

B-258065

September 2, 1994

Mr.  
3733 Merrick  
Houston, Texas 77025

Dear Mr. :

This is in response to your letter to the Comptroller General, which our Office received on August 2, 1994, concerning the income of Members of Congress.

The Twenty-Seventh Amendment to the Constitution provides that "[n]o law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." See 106 Stat. 5145-5146 (May 18, 1992) (copy enclosed).

The primary statute involved in setting the annual rate of pay of Members of Congress is § 601(a) of the Legislative Reorganization Act of 1946, as amended by 2 U.S.C. § 31 (1988 and Supp. V 1992) (copy enclosed). See also 2 U.S.C. §§ 351 to 364 (Supp. V 1993) (copy enclosed). The current annual rate of pay for Members of Congress is found in Schedule 6 of Executive Order 12826, 57 Fed. Reg. 62909 (December 30, 1992), which is now also set forth as a note following 5 U.S.C. § 5332 (Supp. V 1993) (copy enclosed). That schedule is still in effect since the 1994 cost of living adjustment for Members of Congress was cancelled. See § 7 of Public Law 103-6, 107 Stat. 33, 35 (March 4, 1993) (copy enclosed).

The positions of Members of Congress may also be covered by the Civil Service Retirement System (CSRS), 5 U.S.C. § 8301 et seq. or the Federal Employees' Retirement System (FERS), 5 U.S.C. § 8401 et seq. If under the CSRS, the Member's contribution rate, for service as a Member, is 8 percent of basic pay. See 5 U.S.C. § 8334(a) (1). For deductions

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<sup>1</sup>Although not relevant to your question, we note that certain parts of Executive Order 12826, cited above, have been subsequently amended or are now superseded. See Executive Order 12886 of December 23, 1993, 58 Fed. Reg. 68709-68712 (December 28, 1993); 1994 Salary Tables, 59 Fed. Reg. 2216-2246 (January 13, 1994), as corrected by 59 Fed. Reg. 8304-8316 (February 18, 1994).

under FERS, see 5 U.S.C. §§ 8422 and 8423. Members of Congress may also participate in the Federal Employee's Group Life Insurance Plan 5 U.S.C. §§ 8701 et seq., and the Federal Employees Health Benefits Plan. See 5 U.S.C. §§ 8901 et seq. Privacy concerns preclude us from discussing the deductions which an individual Member of Congress has authorized.

We trust this is responsive to your inquiry.

Sincerely yours,

Robert L. Higgins  
Associate General Counsel

Enclosures

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DIGEST

Requester is given information concerning the compensation of Members of Congress and authorized deductions for retirement, life insurance, and health insurance.

OGC Form 500 (Rev 3/92)

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