



Salaries of Members of Congress: Recent Actions and Historical Tables

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September 20, 2012

Congressional Research Service

7-5700

www.crs.gov

97-1011

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 specific 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 reinstated in 1817. Congress returned to annual salaries, at a rate of \$3,000, in 1855. By 1968, pay had risen to \$30,000. Specific 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 automatic annual adjustment formula, which is based on changes in private sector wages as measured by the Employment Cost Index (ECI). The adjustment is automatic unless denied statutorily, although the percentage may not exceed the percentage base pay increase for General Schedule (GS) employees.

Members of Congress last received a pay adjustment in January 2009. At that time, their salary was increased 2.8%, to \$174,000 from \$169,300. A provision in the FY2009 Omnibus Appropriations Act prohibited any pay adjustment for 2010. Under the pay adjustment formula, Members were originally scheduled to receive an adjustment in January 2010 of 2.1%, although this would have been revised downward automatically to 1.5% to match the GS base pay adjustment. Members next were scheduled to receive a 0.9% pay adjustment in 2011. The pay adjustment was prohibited by P.L. 111-165 (H.R. 5146), which was enacted on May 14, 2010. Additionally, P.L. 111-322, which was enacted on December 22, 2010, prevented any adjustment in GS base pay before December 31, 2012. Since the percentage adjustment in Member pay may not exceed the percentage adjustment in the base pay of GS employees, Member pay is also frozen during this period. If not limited by GS pay, Members could have received a salary adjustment of 1.3% in January 2012 under the ECI formula.

Under the pay adjustment formula, Members could receive a maximum pay adjustment in January 2013 of 1.1%. This percentage could be lowered due to (1) lower increases for the General Schedule, as proposed by the President, which would automatically limit the Member pay adjustment; and (2) legislation introduced in the House and Senate (for example, H.R. 3630, H.R. 3835, H.R. 3858, S. 2079) to extend the current pay freeze.

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 information on actions taken each year since the establishment of the Ethics Reform Act adjustment procedure, see CRS Report 97-615, *Salaries of Members of Congress: Congressional Votes, 1990-2012*, by Ida A. Brudnick.

Members of Congress only receive salaries during the terms for which they are elected. Former Members of Congress may be eligible for retirement benefits. For additional information on benefit requirements, contributions, and formulas, see CRS Report RL30631, *Retirement Benefits for Members of Congress*, by Katelin P. Isaacs.

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Member Pay: Constitutional Background

Article I, Section 6, of the U.S. Constitution, states that the compensation of Members of Congress shall be “ascertained by law, and paid out of the Treasury of the United States.” Additionally, the Twenty-Seventh Amendment to the Constitution states, “No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.” This amendment was submitted to the states on September 25, 1789, along with 11 other proposed amendments, 10 of which were ratified and became the Bill of Rights. It was not ratified until May 7, 1992.

Members of Congress only receive salaries during the terms for which they are elected. Following their service, former Members of Congress may be eligible for retirement benefits, which are discussed in CRS Report RL30631, *Retirement Benefits for Members of Congress*, by Katelin P. Isaacs.

Methods for Member Pay Adjustment

There are three basic ways to adjust Member pay.

Specific legislation was enacted to adjust Member pay prior to 1968, and again in 1982, 1983, 1989, and 1991.

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 5 such increases for itself—in 1975, 1979 (partial), 1984, 1985, and 1987—and declined 10 (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). 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.¹

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 9 times (those scheduled for January 1994, 1995, 1996, 1997, 1999, 2007, 2010, 2011, and 2012).²

Proposals in the 112th Congress

As in previous Congresses, bills have been introduced in the 112th Congress to

- repeal the automatic pay adjustment provision (for example, S. 133, S. 148, H.R. 187, H.R. 235, H.R. 246, H.R. 343, H.R. 431, H.R. 3673);
- change the procedure by which pay for Members of Congress is adjusted by linking it to other action or economic indicators (for example, H.R. 124, H.R. 172, H.R. 236, H.R. 994, H.R. 1454, H.R. 3136, H.R. 3565, H.R. 3774, S. 1442);
- reduce the pay of Members of Congress (for example, H.R. 204, H.R. 270, H.R. 335, H.R. 1012, H.R. 4399); and
- otherwise alter or restrict pay for Members under certain conditions (for example, H.R. 6108, which would reduce the pay of Members of Congress who miss votes because of campaigning for election to another office).

Legislation was also introduced in the 112th Congress that would affect Member pay in the event of a lapse of appropriations (government shutdown). These include H.R. 819, H.R. 1255, H.R. 1305, H.Con.Res. 56, and S. 388.

The Senate passed S. 388 on March 1, 2011.³ The bill would prohibit Members of the House and Senate from receiving pay for each day that there is a lapse in appropriations or the federal government is unable to make payments or meet obligations because of the public debt limit. The House passed H.R. 1255 on April 1, 2011. The would bill prohibit the disbursement of pay to Members of the House and Senate during either of these situations.⁴ No further action has been taken on either bill.

On April 8, 2011, the Speaker of the House issued a “Dear Colleague” letter indicating that in the event of a shutdown, Members of Congress would continue to be paid pursuant to the Twenty-Seventh Amendment to the Constitution, which as stated above, states: “No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an

¹ 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).

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, 1990-2012*, by Ida A. Brudnick.

³ *Cong. Rec.*, March 1, 2011, pp. S1051-1052.

⁴ *Cong. Rec.*, April 1, 2011, pp.H2239-2251.

election of Representatives shall have intervened”—although Members could elect to return any compensation to the Treasury.

January 2013 Member Pay Adjustment: Projections and Actions

Legislation has also been introduced in the 112th Congress to prohibit a 2013 Member pay adjustment. The projected 2013 adjustment of 1.1%, or \$1,900, was known when the Bureau of Labor Statistics (BLS) released data for the change in the Employment Cost Index (ECI) during the 12-month period from December 2010 to December 2011 on January 31, 2012.⁵ The adjustment takes effect unless denied statutorily by Congress or limited by the General Schedule (GS) base pay adjustment.

The President has proposed an average (i.e., base and locality) 0.5% adjustment for General Schedule (GS) employees.⁶ Any Member pay adjustment would be automatically limited to the base portion of any GS adjustment. For example, a 0.5% GS base increase would limit any potential Member pay adjustment to 0.5%, or \$900.

President Obama stated in a letter to congressional leadership on August 21, 2012, that the current federal pay freeze should extend until FY2013 budget negotiations are finalized.⁷ Section 114 of H.J.Res. 117, the Continuing Appropriations Resolution, 2013, would extend the freeze enacted by P.L. 111-322 through the duration of this continuing resolution. H.J.Res. 117 was passed by the House on September 13, 2012, and then received in the Senate. Any delay in the implementation of pay adjustments for GS employees would delay any scheduled Member pay adjustment.

Legislation to prohibit any Member pay adjustment in 2013 has included:

- Section 5421(b)(1) of H.R. 3630, as introduced in the House, would prohibit any adjustment for Members of Congress prior to December 31, 2013. Section 706 of the motion to recommit also contained language freezing Member pay.⁸ On December 13, 2011, the motion to recommit failed (183-244, roll call #922), and the bill passed the House (234-193, roll call #923). The House-passed version of the bill was titled the “Middle Class Tax Relief and Job Creation Act of 2011.”

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 1.1% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2010 and December 2011, which was 1.6%, and subtracting 0.5%. U.S. Department of Labor, Bureau of Labor Statistics, *Employment Cost Index—December 2011* (Washington: January 31, 2012), p.3.

⁶ Office of Management and Budget, *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2013, Performance and Management* (Washington, GPO: 2012), Table 2-1: Economic Assumptions, p. 17 and p. 114.

⁷ “Letter from the President Regarding An Alternative Plan for Pay Increases for Civilian Federal Employees,” *Text of a Letter from the President to the Speaker of the House of Representatives and the President of the Senate*, August 21, 2012, Available at <http://www.whitehouse.gov/the-press-office/2012/08/21/letter-president-regarding-alternative-plan-pay-increases-civilian-feder>.

⁸ *Congressional Record*, December 13, 2011, p. H8822.

The Senate substitute amendment, which did not address pay adjustments, passed on December 17. It was titled the “Temporary Payroll Tax Cut Continuation Act of 2011.” The House and Senate appointed conferees, but no further action has been taken.

- H.R. 3835, introduced on January 27, 2012, also would extend the pay freeze for federal employees, including Members of Congress, to December 31, 2013. This bill passed the House on February 1, 2012.
- H.R. 3858, introduced on January 31, 2012, would extend the pay freeze for Members of Congress. This bill has been referred to the Committee on House Administration.
- Other bills have also been introduced that include language freezing Member pay (for example, S. 1931, S. 1936, S. 2065, S. 2079, S. 2210).

January 2011 and January 2012 Member Pay Adjustments Denied

As stated above, projected Member pay adjustments are calculated based on changes in the Employment Cost Index (ECI). The projected 2011 adjustment of 0.9% was known when the Bureau of Labor Statistics (BLS) released data for the ECI change during the 12-month period from December 2008 to December 2009 on January 29, 2010.⁹ This adjustment would have equaled a \$1,600 increase, resulting in a salary of \$175,600.

The 2011 pay adjustment was prohibited by the enactment of H.R. 5146 (P.L. 111-165) on May 14, 2010. H.R. 5146 was introduced in the House on April 27 and was agreed to the same day (Roll no. 226). It was agreed to in the Senate the following day by unanimous consent. Other legislation was also introduced to prevent the scheduled 2011 pay adjustment.¹⁰

Additionally, P.L. 111-322, which was enacted on December 22, 2010, prevents any adjustment in GS base pay before December 31, 2012. Since the percent adjustment in Member pay may not exceed the percent adjustment in the base pay of GS employees, Member pay is also frozen during this period. If not limited by GS pay, Members could have received a salary adjustment of 1.3% in January 2012 under the ECI formula.¹¹ Pay for Members of Congress remains \$174,000.

⁹ 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 0.9% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2008 and December 2009, which was 1.4%, and subtracting 0.5%. U.S. Department of Labor, Bureau of Labor Statistics, *Employment Cost Index—December 2009* (Washington: January 29, 2010), p. 2.

¹⁰ H.R. 4255, introduced December 9, 2009; H.R. 4423, introduced January 12, 2010; S. 3074, introduced March 4, 2010; S. 3198, introduced March 14, 2010; and S. 3244, introduced April 22, 2010.

¹¹ 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 1.3% potential adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2009 and December 2010, which was 1.8%, and subtracting 0.5%. U.S. Department of Labor, Bureau of Labor Statistics, *Employment Cost Index—December 2010* (Washington: January 28, 2011), p. 3. See also: “Schedule 6—Vice President and Members of Congress,” (continued...)

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%.¹² 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.”¹³

Had this provision not been enacted, the 2.1% projected adjustment would have been automatically reduced to 1.5% to match the 2010 GS base pay adjustment.¹⁴

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%,¹⁵ increasing salaries to \$174,000.

As noted above, Member pay adjustments may not exceed the annual base pay adjustment of GS employees.¹⁶ 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%.¹⁷ The GS rate became final on December 18, 2008, when President Bush issued an executive order adjusting rates of pay.¹⁸

(...continued)

Adjustments of Certain Rates of Pay, Executive Order 13594, December 23, 2011, *Federal Register*, Vol. 76, No. 247 (Washington, GPO: 2011), pp. 80191-80196.

¹² 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.

¹³ P.L. 111-8, March 11, 2009.

¹⁴ 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.

¹⁵ 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.

¹⁶ 2 U.S.C. 31(2)(B).

¹⁷ 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 (continued...)

Table 1 provides a history of the salaries of Members of Congress since 1789. 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:

- the enactment of legislation preventing the increase (1994, 1995, 1996, 1997, 1999, 2007, 2010, and 2011);
- limits on the percentage increase of Member pay because of the percentage increase in GS base pay (1994, 1995, 1996, 1998, 1999, 2001, 2003, 2007, 2008, 2010, 2011, and 2012); and,
- a combination of the above. In some years, the percentage adjustment for Member pay would have been lowered to match the percentage adjustment in GS base pay if Congress had not passed legislation denying the adjustment (1994, 1995, 1996, 1999, 2007, 2010, and 2011).

Table 3 lists the laws which have previously prohibited Member pay adjustments, the dates by which the prohibitions have been enacted, and the text of the provision prohibiting the adjustment. Eight of the ten bills in this list are appropriations bills, although a prohibition on Member pay could be offered to any bill, or be introduced as a separate bill.¹⁹

Figure 1, which follows, shows the salary of Members of Congress in constant and current dollars since 1992.

(...continued)

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 and FY2010 Salary Adjustments*, by Barbara L. Schwemle.

¹⁸ U.S. President (Bush), “Adjustments of Certain Rates of Pay,” Executive Order 13483, *Federal Register*, vol. 73, December 23, 2008, pp. 78587-78598.

¹⁹ Stand-alone bills prohibiting an adjustment in Member pay in recent Congresses include, for example, (111th Congress) H.R. 4255, H.R. 4423, H.R. 156, H.R. 282, and H.R. 395; (110th Congress) H.R. 2916, H.R. 2934, H.R. 5087, H.R. 5091, and H.R. 6417; and, (109th Congress) H.R. 4134 and H.R. 4047.

Table I. 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)	March 4, 1795	1 Stat. 70-71 (September 22, 1789)
\$7 per diem (Senators)		
\$6 per diem	March 3, 1796	1 Stat. 448 (March 10, 1796)
\$1,500	December 4, 1815	3 Stat. 257 (March 19, 1816)
\$6 per diem (Representatives)	March 3, 1817	3 Stat. 345 (February 6, 1817)
\$7 per diem (Senators)		
\$8 per diem	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)

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Payable Salary (Current Dollars)^a	Effective Date	Statutory Authority
\$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)	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	January 1, 1992	103 Stat. 1769 (November 30, 1989)
\$133,600	January 1, 1993	103 Stat. 1769 (November 30, 1989)
\$136,700	January 1, 1998	103 Stat. 1769 (November 30, 1989)
\$141,300	January 1, 2000	103 Stat. 1769 (November 30, 1989)
\$145,100	January 1, 2001	103 Stat. 1769 (November 30, 1989)
\$150,000	January 1, 2002	103 Stat. 1769 (November 30, 1989)

Payable Salary (Current Dollars)^a	Effective Date	Statutory Authority
\$154,700	January 1, 2003	103 Stat. 1769 (November 30, 1989)
\$158,100	January 1, 2004	103 Stat. 1769 (November 30, 1989)
\$162,100	January 1, 2005	103 Stat. 1769 (November 30, 1989)
\$165,200	January 1, 2006	103 Stat. 1769 (November 30, 1989)
\$169,300	January 1, 2008	103 Stat. 1769 (November 30, 1989)
\$174,000	January 1, 2009	103 Stat. 1769 (November 30, 1989)

Source: Congressional Research Service.

- a. Pay rates listed are applicable for Senators and Representatives unless otherwise specified. 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://artandhistory.house.gov/house_history/session_dates/sessionsall.aspx.
- 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%
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
2011	0.9%	0
2012	1.3%	0

Source: Congressional Research Service

- 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 Pay Prohibitions, Enacted Dates, and Pay Language

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 ^a
1995	H.R. 4539, 103 rd Congress	P.L. 103-329	September 28, 1994	Treasury, Postal Service and General Government Appropriations Act, 1995 ^b
1996	H.R. 2020, 104 th Congress	P.L. 104-52	November 15, 1995	Treasury, Postal Service, and General Government Appropriations Act, 1996 ^c

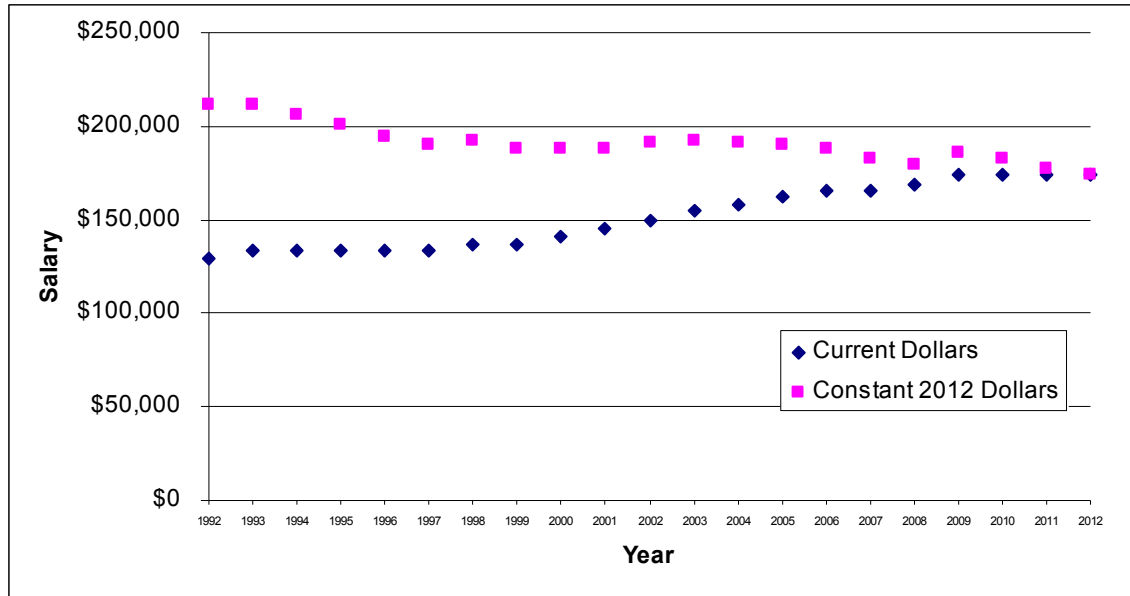
Pay Year	Bill	Public Law	Enacted Date	Bill Title
1997	H.R. 3610, 104 th Congress	P.L. 104-208	September 30, 1996	Omnibus Consolidated Appropriations Act, 1997 ^d
1999	H.R. 4328, 105 th Congress	P.L. 105-277	October 21, 1998	Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 ^e
2007	H.J.Res. 102, 109 th Congress	P.L. 109-383	December 9, 2006	Making further continuing appropriations for the FY2007, and for other purposes ^f
2007	H.J.Res. 20, 110 th Congress	P.L. 110-5	February 15, 2007	Revised Continuing Appropriations Resolution, 2007 ^g
2010	H.R. 1105, 111 th Congress	P.L. 111-8	March 11, 2009	Omnibus Appropriations Act, 2009 ^h
2011	H.R. 5146, 111 th Congress	P.L. 111-165	May 14, 2010	To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011 ⁱ
2012	H.R. 3082, 111 th Congress	P.L. 111-322	December 22, 2010	Continuing Appropriations and Surface Transportation Extensions Act, 2011 ⁱ

Source: Congressional Research Service examination of enacted legislation.

Notes: The provisions footnoted below, while varying slightly in language, have been used in the above legislation to prohibit Member pay adjustments.

- a. "Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost of living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect."
- b. "For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems."
- c. "For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1996 in the rates of basic pay for the statutory pay systems."
- d. "For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems."
- e. "For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems."
- f. "Notwithstanding any other provision of this division and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2007 shall not take effect until February 16, 2007."
- g. "Notwithstanding any other provision of this division and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2007 shall not take effect."
- h. "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."
- i. "Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2011."
- j. "Notwithstanding any other provision of law, except as provided in subsection (e), no statutory pay adjustment which (but for this subsection) would otherwise take effect during the period beginning on January 1, 2011, and ending on December 31, 2012, shall be made."

Figure I. Salary for Members of Congress: Current and Constant Dollars, 1992-2012



Source: Congressional Research Service.

Note: The figure provides information since 1992, which 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). 2012 constant dollars are based on the CPI-U average for January-July 2012.

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Acknowledgments

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