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B-123424 March 7, 1975

Number: B-123424

Date: 1975-03-07

B-123424 March 7, 1975

The Honorable Kenneth R. Harding Sergant at Arms House of Representatives

Dear Mr. Harding:

At your request, our attorneys have reviewed the Comptrollers General's decisions, A-8427, March 19, 1925, and B-123424, April 15, 1955, stating that the payment of the salary of Members of the congress could be made only at the rate fixed by law. In the absence of statutory authority, the Members cannot waive any portion of their statutory salaries. However, after receipt of their salary at the statutory rate for the period, such Members should be at liberty, should they so desire, to return any portion thereof to the United States Treasury as a gift. The attorneys advise that there has been no change in the foregoing matters and the decisions are still in effect.

Concerning a partial return to the Teasury, the Member should write to the Clerk of the House enclosing his check and informing the clerk that it is a gift to the Treasury of a portion of his salary. The clerk will deposit the check in the general fund of the Treasury, and he will indicate in his semiannual report of receipts and expenditures that it is a gift to the Treasury from the Member. The gift will be deductible as a charitable contribution on the Member's tax return, subject to the limitations on contributions allowed.

Sincerely yours,

R.F. Keller Deputy Comptroller General of the United States