

CRS Report for Congress

Received through the CRS Web

Salaries of Members of Congress: A List of Payable Rates and Effective Dates, 1789-2006

Paul E. Dwyer
Specialist in American National Government
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. 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.

In January 2005, Members received a 2.5% increase under the annual adjustment procedure, increasing their salary to \$162,100. They are scheduled to receive a 1.9% increase under the procedure in January 2006, to \$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 ten times (those scheduled for January 1991, 1992, 1993, 1998, 2000, 2001, 2002, 2003, 2004, and 2005) and denied five times (those scheduled for January 1994, 1995, 1996, 1997, and 1999).

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 increase for Members, in which case Members would be paid the lower rate.¹

Pending January 2006 Member Pay Increase of 1.9%

The pending 1.9% pay increase, based upon the formula mandated under the annual adjustment procedure, is scheduled to take effect January 2006.² Its implementation is in question due to the Senate's recent move to deny the increase. The Senate agreed on October 18, 2005, to an amendment (No. 2062), by a vote of 92 to 6 (No. 256), offered by Senator Jon Kyl to forgo the Member pay adjustment.³ The amendment was offered during consideration of H.R.3058, Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act for FY2006, and would not apply to top-level executive and judicial branch officials. The House version of the bill does not include this provision, and the differences will be resolved in conference.

Should the 1.9% increase survive conference, it appears that it would not be adversely affected by the pending 3.1% average increase in the *base* pay of GS employees. As stated above, if the annual *base* pay adjustment of GS employees is less than the

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

² The annual 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 1.9% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2003 and December 2004, which was 2.4%, and subtracting 0.5%

³ *Congressional Record*, daily edition, vol. 151, no. 132, Oct. 18, 2005, pp. S11458-60.

scheduled Member increase, Members would be paid the lower rate. The *base* pay component of the pending 3.1% adjustment likely will be greater than 1.9%.⁴

Should the 3.1% increase be approved by Congress, the President, if he accepts it, will issue an executive order allotting a percentage for base pay and a percentage for locality pay. In the past, 1.0% typically has been allocated for locality pay. In the case of a 3.1% adjustment, this would leave the base pay allotment at 2.1%, thereby not adversely impacting the scheduled 1.9% Member increase. In the unlikely event that the President allotted locality pay at a higher rate, for example, 1.3%, and allotted 1.8% for the base pay component, Members would then receive the lower rate of 1.8%.

Recap of January 2005 Member Pay Increase

Under the annual adjustment procedure, Members were scheduled to receive an increase of 2.5% in January 2005.⁵ This increase became official when President Bush issued an executive order on December 30, 2004, containing his allocation of a 3.5% pay increase for GS federal employees — 2.5% for base pay and 1.0% for locality pay. The 3.5% increase had been approved earlier by Congress as a provision in the FY2005 Consolidated Appropriations Act, signed into P.L. 108-447 on December 8, 2004. Congress did not specify an allocation between base and locality pay.

Members could have received an increase less than 2.5% if the GS base pay had been lower than 2.5%. By law, Members are limited to an increase no greater than that of the base pay of GS employees (P.L. 103-356). The base pay component of the GS annual pay adjustment had to be 2.5% because that is what annual adjustment law mandated. The percentage amount could have been changed if the President had issued an alternative pay plan providing for a base pay increase different from the legally mandated 2.5% increase. His plan specifying such a change had to be sent to Congress by November 30, 2004.

The President did issue an alternative plan to Congress on November 30, 2004, but it did not change the 2.5% base pay increase. He submitted an alternative plan solely because of a locality pay issue. Although his plan did not contain a locality pay increase recommendation, the President needed to issue an alternative plan because otherwise a higher locality pay percentage would have automatically become effective. The higher locality pay percentage was required by law and could have been changed only through an alternative plan and executive order.

⁴ The 3.1% average GS pay adjustment is contained in both House and Senate versions of H.R.3058, Transportation, the Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, the Executive Office of the President, and Independent Agencies. The bills are in conference.

⁵ The annual 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 2.5% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2002 and December 2003, which was 3.0%, and subtracting 0.5%.

The President's plan of November 30, however, assured that Members would receive their scheduled 2.5% annual adjustment because of the link between Member pay and GS base pay. Members do not receive locality pay.

The President did not address the pending 3.5% increase (for base and locality pay combined) in his November 30 plan because he had not yet received the legislation containing the increase (H.R. 4818). He subsequently received and signed H.R. 4818 into law on December 8 (P.L. 108-447). The President then was required to issue an executive order officially allocating the 3.5% between base pay and locality pay. As a consequence of the President's action, the base pay increase was 2.5%, leaving 1% for locality pay.

Table 1 provides a history of the salaries of Members of Congress, 1789-2006. 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.

Table 1. Salaries of Members of Congress, 1789-2006

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)

CRS-5

Payable Salary^a	Effective Date	Statutory Authority
\$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, 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)

Payable Salary ^a	Effective Date	Statutory Authority
\$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)
<i>(Pending: \$165,200 Reps. And Sens.)</i>	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.