



CRS Report for Congress

Salaries of Members of Congress: A List of Payable Rates and Effective Dates, 1789-2007

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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. Congressional salaries initially 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 are now also available, an automatic annual adjustment procedure and a commission process.

Under the annual adjustment procedure, Members are scheduled to receive a 2.7% increase in January 2008, unless modified by Congress, or limited by the rate of increase in the *base* pay of General Schedule (GS) federal employees. Congress voted to deny the scheduled January 2007 adjustment. Members last received a pay increase (1.9%) in January 2006, increasing their salary to the current rate of \$165,200.

Background

There are three basic ways to adjust Member pay. 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 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 11 times (those scheduled for January 1991, 1992, 1993, 1998, 2000, 2001, 2002, 2003, 2004, 2005, and 2006) and denied six times (those scheduled for January 1994, 1995, 1996, 1997, 1999, and 2007).

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 pay*¹ 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.²

Pending January 2008 Member Pay Increase of 2.7%

Under the annual pay adjustment procedure, Members are scheduled to receive a 2.7% increase in January 2008, based upon the formula mandated under the procedure.³

The scheduled increase may be adversely affected by two factors related to the pending increase in the *base pay* of GS employees. First, the Member pay increase may be lower since the rate of increase in the *base pay* of GS employees, also scheduled for January 2008, is 2.5%.⁴ By law, Members may not receive an increase greater than the

¹ *Base pay* is the pay rate before locality pay is added.

² P.L. 103-356, 108 Stat. 3410-33411, Oct. 13, 1994.

³ 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 fourth quarter (ending December 31) of 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%.

⁴ See CRS Report RL33732, *Federal White-Collar Pay: FY2008 Salary Adjustments*, by Barbara Schwemle. 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 fourth quarter (ending September 31) of 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

(continued...)

increase in the *base* pay of GS employees. If Congress does not modify the scheduled 2.5% GS *base* pay adjustment, and it becomes effective, Members will be limited to a 2.5% increase, in lieu of the scheduled 2.7% increase.

Second, the Member pay increase may be less than 2.7% due to a proposal of the President for a 3.0% average increase in the pay of GS employees. The President's recommendation, contained in his FY2008 *U.S. Budget*, contains both *base* and locality pay increases. By law, the President's proposal overrides the GS annual increase that is dictated by the annual pay adjustment formula, unless Congress directs differently.

If Congress does not alter the President's 3.0% proposal, the President will issue an executive order allotting a percentage for *base* pay and a percentage for locality pay later in 2007. Usually, the executive order is issued near the end of December.

How the President makes this allotment can have a direct impact on the amount of the Member pay adjustment. As stated above, if the annual *base* pay adjustment for GS employees is less than the scheduled Member increase, Members would be paid the lower rate. The *base* pay component of the President's pending 3.0% GS adjustment scheduled for January 2008 most likely would be lower than the pending Member 2.7% increase.

The *base* pay component may be lower since 1.0% typically has been allocated for locality pay in the past. In the case of a 3.0% adjustment, this would put the *base* pay allotment at 2.0%, thereby limiting Members to a 2.0% increase.

It is possible, however, the President might make an exception to the customary 1.0% locality pay designation and allocate a lesser percentage for locality pay. For example, a possible scenario might be an allocation by the President of 0.5% for locality pay and 2.5% for *base* pay. In this case, Members would then receive a 2.5% increase.

Table 1 provides a history of the salaries of Members of Congress, 1789-2007. For each salary rate, both the effective date and the statutory authority are indicated. From 1976 to 1983, the salary actually paid to Members was less than the salary to which Members were entitled. This was so because Members were entitled to salaries authorized pursuant to the annual comparability pay procedure (P.L. 94-82). However, on several occasions Congress did not appropriate funds to pay any or some of the new salary increases mandated by P.L. 94-82. Accordingly, the salaries shown in this table are the payable rates, the salaries actually paid to Members of Congress.

⁴ (...continued)
subtracting 0.5%.

Table 1. Salaries of Members of Congress, 1789-2007

Payable Salary^a	Effective Date	Statutory Authority
\$1,500 ^b	March 4, 1789	1 Stat. 70-71 (September 22, 1789)
\$1,500 ^b	March 4, 1795	1 Stat. 70-71 (September 22, 1789)
\$1,500 ^b	March 3, 1796	1 Stat. 448 (March 10, 1796)
\$1,500	December 4, 1815	3 Stat. 257 (March 19, 1816)
\$1,500 ^b	March 3, 1817	3 Stat. 345 (February 6, 1817)
\$2,000 ^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)
\$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)

Payable Salary^a	Effective Date	Statutory Authority
\$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, for Representatives; July 1, 1983, for 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)
\$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)

Payable Salary ^a	Effective Date	Statutory Authority
\$165,200 (Reps. and Sens.)	January 1, 2006	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. This was so because Members were entitled to salaries authorized pursuant to the annual comparability pay procedure (P.L. 94-82). However, on several occasions Congress did not appropriate funds to pay any or some of the new salary increases mandated by P.L. 94-82. Accordingly, the salaries shown in this table are the payable rates, the salaries actually paid to Members of Congress.
- b. Per diem rates have been converted to per annum rates based on a hypothetically possible 250-day session. From 1789 to 1856, Senators and Representatives received a per diem pay rate 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 (\$7 for Senators from March 4, 1795 — March 3, 1796), the per diem was raised to \$8 in 1818 and remained there until 1856, when Members of Congress were placed on annual salaries.
- 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.