause (ii).

12       “(ii) The age at which entitlement to an annuity  
13 under this subparagraph begins shall be determined in ac-  
14 cordance with section 8336(g)(1)(B).

15       “(2)(A) A Member who is separated from the service  
16 after completing 10 or more years of Member service is  
17 entitled to an annuity beginning at the age determined  
18 under subparagraph (B).

19       “(B) The age at which entitlement to an annuity  
20 under this paragraph begins shall be determined in ac-  
21 cordance with section 8336(g)(2)(C).

22       “(C) This paragraph shall not apply in the case of  
23 a Member whose date of birth is after December 31, 1957.

24       “(3)(A) A Member who is separated from the service  
25 after completing 20 or more years of service, including 10

1 or more years of Member service, is entitled to a reduced  
2 annuity beginning at the age determined under subpara-  
3 graph (B).

4 “(B) The age at which entitlement to an annuity  
5 under this paragraph begins shall be determined in ac-  
6 cordance with section 8336(g)(4)(C).

7 “(C) This paragraph shall not apply in the case of  
8 a Member whose date of birth is after December 31,  
9 1969.”.

10 (2) FERS.—Section 8413(a) of title 5, United  
11 States Code, is amended to read as follows:

12 “(a)(1) An employee or Member who is separated  
13 from the service, or transferred to a position in which the  
14 employee or Member does not continue subject to this  
15 chapter, after completing 5 years of service is entitled to  
16 an annuity beginning at the age determined under para-  
17 graph (2).

18 “(2) The age at which entitlement to an annuity  
19 under this subsection begins shall be determined in ac-  
20 cordance with section 8412(c)(2).”.

21 (b) FERS ANNUITIES WITH A RIGHT TO DEFER  
22 COMMENCEMENT DATE.—

23 (1) IMMEDIATE ANNUITY.—Section 8412(g) of  
24 title 5, United States Code, is amended to read as  
25 follows:

1       “(g)(1)(A) An employee or Member who is separated  
2 from the service after attaining the minimum retirement  
3 age under subparagraph (B) and completing 10 years of  
4 service is entitled to an annuity. This subsection shall not  
5 apply to an employee or Member who is entitled to an an-  
6 nuity under any other provision of this section.

7       “(B) The minimum retirement age under this sub-  
8 paragraph shall be determined in accordance with sub-  
9 section (a)(1)(B), except that this subsection shall not  
10 apply in the case of any employee or Member whose date  
11 of birth is after December 31, 1969.

12       “(2)(A) An employee or Member entitled to an annu-  
13 ity under this subsection may defer the commencement of  
14 such annuity by written election. The date to which the  
15 commencement of the annuity is deferred may not precede  
16 the 31st day after the date of filing the election, and must  
17 precede the date on which the employee or Member attains  
18 the age determined under subparagraph (B).

19       “(B) The applicable age under this subparagraph  
20 shall be determined in accordance with subsection (c)(2).

21       “(3) The Office shall prescribe regulations under  
22 which an election under paragraph (2) shall be made.”.

23               (2) DEFERRED ANNUITY.—Section 8413(b)(1)  
24 of title 5, United States Code, is amended to read  
25 as follows:

1       “(b)(1)(A) An employee or Member who is separated  
2 from the service, or transferred to a position in which the  
3 employee or Member does not continue subject to this  
4 chapter, after completing 10 years of service but before  
5 attaining the minimum retirement age under subpara-  
6 graph (B) is entitled to an annuity beginning on the date  
7 designated by the employee or Member in a written elec-  
8 tion under this subsection. The date designated under this  
9 subsection may not precede the date on which the em-  
10 ployee or Member attains such minimum retirement age  
11 and must precede the date on which the employee or Mem-  
12 ber attains the age determined under subparagraph (C).

13       “(B) The minimum retirement age under this sub-  
14 paragraph shall be determined in accordance with section  
15 8412(a)(1)(B), except that this paragraph shall not apply  
16 in the case of any employee or Member whose date of birth  
17 is after December 31, 1969.

18       “(C) The applicable age under this subparagraph  
19 shall be determined in accordance with section  
20 8412(c)(2).”.

21 **SEC. 6. EFFECTIVE DATE; EXEMPTIONS.**

22       (a) **EFFECTIVE DATE.**—The amendments made by  
23 this Act shall take effect on January 1, 1998.

24       (b) **EXEMPTIONS.**—

1           (1) IN GENERAL.—The amendments made by  
2 this Act shall not apply to any individual—

3           (A) who is separated from the Federal  
4 Government before the effective date of this Act  
5 and who is entitled, before such date—

6           (i) to an immediate annuity under  
7 section 8336 (other than section 8336(d)  
8 or (h)) or 8412 of title 5, United States  
9 Code; or

10          (ii) to a deferred annuity under sec-  
11 tion 8338 or 8413 of title 5, United States  
12 Code; or

13          (B) who, on such date, meets the age and  
14 service requirements for entitlement to an im-  
15 mediate or deferred annuity referred to in sub-  
16 paragraph (A).

17           (2) CLARIFYING PROVISIONS.—

18           (A) FACTORS NOT TO BE CONSIDERED.—  
19 Any determination under paragraph (1)(B)—

20           (i) as to an individual's years of cred-  
21 itable service shall be made without regard  
22 to—

23           (I) any deposit or redeposit re-  
24 quirement; or

1 (II) any requirement under sub-  
2 chapter III of chapter 83 of title 5,  
3 United States Code, that an individual  
4 give written notice of such individual's  
5 desire to become subject to that sub-  
6 chapter or that an individual become  
7 subject to such subchapter after per-  
8 forming the service involved; and

9 (ii) shall be made without regard to  
10 any requirement that is not an age or serv-  
11 ice requirement (as identified under regu-  
12 lations which the Office of Personnel Man-  
13 agement shall prescribe).

14 (B) EFFECT OF A SUBSEQUENT  
15 CHANGE.—The exemption under this subsection  
16 shall not result in an individual becoming enti-  
17 tled to an immediate annuity based on a sepa-  
18 ration from a position different from the one  
19 held at the time of qualifying for such exemp-  
20 tion, unless such individual would then be so  
21 entitled (other than by reason of early or dis-  
22 ability retirement) if this Act had not been en-  
23 acted. For purposes of this subparagraph,  
24 “early retirement” means retirement under sec-

1           tion 8336(d) or (h) or section 8414 of title 5,  
2           United States Code.

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