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Salaries of Members of Congress: A List of Payable Rates and Effective Dates, 1789-2004

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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.

In January 2004, Members received a 1.5% annual adjustment, increasing their salary to $157,000. They were scheduled to receive a 2.2% adjustment, but the Senate did not agree to the conference report on an omnibus spending bill containing language which has the effect of allowing the 2.2% increase. If the Senate agrees to the report, and the bill is signed into law, Members will receive the 2.2% increase retroactive to the first pay period in January 2004. This report will be updated to reflect the most recent congressional actions.

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 nine times (those scheduled for January 1991, 1992, 1993, 1998, 2000, 2001, 2002, 2003, and 2004) 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]

January 2004 Member Pay Increase

According to the formula, Members were scheduled to receive an automatic annual pay adjustment of 2.2% in January 2004,[2] but instead received a 1.5% increase.

Action to Modify or Deny the Scheduled Member Pay Increase. Two votes were taken this year that related to the January 2004 Member pay increase. The first was a House vote on September 4, 2003, that although not a direct vote to modify or deny the increase, was reported in some press accounts as a vote to accept a Member pay increase.

The House vote was held during consideration of the rule on H.R. 2989, the FY2004 transportation and treasury appropriation bill. H.R. 2989, as brought to the floor, did not contain Member pay language, and the House did not vote on an amendment to accept or reject a Member pay increase. However, action taken by the House on vote #463 (240-173) is considered by some to be approval of an increase since the vote had the effect of not allowing Members to offer and consider nongermane amendments to the bill.[3] They

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[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 Dec. 31) of the two preceding years, minus 0.5%. The 2.2% adjustment was determined by taking the percentage increase in the Index between the quarters ending Dec. 2001 and Dec. 2002, which was 2.7%, and subtracting 0.5%.

[3] On Sept. 4, 2003, the House agreed (240-173, vote #463) to order the previous question on a rule (H.Res. 351) providing for consideration of H.R. 2989, the FY2004 transportation and (continued...)

argue that if nongermane amendments had been allowed, one could have been offered to modify or deny the scheduled 2.2% Member pay increase. This action, some believe, means that most Members voted for the raise.

It is important to note that a few Members expressed interest in introducing other nongermane amendments on entirely different issues. As a consequence, other Members believe that it cannot be said with any degree of certainty that Members would have voted to accept a pay increase if they had been given an opportunity.

Some press accounts also stated that Members voted themselves a 4.1% increase. H.R. 2938, as reported and passed, contained language (Title VI, section 740(a)) providing for a 4.1% increase for GS federal employees. The increase was not applicable to Members of Congress and other top-level federal officials.

The second vote related to Member pay took place in the Senate on October 23, 2003, when the majority of Senators voted to table an amendment to H.R. 2989 prohibiting the pending Member pay increase of 2.2% (vote #406, 60-34). The amendment was offered by Senator Russell Feingold to the Senate version of H.R. 2989, the FY2004 transportation and treasury appropriation bill, which passed the same day with the 4.1% GS pay increase.

Impact of An Increase in Federal Employee Pay on the Pending Member Pay Increase. By approving a 4.1% GS federal employee pay increase, both houses sought to ensure that Members of Congress would receive their scheduled 2.2% increase. That is because the *base pay* allocation of the 4.1% increase would most likely be greater than 2.2%, probably about 3.1%. By law, Members may not receive an increase greater than the annual rate of increase in the *base* pay of GS employees.

However, the 4.1% GS pay increase provision has not been signed into law. As a result, the President's pending pay plan for GS employees became effective the first pay period in January 2004. The President's plan provides for a 2.2% increase, with 1.5% allocated for *base pay* and 0.5% for locality pay.[4] As a result, Member pay increased by 1.5%, and not 2.2%.

The 4.1% GS pay increase provision, which is pending Senate action, was originally contained in H.R. 2989, which was incorporated into the omnibus appropriations bill,

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[3] (...continued)
treasury appropriations bill. By ordering the previous question, the House voted to prevent an amendment to the rule from being offered, and to bring the rule to an immediate vote. An amendment to the rule could have waived points of order so as to permit an amendment to the bill prohibiting a pay increase. Although H.Res. 351 was an open rule that allowed any germane amendment, an amendment to prohibit the pay adjustment would not have been germane. By agreeing to order the previous question, Members voted not to consider an amendment to permit a pay raise prohibition to be offered. Had the House not agreed to a motion to order the previous question, a Member could have offered an amendment to the rule permitting a pay raise vote in some form. Under the terms of H.Res. 351, as adopted, an amendment seeking to halt the pay raise was not in order.

[4] See summary of the President's pay plan issued on Aug. 27, 2003, on the website of the Office of Personnel Management at [http://www.opm.gov/oca/04tables/update.asp].

H.R. 2673. The conference report on H.R. 2673 was agreed to by the House on December 8; the report is scheduled for Senate consideration on January 20, 2004. If the Senate agrees to the report and H.R. 2673 is signed into law, Members will receive a 2.2% pay increase retroactive to January 1, 2004.[5]

Table 1 provides a history of the salaries of Members of Congress, 1789-2004. 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, 1789-2004

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)

[5] There was an earlier threat to the pending 4.1% pay increase contained in the FY2004 transportation and treasury appropriation bill, H.R. 2989. The President threatened to veto H.R. 2989 because the Senate version of the bill contained language to prohibit the enforcement of the ban on travel to Cuba to which the President objected. This scenario assumed conferees on H.R. 2989 would retain the Senate's travel ban amendment. The language was subsequently deleted during conference on H.R. 2989, removing the veto threat. The amendment, offered by Senator Byron Dorgan, was adopted by voice vote on October 23, 2003 by voice vote. Earlier in debate, the Senate failed to table the amendment (vote #405, 36-59).

Payable Salary[a]	Effective Date	Statutory Authority
$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)
$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)

Payable Salary[a]	Effective Date	Statutory Authority
$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)
$157,000 (Reps. And Sens.)	January 1, 2004	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.