

117TH CONGRESS
1ST SESSION

H. R. 5647

To terminate certain lifetime benefits provided to former Members of Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2021

Mr. NORMAN (for himself and Mr. KHANNA) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Oversight and Reform, and Rules, 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

A BILL

To terminate certain lifetime benefits provided to former Members of Congress, 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 “Stop Congressional
5 Retirees Accessing Perks Act” or the “SCRAP Act”.

6 **SEC. 2. PROHIBITING PAYMENT OF GRATUITIES TO SUR-**
7 **VIVORS OF MEMBERS OF CONGRESS.**

8 (a) PROHIBITION.—

1 (1) IN GENERAL.—No payment may be made
2 from the applicable accounts of the House of Rep-
3 resentatives, the contingent fund of the Senate, or
4 any other appropriated funds for a death gratuity
5 payment to the widow, widower, or heirs-at-law of
6 any Member of Congress who dies after the com-
7 mencement of the Congress to which the Member
8 has been elected.

9 (2) WAIVER AUTHORITY.—The Speaker and the
10 Minority Leader of the House of Representatives
11 may jointly, on a case-by-case basis, grant a waiver
12 of paragraph (1) with respect to the payment of a
13 death gratuity described in such paragraph.

14 (b) NO EFFECT ON OTHER PAYMENTS TO SUR-
15 VIVORS.—Nothing in subsection (a) shall be construed to
16 prohibit or affect the payment to any individual of any
17 unpaid balance or salary or other sums due to a Member
18 of Congress who dies after the commencement of the Con-
19 gress to which the Member has been elected.

20 (c) DEFINITION.—For purposes of this section, a
21 “Member of Congress” means a Senator or a Representa-
22 tive in, or Delegate or Resident Commissioner to, the Con-
23 gress.

1 (d) EFFECTIVE DATE.—This section shall apply with
 2 respect to any death occurring during the One Hundred
 3 Eighteenth Congress or any succeeding Congress.

4 **SEC. 3. TERMINATION OF BENEFITS UNDER FEDERAL RE-**
 5 **TIREMENT PROGRAMS.**

6 (a) TERMINATION OF RETIREMENT COVERAGE OF
 7 MEMBERS OF CONGRESS UNDER FEDERAL EMPLOYEES'
 8 RETIREMENT SYSTEM.—

9 (1) IN GENERAL.—Subchapter II of chapter 84
 10 of title 5, United States Code, is amended by insert-
 11 ing after section 8425 the following:

12 **“§ 8425a. Termination of further retirement coverage**
 13 **of Members of Congress**

14 “(a) IN GENERAL.—Notwithstanding any other pro-
 15 vision of this chapter, effective as of the first day of the
 16 One Hundred Eighteenth Congress—

17 “(1) in the case of an individual who first be-
 18 comes a Member before such day—

19 “(A) such Member shall not be subject to
 20 this chapter for any further period of time after
 21 such day; and

22 “(B) no further Government contributions
 23 or deductions from basic pay may be made with
 24 respect to such Member for deposit in the

1 Treasury of the United States to the credit of
2 the Fund; and

3 “(2) in the case of an individual who first be-
4 comes a Member on or after such day—

5 “(A) such Member shall not be subject to
6 this chapter; and

7 “(B) no Government contributions or de-
8 ductions from basic pay may be made with re-
9 spect to such Member for deposit in the Treas-
10 ury of the United States to the credit of the
11 Fund.

12 “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in
13 subsection (a) shall be considered to nullify, modify, or
14 otherwise affect any right, entitlement, or benefit under
15 this chapter with respect to any Member covering any pe-
16 riod prior to the first day of the One Hundred Eighteenth
17 Congress.

18 “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS
19 PLAN NOT AFFECTED.—Nothing in subsection (a) or (b)
20 shall affect the eligibility of a Member to participate in
21 the Thrift Savings Plan in accordance with otherwise ap-
22 plicable provisions of law.

23 “(d) REGULATIONS.—

24 “(1) IN GENERAL.—Any regulations necessary
25 to carry out this section may—

1 “(A) except with respect to matters under
 2 subparagraph (B), be prescribed by the Direc-
 3 tor of the Office of Personnel Management; and

4 “(B) with respect to matters relating to
 5 the Thrift Savings Plan, be prescribed by the
 6 Executive Director (as defined by section
 7 8401(13)).

8 “(2) REFUNDS.—Notwithstanding subsection
 9 (b), the regulations under paragraph (1)(A) shall, in
 10 the case of a Member who has not completed at
 11 least 5 years of civilian service as of the first day
 12 of the One Hundred Eighteenth Congress, provide
 13 that the lump-sum credit shall be payable to such
 14 Member to the same extent and in the same manner
 15 as if such Member satisfied paragraphs (1) through
 16 (4) of section 8424(a) as of such day.

17 “(e) EXCLUSIONS.—For purposes of this section, the
 18 term ‘Member’ does not include the Vice President.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
 20 tions at the beginning of chapter 84 of title 5,
 21 United States Code, is amended by inserting after
 22 the item relating to section 8425 the following:

“8425a. Termination of further retirement coverage of Members of Congress.”.

23 (b) TERMINATION OF FORMER MEMBER PARTICIPA-
 24 TION IN THE FEDERAL EMPLOYEES HEALTH BENEFITS
 25 PROGRAM.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, an individual who serves as a Mem-
3 ber of Congress shall not be eligible to enroll in, or
4 receive health benefits under, the Federal Employees
5 Health Benefits Program under chapter 89 of title
6 5, United States Code, including the dental and vi-
7 sion benefits provided under chapters 89A and 89B
8 of such title, as an annuitant on the basis of service
9 as a Member of Congress. Nothing in the previous
10 sentence may be construed to prohibit an individual
11 from enrolling in or receiving health benefits under
12 such Program as an annuitant on the basis of the
13 individual’s creditable service under title 5, United
14 States Code, in a position other than as a Member
15 of Congress.

16 (2) DEFINITION OF MEMBER OF CONGRESS.—
17 The term “Member of Congress” has the meaning
18 given that term in section 2106 of title 5, United
19 States Code, but does not include the Vice Presi-
20 dent.

21 (3) EFFECTIVE DATE.—This subsection shall
22 apply with respect to an individual who serves as a
23 Member of Congress during the One Hundred
24 Eighteenth Congress or any succeeding Congress.

1 **SEC. 4. BENEFITS AND SERVICES PROVIDED TO FORMER**
2 **MEMBERS OF THE HOUSE OF REPRESENTA-**
3 **TIVES.**

4 (a) BENEFITS AND SERVICES DESCRIBED.—The
5 House of Representatives may not make any of the fol-
6 lowing benefits and services available to an individual who
7 becomes a former Member of the House (except to the
8 extent such benefits and services are made available to
9 members of the public):

10 (1) Access to the Hall of the House.

11 (2) Access to athletic facilities and other facili-
12 ties available for the use of Members of the House.

13 (3) Access to the Members' Dining Room lo-
14 cated in the House of Representatives wing of the
15 United States Capitol.

16 (4) Access to parking spaces.

17 (5) Access to material from the House docu-
18 ment room.

19 (6) Use of the collections in the House Legisla-
20 tive Resource Center without borrowing privileges.

21 (b) WAIVER AUTHORITY.—

22 (1) AUTHORITY TO WAIVE ELIMINATION OF
23 BENEFIT OR SERVICE.—The Speaker and the minor-
24 ity leader of the House of Representatives may joint-
25 ly, on a case-by-case basis, grant a waiver of sub-
26 section (a) with respect to a former Member of the

1 House and a benefit or service described in such
2 subsection.

3 (2) PUBLICATION IN CONGRESSIONAL
4 RECORD.—If the Speaker and the minority leader
5 jointly grant a waiver under paragraph (1) to make
6 a benefit or service available to a former Member,
7 the Speaker and minority leader shall, not later than
8 24 hours after the waiver is granted, caused to have
9 published in the Congressional Record a statement
10 identifying the former Member and the benefit or
11 service involved.

12 **SEC. 5. RULE OF CONSTRUCTION.**

13 Nothing in this Act or any amendment made by this
14 Act may be construed to prohibit a former Member of
15 Congress from interacting with Members of Congress to
16 the extent permitted under law.

17 **SEC. 6. DEFINITION.**

18 In this Act, the term “Member of Congress” means
19 a Senator or a Representative in, or Delegate or Resident
20 Commissioner to, the Congress.

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