



Salaries of Members of Congress: Recent Actions and Historical Tables

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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. Members were initially paid per diem. The first annual salaries, in 1815, were \$1,500. Per diem pay was reinstituted in 1817. Congress returned to annual salaries, at a rate of \$3,000, in 1855. By 1968, pay 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.

The Ethics Reform Act of 1989 established the current formula for automatic annual adjustments, which is based on changes in private sector wages and salaries as measured by the Employment Cost Index. The adjustment goes into effect automatically unless denied statutorily by Congress, although the percentage may not exceed the percentage base pay increase for General Schedule employees.

Under this formula, Members were originally scheduled to receive a pay adjustment in January 2010 of 2.1%. A provision in the FY2009 Omnibus Appropriations Act, however, prohibited the pay adjustment for 2010. Member pay in 2010 remains \$174,000, the same salary as 2009.

Members previously received a 2.8% adjustment in January 2009, increasing their salary from \$169,300. In 2008, Members originally were scheduled to receive a 2.7% pay adjustment. The adjustment was revised downward to 2.5% to match the percent increase in the base pay of General Schedule (GS) employees. By law, the percent adjustment in Member pay may not exceed the percent adjustment in the base pay of GS employees. Congress previously voted to deny the scheduled annual adjustment for 2007.

This report contains information on the pay procedure and recent adjustments. It also contains historical information on the rate of pay for Members of Congress since 1789; the adjustments projected by the Ethics Reform Act as compared to actual adjustments in Member pay; details on past legislation enacted with language prohibiting the annual pay adjustment; and Member pay in constant and current dollars since 1992. For additional information on actions taken in Congress since the enactment of the Ethics Reform Act adjustment procedure, see CRS Report 97-615, *Salaries of Members of Congress: Congressional Votes, 1990-2009*, by Ida A. Brudnick.

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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 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. This procedure employs a formula based on changes in private sector wages and salaries as measured by the Employment Cost Index (ECI). Under this revised method, annual adjustments were accepted 13 times (those scheduled for January 1991, 1992, 1993, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, and 2009) and denied seven times (those scheduled for January 1994, 1995, 1996, 1997, 1999, 2007, and 2010).² Under a provision included in the FY2009 Omnibus Appropriations Act, Members did not receive a pay adjustment in 2010.

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 adjustment of GS employees is established at a rate less than the scheduled adjustment for Members, in which case Members would be paid the lower rate.³

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

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, 1990-2009*, by Ida A. Brudnick.

³ Base pay is the pay rate before locality pay is added. This limitation was included in P.L. 103-356, 108 Stat. 3410-3411, October 13, 1994; 2 U.S.C. 31(2)(B).

January 2011 Member Pay Projected Adjustment

As stated above, projected Member pay adjustments are calculated based on changes in the Employment Cost Index (ECI). The projected 2011 adjustment for Member pay will be known when the Bureau of Labor Statistics (BLS) releases ECI data for December 2009. According to BLS, this information “is scheduled to be released on Friday, January 29, 2010, at 8:30 a.m. (EST).”⁴

The actual Member pay adjustment may differ from the projection derived from the ECI formula either due to limitations related to the base pay increase for General Schedule employees or congressional action on Member pay. Member pay adjustments cannot exceed the percent adjustment in GS base pay,⁵ and stand-alone legislation has been introduced to prevent the scheduled 2011 pay adjustment.⁶

January 2010 Member Pay Adjustment Denied

Under the formula established in the Ethics Reform Act, Members were originally scheduled to receive a pay adjustment in January 2010 of 2.1%.⁷ This adjustment was denied by Congress through a provision included in the FY2009 Omnibus Appropriations Act. Section 103 of Division J of the act states, “Notwithstanding any provision of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the percentage adjustment scheduled to take effect under any such provision in calendar year 2010 shall not take effect.”⁸

Had Congress not passed legislation prohibiting the Member pay adjustment, the 2.1% projected adjustment would have been downwardly revised automatically to 1.5% to match the 2010 GS base pay adjustment.⁹

January 2009 Member Pay Adjustment of 2.8%

Under the formula established in the Ethics Reform Act, Members received a pay adjustment in January 2009 of 2.8%,¹⁰ increasing salaries to \$174,000.

⁴ Available at <http://www.bls.gov/news.release/eci.nr0.htm>.

⁵ 2 U.S.C. 31(2)(B).

⁶ H.R. 4255, 111th Cong., introduced December 9, 2009; and, H.R. 4423, introduced January 12, 2010.

⁷ 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 2.1% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2007 and December 2008, which was 2.6%, and subtracting 0.5%. U.S. Department of Labor, Bureau of Labor Statistics, Employment Cost Index—December 2008 (Washington: January 31, 2009), pp. 2, 17.

⁸ P.L. 111-8, March 11, 2009.

⁹ The 1.5% GS base adjustment was finalized by U.S. President (Obama), “Adjustments of Certain Rates of Pay,” Executive Order 13525, *Federal Register*, vol. 74, December 23, 2009, pp. 69231- 69242.

¹⁰ 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 (continued...)

As noted above, Member pay adjustments may not exceed the annual base pay adjustment of GS employees.¹¹ 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. The 2.8% adjustment for Members, however, was less than the projected 2009 base GS adjustment of 2.9%.¹² The GS rate became final on December 18, 2008, when President Bush issued an Executive Order adjusting rates of pay.¹³

Table 1 provides a history of the salaries of Members of Congress from 1789 through 2009 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 2 provides information on pay adjustments for Members since 1992, which was the first full year after the Ethics Reform Act that Representatives and Senators received the same salary. The table provides the projected percentage changes under the formula based on the Employment Cost Index and the actual percentage adjustment. The differences between the projected and actual Member pay adjustments resulted from votes by Congress to prevent the increase (1994, 1995, 1996, 1997, 1999, 2007, and 2010) and limits on the increase of Member pay due to the percentage increase in GS pay (1994, 1995, 1996, 1998, 1999, 2001, 2003, 2007, 2008, and 2010). In some years, Member pay would have been lowered to match the GS base level if Congress had not passed legislation denying the adjustment (1994, 1995, 1996, 1999, 2007 and 2010). **Table 3** lists the laws which have previously prohibited Member pay adjustments, as well as the dates by which the prohibitions have been enacted. **Figure 1**, which follows, shows the salary of Members of Congress in constant and current dollars since 1992.

(...continued)

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.

¹¹ 2 U.S.C. 31(2)(B).

¹² The base pay projection is based upon a number of events. Under the formula established in the Federal Employees Pay Comparability Act (FEPCA, P.L. 101-509, November 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 percentage, like that adjusting Member pay, was 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. Additionally, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, enacted on September 30, 2008, provided an overall average (base and locality) pay adjustment of 3.9% for federal civilian employees, including those covered by the General Schedule (P.L. 110-329, Division A, §142(a), September 30, 2008). For additional information on the GS adjustments, see CRS Report RL34463, *Federal White-Collar Pay: FY2009 Salary Adjustments*, by Barbara L. Schwemle.

¹³ U.S. President (Bush), "Adjustments of Certain Rates of Pay," Executive Order 13483, *Federal Register*, vol. 73, December 23, 2008, pp. 78587-78598.

Table 1. Salary Adjustments for Members of Congress Since 1789

Date of Adjustment and Authority

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)	March 4, 1795	1 Stat. 70-71 (September 22, 1789)
\$6 per diem (Representatives and Senators)	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)	March 3, 1817	3 Stat. 345 (February 6, 1817)
\$8 per diem (Representatives and Senators)	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 ^d	July 1, 1932	47 Stat. 401 (June 30, 1932)
\$8,500	April 1, 1933	48 Stat. 14 (March 20, 1933)
\$9,000	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)

Payable Salary (Current Dollars)^a	Effective Date	Statutory Authority
\$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)	96 Stat. 1914 (December 21, 1982)
	July 1, 1983 (Senators)	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 (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)

Payable Salary (Current Dollars)^a	Effective Date	Statutory Authority
\$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)
\$174,000 (Reps. and Sens.)	January 1, 2009	103 Stat. 1769 (November 30, 1989)

Source: Congressional Research Service.

- 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.

Table 2. Member Pay Projected vs. Actual Adjustments Since 1992

Year	Projected Percent Adjustment Under ECI Formula^a	Actual Percent Adjustment
1992	3.5%	3.5%

Year	Projected Percent Adjustment Under ECI Formula^a	Actual Percent Adjustment
1993	3.2%	3.2%
1994	2.1%	0
1995	2.6%	0
1996	2.3%	0
1997	2.3%	0
1998	2.9%	2.3%
1999	3.4%	0
2000	3.4%	3.4%
2001	3.0%	2.7%
2002	3.4%	3.4%
2003	3.3%	3.1%
2004	2.2%	2.2%
2005	2.5%	2.5%
2006	1.9%	1.9%
2007	2.0%	0
2008	2.7%	2.5%
2009	2.8%	2.8%
2010	2.1%	0

Source: Congressional Research Service

Notes:

- a. Projected increase is based on the formula established in the Ethics Reform Act. This is equivalent to the percentage change in the Employment Cost Index (private industry wages and salaries, not seasonally adjusted) reflected in the quarter ending December 31 for the two preceding years, minus 0.5%.

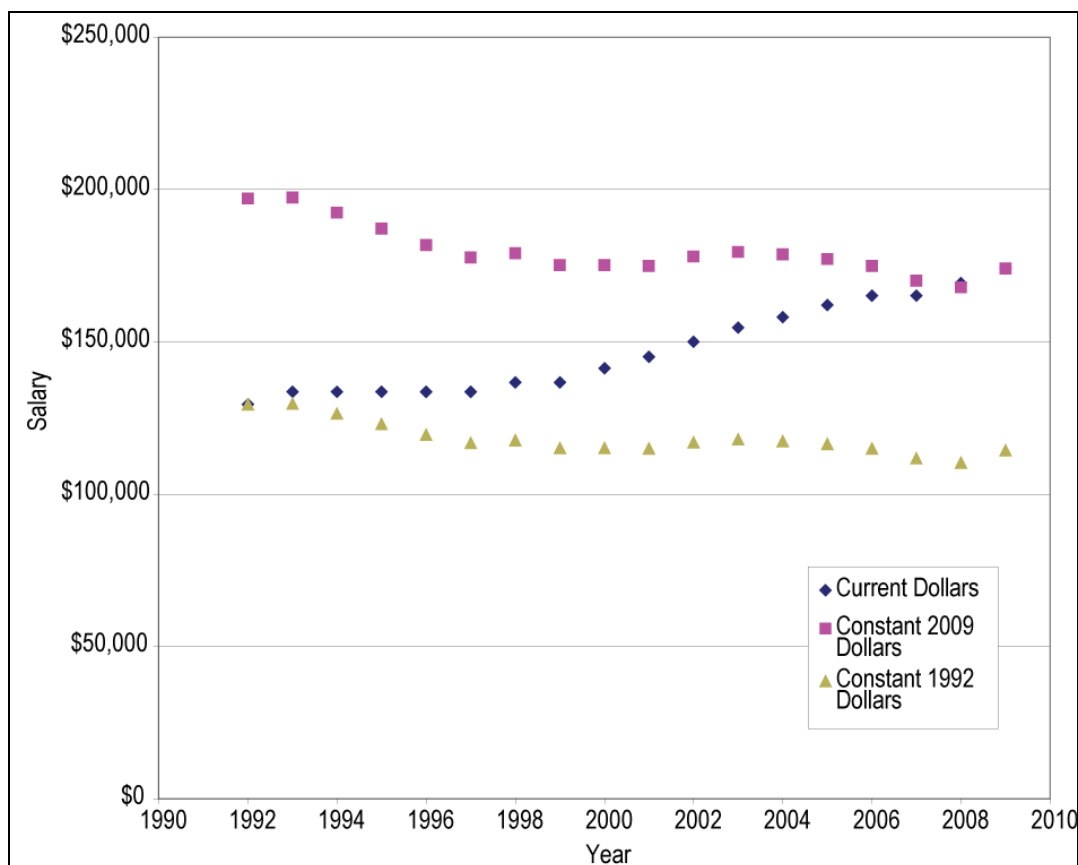
Table 3. Legislative Vehicles Used for Previous Pay Prohibitions and Enacted Dates

Pay Year	Bill	Public Law	Enacted Date	Bill Title
1994	H.R. 920, 103 rd Congress	P.L. 103-6	March 4, 1993	Emergency Unemployment Compensation Amendments of 1993
1995	H.R. 4539, 103 rd Congress	P.L. 103-329	September 28, 1994	Treasury, Postal Service and General Government Appropriations Act, 1995
1996	H.R. 2020, 104 th Congress	P.L. 104-52	November 15, 1995	Treasury, Postal Service, and General Government Appropriations Act, 1996
1997	H.R. 3610, 104 th Congress	P.L. 104-208	September 30, 1996	Omnibus Consolidated Appropriations Act, 1997
1999	H.R. 4328, 105 th Congress	P.L. 105-277	October 21, 1998	Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999
2007	H.J.Res. 20, 110 th Congress	P.L. 110-5	February 15, 2007	Revised Continuing Appropriations Resolution, 2007

Pay Year	Bill	Public Law	Enacted Date	Bill Title
2010	H.R. 1105, 111 th Congress	P.L. 111-8	March 11, 2009	Omnibus Appropriations Act, 2009

Source: Congressional Research Service examination of enacted legislation.

Figure 1. Salary for Members of Congress: Current and Constant Dollars, 1992-2009



Note: 1992 was the first full year after the Ethics Reform Act that Representatives and Senators received the same salary. Constant dollars based on Consumer Price Index for All Urban Consumers (CPI-U, Bureau of Labor Statistics, U.S. Department of Labor). 2009 constant dollars are based on the average of the monthly CPI-U data from January-July 2009. This table will be updated to include 2010 when CPI data for 2010 are released.

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