



CRS Report for Congress

Salaries of Members of Congress: A List of Payable Rates and Effective Dates, 1789-2008

Ida A. Brudnick
Analyst on the Congress
Government and Finance Division

Summary

Congress is required by Article I, Section 6, of the Constitution to determine its own pay. Prior to 1969, Congress did so by enacting stand-alone legislation. From 1789 through 1968, Congress raised its pay 22 times using this procedure. Members were initially paid per diem. The first annual salaries, in 1815, were \$1,500. By 1968, they had risen to \$30,000. Stand-alone legislation may still be used to raise Member pay, as it was most recently in 1982, 1983, 1989, and 1991, but two other methods — including an automatic annual adjustment procedure and a commission process — are now also available.

Under the annual adjustment procedure, Members are scheduled to receive a 2.8% adjustment in January 2009. Members originally were scheduled to receive a 2.7% increase in January 2008. The increase was revised to 2.5%, resulting in a salary in 2008 of \$169,300, to match the percent increase in the base pay of General Schedule (GS) employees. By law, Members may not receive an increase greater than the increase in the base pay of GS employees. Congress voted to deny the scheduled January 2007 adjustment. Members previously received a pay increase (1.9%) in January 2006, increasing their salary to the rate of \$165,200.

Background. There are three basic ways to adjust Member pay.¹ Stand-alone legislation has frequently and primarily been used to raise Member pay throughout most of U.S. history, 1789 to the present. However, two other methods are also available.

The second method by which Member pay can be increased is pursuant to recommendations from the President, based on those made by a quadrennial salary commission. In 1967, Congress established the Commission on Executive, Legislative, and Judicial Salaries to recommend salary increases for top-level federal officials (P.L. 90-206). Three times (in 1969, 1977, and 1987) Congress received pay increases made under this procedure; on three occasions it did not. Effective with passage of the

¹ This report was originally written by Paul E. Dwyer, formerly a Specialist in American National Government at CRS, who has since retired.

Ethics Reform Act of 1989 (P.L. 101-194), the commission ceased to exist. Its authority was assumed by the Citizens' Commission on Public Service and Compensation. Although the first commission under the 1989 Act was to have convened in 1993, it did not meet.

The third method by which the salary of Members can be changed is by annual adjustments. Prior to 1990, the pay of Members, and other top-level federal officials, was tied to the annual comparability increases provided to General Schedule (GS) federal employees. This procedure was established in 1975 (P.L. 94-82). Such increases were recommended by the President, subject to congressional acceptance, disapproval, or modification. Congress accepted five such increases for itself — in 1975, 1979 (partial), 1984, 1985, and 1987 — and declined 10 since this method was authorized (1976, 1977, 1978, 1980, 1981, 1982, 1983, 1986, 1988, and 1989).

The Ethics Reform Act of 1989 changed the method by which the annual adjustment is determined for Members and other senior officials, based on a formula using changes in private sector wages and salaries as measured by the Employment Cost Index. Under this revised method, annual adjustments were accepted 12 times (those scheduled for January 1991, 1992, 1993, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2008) and denied six times (those scheduled for January 1994, 1995, 1996, 1997, 1999, and 2007).²

The annual adjustment automatically goes into effect unless:

- (1) Congress statutorily prohibits the adjustment;
- (2) Congress statutorily revises the adjustment; or
- (3) the annual base pay³ adjustment of GS employees is established at a rate less than the scheduled increase for Members, in which case Members would be paid the lower rate.⁴

Projected January 2009 Member Pay Increase of 2.8%. Under the formula established in the Ethics Reform Act, Members may receive a pay adjustment in January 2009 of 2.8%,⁵ increasing salaries to \$174,000. The adjustment will occur unless revised by Congress or reduced to match the base pay increase for General Schedule employees.

² For additional information on these annual adjustments, including actions to modify or deny the scheduled increases, see CRS Report 97-615, *Salaries of Members of Congress: Congressional Votes, 1990-2007*, by Ida A. Brudnick.

³ Base pay is the pay rate before locality pay is added.

⁴ P.L. 103-356, 108 Stat. 3410-33411, October 13, 1994.

⁵ The annual Member pay adjustment was determined by a formula using the Employment Cost Index (private industry wages and salaries, not seasonally adjusted), based on the percentage change reflected in the quarter ending December 31 for the two preceding years, minus 0.5%. The 2.8% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2006 and December 2007, which was 3.3%, and subtracting 0.5%. U.S. Department of Labor, Bureau of Labor Statistics, *Employment Cost Index — December 2007* (Washington: January 31, 2008), pp. 2, 15.

As noted above, Member pay adjustments may not exceed the annual base pay adjustment of GS employees.⁶ The two pay adjustments may differ because they are based on changes in different quarters of the Employment Cost Index (ECI) or due to actions of Congress and the President. In some years, including 2008, the percent adjustment for Members has been lowered because of this provision. The 2.8% projected adjustment for Members in 2009, however, is less than the projected base GS adjustment.⁷

January 2008 Member Pay Increase of 2.5%. Under the annual pay adjustment procedure, Members originally were scheduled to receive a 2.7% increase in January 2008, based upon the formula set forth in the Ethics Reform Act of 1989.⁸ This increase would have raised their salaries to \$169,700. The scheduled Member increase was revised to 2.5%, resulting in a salary in 2008 of \$169,300, due to factors related to the increase in the base pay of General Schedule (GS) employees.

By law, Members may not receive an increase greater than the increase in the base pay of GS employees. The scheduled January 2008 across-the-board increase in the base pay of GS employees under the annual adjustment formula was 2.5%.⁹ A scheduled GS annual pay increase may be altered only if the President issues an alternative plan or if Congress legislates a different increase. President Bush did not issue an alternative plan for the annual pay adjustment, although he issued an alternative plan for the locality pay

⁶ 2 U.S.C. 31(2)(B).

⁷ This projection is based upon a number of events. Under the formula established in the Federal Employees Pay Comparability Act (FEPCA, P.L. 101-509, Nov. 5, 1990, 104 Stat. 1429-1431; 5 U.S.C. 5301-5303), the annual across-the-board pay adjustment in January 2009 was projected to equal 2.9%. This figure, like Member pay, is determined based on changes in the Employment Cost Index (ECI), minus 0.5%. It reflects, however, changes from September 2006 to September 2007, rather than December 2006 to December 2007. Subsequently, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, enacted on September 30, 2008, provides an overall average pay adjustment of 3.9% for federal civilian employees, including those covered by the General Schedule (P.L. 110-329, Division A, §142(a), Sept. 30, 2008). The President will allocate this overall average increase between an annual (basic) adjustment and a locality pay adjustment. Although the allocation of the increase is not final until the President's executive order on pay, which has generally been issued at the end of December each year, the base portion of the pay increase must be at least equal to the 2.9% established under the FEPCA formula because the President did not submit an alternative plan to Congress on the annual adjustment prior to September 1. For additional information on the GS adjustments, see CRS Report RL34463, *Federal White-Collar Pay: FY2009 Salary Adjustments*, by Barbara Schwemle.

⁸ The annual Member pay adjustment was determined by a formula using the Employment Cost Index (private industry wages and salaries, not seasonally adjusted), based on the percentage change reflected in the quarter ending December 31 for the two preceding years, minus 0.5%. The 2.7% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2005 and December 2006, which was 3.2%, and subtracting 0.5%.

⁹ The annual GS pay adjustment was determined by a formula using the Employment Cost Index (private industry wages and salaries, not seasonally adjusted), based on the percentage change reflected in the quarter ending September 30 for the two preceding years, minus 0.5%. The 2.5% adjustment was determined by taking the percentage increase in the Index between the quarters ending September 2005 and September 2006, which was 3.0%, and subtracting 0.5%. For additional information, see CRS Report RL33732, *Federal White-Collar Pay: FY2008 Salary Adjustments*, by Barbara Schwemle.

adjustment on November 27, 2007, providing a 0.5% adjustment (providing an average 3.0% overall adjustment).¹⁰ The Consolidated Appropriations Act, 2008, which was enacted on December 26, 2007, provided a 3.5% average pay adjustment for federal civilian employees. The President issued an executive order allocating this overall percentage between base and locality pay on January 4, 2008.¹¹ Since the annual base portion of the pay adjustment for GS employees is less than the scheduled Member increase, Member pay was adjusted by the lower rate.

Table 1 provides a history of the salaries of Members of Congress from 1789 through 2008 in current dollars. For each salary rate, both the effective date and the statutory authority are provided. The salaries shown are the payable salaries, indicating the rate actually paid to Members of Congress. From 1976 to 1983, the salary actually paid to Members was less than the salary to which Members were entitled. The difference arose because Members were entitled to salaries authorized pursuant to the annual pay comparability procedure (P.L. 94-82). However, on several occasions Congress did not appropriate funds to pay any or a portion of the new salary increases authorized by P.L. 94-82.

Table 1. Salaries of Members of Congress, 1789-2008

Payable Salary (Current Dollars) ^a	Effective Date	Statutory Authority
\$6 per diem ^b	March 4, 1789	1 Stat. 70-71 (September 22, 1789)
\$6 per diem (Representatives) \$7 per diem (Senators) ^b	March 4, 1795	1 Stat. 70-71 (September 22, 1789)
\$6 per diem (Representatives and Senators) ^b	March 3, 1796	1 Stat. 448 (March 10, 1796)
\$1,500	December 4, 1815	3 Stat. 257 (March 19, 1816)
\$6 per diem (Representatives) \$7 per diem (Senators) ^b	March 3, 1817	3 Stat. 345 (February 6, 1817)
\$8 per diem (Representatives and Senators) ^b	March 3, 1817	3 Stat. 404 (January 22, 1818)
\$3,000	December 3, 1855	11 Stat. 48 (August 16, 1856)
\$3,000 ^c	December 23, 1857	11 Stat. 367 (December 23, 1857)
\$5,000	December 4, 1865	14 Stat. 323 (July 28, 1866)

¹⁰ U.S. President (Bush), "Text of a Letter from the President to the Speaker of the House of Representatives and the President of the Senate," November 27, 2007. Available at: [<http://www.whitehouse.gov/news/releases/2007/10/20071022-10.html>], last visited on January 8, 2008.

¹¹ U.S. President (Bush), "Adjustments of Certain Rates of Pay," Executive Order 13454, issued Jan. 4, 2008, *Federal Register*, Jan. 8, 2008, vol. 73, pp. 1479-1492.

CRS-5

Payable Salary (Current Dollars)^a	Effective Date	Statutory Authority
\$7,500	March 4, 1871	17 Stat. 486 (March 3, 1873)
\$5,000	January 20, 1874	18 Stat. 4 (January 20, 1874)
\$7,500	March 4, 1907	34 Stat. 993 (February 26, 1907)
\$10,000	March 4, 1925	43 Stat. 1301 (March 4, 1925)
\$9,000	July 1, 1932	47 Stat. 401 (June 30, 1932)
\$8,500	April 1, 1933	48 Stat. 14 (March 20, 1933)
\$9,000 ^d	February 1, 1934	48 Stat. 521 (March 28, 1934)
\$9,500	July 1, 1934	48 Stat. 521 (March 28, 1934)
\$10,000	April 4, 1935	49 Stat. 24 (February 13, 1935)
\$12,500	January 3, 1947	60 Stat. 850 (August 2, 1946)
\$22,500	March 1, 1955	69 Stat. 11 (March 2, 1955)
\$30,000	January 3, 1965	78 Stat. 415 (August 14, 1964)
\$42,500	March 1, 1969	81 Stat. 642 (December 16, 1967)
\$44,600	October 1, 1975	89 Stat. 421 (August 9, 1975)
\$57,500	March 1, 1977	81 Stat. 642 (December 16, 1967)
\$60,662.50	October 1, 1979	89 Stat. 421 (August 9, 1975)
\$69,800	December 18, 1982 (Representatives) July 1, 1983 (Senators)	96 Stat. 1914 (December 21, 1982) 97 Stat. 338 (July 30, 1983)
\$72,600	January 1, 1984	89 Stat. 421 (August 9, 1975)
\$75,100	January 1, 1985	89 Stat. 421 (August 9, 1975)
\$77,400	January 1, 1987	89 Stat. 421 (August 9, 1975)
\$89,500	February 4, 1987	81 Stat. 642 (December 16, 1967)
\$96,600 ^e (Representatives)	February 1, 1990	103 Stat. 1767-1768 (November 30, 1989)
\$98,400 ^e (Senators)	February 1, 1990	103 Stat. 1767-1768 (November 30, 1989)
\$125,100 (Representatives)	January 1, 1991	103 Stat. 1768-1769 (November 30, 1989)
\$101,900 (Senators)	January 1, 1991	103 Stat. 1769 (November 30, 1989)
\$125,100 (Senators)	August 14, 1991	105 Stat. 450 (August 14, 1991)

Payable Salary (Current Dollars)^a	Effective Date	Statutory Authority
\$129,500 (Reps. and Sens.)	January 1, 1992	103 Stat. 1769 (November 30, 1989)
\$133,600 (Reps. and Sens.)	January 1, 1993	103 Stat. 1769 (November 30, 1989)
\$136,700 (Reps. and Sens.)	January 1, 1998	103 Stat. 1769 (November 30, 1989)
\$141,300 (Reps. and Sens.)	January 1, 2000	103 Stat. 1769 (November 30, 1989)
\$145,100 (Reps. and Sens.)	January 1, 2001	103 Stat. 1769 (November 30, 1989)
\$150,000 (Reps. and Sens.)	January 1, 2002	103 Stat. 1769 (November 30, 1989)
\$154,700 (Reps. and Sens.)	January 1, 2003	103 Stat. 1769 (November 30, 1989)
\$158,100 (Reps. and Sens.)	January 1, 2004	103 Stat. 1769 (November 30, 1989)
\$162,100 (Reps. and Sens.)	January 1, 2005	103 Stat. 1769 (November 30, 1989)
\$165,200 (Reps. and Sens.)	January 1, 2006	103 Stat. 1769 (November 30, 1989)
\$169,300 (Reps. and Sens.)	January 1, 2008	103 Stat. 1769 (November 30, 1989)

- a. From 1976 to 1983, the salary actually paid to Members was less than the salary to which Members were entitled. The difference arose because Members were entitled to salaries authorized pursuant to the annual pay comparability procedure (P.L. 94-82). However, on several occasions Congress did not appropriate funds to pay any or part of the new salary increases authorized by P.L. 94-82. Accordingly, the salaries shown in this table are the payable rates, indicating the salaries actually paid to Members of Congress.
- b. From 1789 to 1856, Senators and Representatives received a per diem pay rate for their attendance while Congress was in session, except for the period December 1815 — March 1817, when they received \$1,500 a year. First established at \$6 a day in 1789 for Senators and Representatives, the per diem for Senators was increased to \$7 beginning March 4, 1795, pursuant to language in the 1789 act. A March 10, 1796, act returned the per diem for Senators to \$6 for each day of attendance while the Senate was in session. Although a law providing for annual salaries was enacted during the 14th Congress, it was repealed on February 6, 1817, and pay reverted to a per diem basis. The per diem rate was raised to \$8 in 1818 (retroactive to March 3, 1817) and remained there until 1856, when Members of Congress began to receive annual salaries. A list of all sessions dates and lengths is available at [http://clerk.house.gov/art_history/house_history/Session_Dates/sessionsAll.html].
- c. In 1857, Congress provided for pay at the rate of \$250 per month while in session, or a maximum of \$3,000 per annum.
- d. The act authorized the restoration of pay as of February 1, 1934, and the restoration of pay as of July 1, 1934.
- e. The Ethics Reform Act of 1989 (103 Stat. 1767-1768) increased pay for Representatives and Senators at different rates.

The pay of Representatives was increased to reflect the previously denied 1989 and 1990 pay adjustments (4.1% and 3.6%), compounded at 7.9%, effective February 1, 1990. The act further provided for a 25% increase in Representatives' pay, effective January 1, 1991. As a result, the pay of Representatives increased from \$89,500 to \$96,600 on February 1, 1990, and increased to \$125,100 on January 1, 1991.

The pay of Senators was increased to reflect the previously denied 1988, 1989, and 1990 comparability pay adjustments (2%, 4.1%, and 3.6%), compounded at 9.9%, effective February 1, 1990. As a result, the pay of Senators increased from \$89,500 to \$98,400 on February 1, 1990. The Ethics Act did not provide for any other pay increase for Senators, as it did in providing a 25% increase for Representatives. The reason is that Senators elected to deny themselves the 25% increase while retaining the ability to receive honoraria. Subsequently, the Senate voted to increase its pay rate to that of Representatives and to prohibit receipt of honoraria by Senators, effective August 14, 1991. As a result, Senate pay increased from \$101,900 to \$125,100 per annum.