



## 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 — 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 2.7% 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.<sup>1</sup> 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

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

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).<sup>2</sup>

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<sup>3</sup> 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.<sup>4</sup>

## **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 set forth in the Ethics Reform Act of 1989.<sup>5</sup> The scheduled Member increase may be affected by factors related to the pending 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 Member pay increase may be lower than 2.7% since the scheduled January 2008 across-the-board increase in the base pay of GS employees under

<sup>2</sup> For additional information on these adjustments, see CRS Report 97-615, *Salaries of Members of Congress: Congressional Votes, 1990-2007*, by Ida A. Brudnick.

<sup>3</sup> Base pay is the pay rate before locality pay is added.

<sup>4</sup> P.L. 103-356, 108 Stat. 3410-33411, October 13, 1994.

<sup>5</sup> 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%.

the adjustment formula is 2.5%.<sup>6</sup> A scheduled GS annual pay increase may be altered only if the President issues an alternative plan or if Congress legislates a different increase. If the scheduled 2.5% GS base pay adjustment becomes effective, Members will be limited to a 2.5% increase, in lieu of the scheduled 2.7% increase.

This limitation means that actions of both the President and Congress may affect Member pay. The President indicated his preference for a 3.0% average increase in the pay of GS employees, in the FY2008 *U.S. Budget*.<sup>7</sup> This recommendation contains both base and locality pay increases. Under the Federal Employees Pay Comparability Act (FEPCA) of 1990,<sup>8</sup> the President has until September 1 of each year to issue an alternative proposal for GS pay that uses a different percentage increase from the one based on changes in the Employment Cost Index. The President did not issue an alternative plan for the January 2008 annual pay adjustment.

Member pay may be affected if Congress alters the scheduled GS annual pay increase. The Financial Services and General Government Appropriations Act for FY2008 (H.R. 2829), as passed by the House of Representatives on June 28, 2007, and as reported to the Senate by the Committee on Appropriations on July 13, 2007, provides a 3.5% average pay adjustment for federal civilian employees. If Congress retains this provision and it is enacted into law, Member pay may be affected by the President's decision regarding the allocation of this increase between annual and locality pay. 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. If 1.0% of this increase is allocated for locality pay adjustments, for example, the Member pay increase would then be limited to 2.5%. The President will issue an executive order authorizing the percentage increases in annual and locality pay later in 2007.

**Table 1** provides a history of the salaries of Members of Congress from 1789 through 2007 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.

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<sup>6</sup> 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.

<sup>7</sup> U.S. Executive Office of the President, Office of Management and Budget, *Budget of the United States Government Fiscal Year 2008; Analytical Perspectives* (Washington: GPO, 2006), p. 168.

<sup>8</sup> P.L. 101-509, Nov. 5, 1990, 104 Stat. 1427.

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

<b>Payable Salary (Current Dollars)<sup>a</sup></b>	<b>Effective Date</b>	<b>Statutory Authority</b>
\$6 per diem <sup>b</sup>	March 4, 1789	1 Stat. 70-71 (September 22, 1789)
\$6 per diem (Representatives) \$7 per diem (Senators) <sup>b</sup>	March 4, 1795	1 Stat. 70-71 (September 22, 1789)
\$6 per diem (Representatives and Senators) <sup>b</sup>	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) <sup>b</sup>	March 3, 1817	3 Stat. 345 (February 6, 1817)
\$6 per diem (Representatives and Senators) <sup>b</sup>	March 3, 1817	3 Stat. 404 (January 22, 1818)
\$3,000	December 3, 1855	11 Stat. 48 (August 16, 1856)
\$3,000 <sup>c</sup>	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 <sup>d</sup>	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)

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<b>Payable Salary (Current Dollars)<sup>a</sup></b>	<b>Effective Date</b>	<b>Statutory Authority</b>
\$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 <sup>e</sup> (Representatives)	February 1, 1990	103 Stat. 1767-1768 (November 30, 1989)
\$98,400 <sup>e</sup> (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)

Payable Salary (Current Dollars) <sup>a</sup>	Effective Date	Statutory Authority
\$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)

**Notes:**

- 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 14<sup>th</sup> 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](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.