

# CRS Report for Congress

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

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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 2006, Members received a 1.9% increase under the annual adjustment procedure, increasing their salary to \$165,200. They are scheduled to receive a 2.0% increase under the procedure in January 2007, to \$168,500.

### **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 11 times (those scheduled for January 1991, 1992, 1993, 1998, 2000, 2001, 2002, 2003, 2004, 2005, and 2006) 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*<sup>1</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>2</sup>

## **Pending January 2007 Member Pay Increase of 2.0%**

An increase of 2.0% in Member pay, based upon the formula mandated under the annual adjustment procedure, is scheduled to take effect January 2007.<sup>3</sup>

Even if Congress does not prohibit the adjustment, the increase might be adversely affected by the pending increase in the pay of GS employees. Based on a formula mandated under the annual comparability pay procedure, GS employees are authorized to receive a *base pay* increase of 1.7% in January 2007.<sup>4</sup> The President, however, recommended a 2.2% average increase in the pay of GS employees in the FY2007 *U.S. Budget*. This increase reflects adjustments in both *base* and locality pay. The President's proposal overrides the amount dictated by formula, unless Congress directs differently.

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<sup>1</sup> *Base pay* is the pay rate before locality pay is added.

<sup>2</sup> P.L. 103-356, 108 Stat. 3410-33411, Oct. 13, 1994.

<sup>3</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 fourth quarter (ending December 31) of the two preceding years, minus 0.5%. The 2.0% adjustment was determined by taking the percentage increase in the Index between the quarters ending December 2004 and December 2005, which was 2.5%, and subtracting 0.5%.

<sup>4</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 fourth quarter (ending September 31) of the two preceding years, minus 0.5%. The 1.7% adjustment was determined by taking the percentage increase in the Index between the quarters ending September 2004 and September 2005, which was 2.2%, and subtracting 0.5%.

If Congress does not alter the President's 2.2% proposal, the President will issue an executive order allotting a percentage for *base* pay and a percentage for locality pay later in 2006. Usually, the executive order is issued near the end of December.

How the President makes this allotment can have a direct impact on the amount of the Member pay adjustment. 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. The *base* pay component of the President's pending 2.2% GS adjustment scheduled for January 2007 may be lower than the pending Member 2.0% increase.

The *base* pay component may be lower since 1.0% typically has been allocated for locality pay in the past. In the case of a 2.2% adjustment, this would put the *base* pay allotment at 1.2%, thereby adversely affecting the scheduled 2.0% Member by limiting Members to a 1.2% increase.

It is possible however that the President might make an exception to the customary 1.0% locality pay designation and allocate a lesser percentage for locality pay. In this case, the *base* pay allocation would be increased. A possible scenario according to some is an allocation of 0.5% for locality pay and 1.7% for *base* pay. The President might designate 1.7% as the *base* pay allocation because that percentage is the increase to which GS employees are entitled under the pay formula. In this case, Member pay would also be adversely affected, because Members would be limited to a 1.7% increase.

Customarily, Congress attaches provisions affecting Member and GS pay to the regular annual Transportation, Treasury, Housing and Urban Development, Judiciary, District of Columbia and Independent Agencies appropriation bill (hereafter referred to as the Transportation and Treasury appropriation bill).

The only congressional action on pay taken thus far in 2006 is a Senate vote (voice) on March 8, 2006, to require that Members of Congress who vote for an amendment (or against the tabling of an amendment) to deny Members the annual comparability adjustment, are not to receive the increase, if Congress allows the increase take effect.

## **Recap of January 2006 Member Pay Increase**

Under the annual adjustment procedure, Members were scheduled to receive an increase of 1.9% in January 2006.<sup>5</sup> This increase became official when President Bush issued an executive order on December 22, 2005, containing his allocation of a 3.1% pay increase for GS federal employees, 2.1% for base pay and an average of 1.0% for locality pay. The 3.1% increase had been approved earlier by Congress as a provision in the FY2006 Transportation and Treasury Appropriation Act, signed into P.L. 109-115 on November 30, 2005. Congress did not specify an allocation between base and locality pay in the act. Implementation of a 2006 Member pay increase was in question due to a move

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<sup>5</sup> 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%.

by the Senate to deny the increase. The Senate agreed on October 18, 2005, to an amendment (S.Amdt. 2062), by a vote of 92 to 6 (vote # 256), offered by Senator Jon Kyl to forgo the adjustment.<sup>6</sup> The amendment was offered during consideration of H.R.3058, FY2006 Transportation and Treasury appropriations bill, and did not apply to top-level executive and judicial branch officials. The House version of the bill did not include this provision. Conferees struck the Senate provision from the bill.

**Table 1** provides a history of the salaries of Members of Congress, 1789-2006. For each salary rate, the effective date and the statutory authority are indicated. From 1976 to 1983, salary actually paid to Members was less than the salary to which Members were entitled. This was 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 <sup>a</sup>	Effective Date	Statutory Authority
\$1,500 <sup>b</sup>	March 4, 1789	1 Stat. 70-71 (September 22, 1789)
\$1,500 <sup>b</sup>	March 4, 1795	1 Stat. 70-71 (September 22, 1789)
\$1,500 <sup>b</sup>	March 3, 1796	1 Stat. 448 (March 10, 1796)
\$1,500	December 4, 1815	3 Stat. 257 (March 19, 1816)
\$1,500 <sup>b</sup>	March 3, 1817	3 Stat. 345 (February 6, 1817)
\$2,000 <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)

<sup>6</sup> *Congressional Record*, daily edition, vol. 151, no. 132, Oct. 18, 2005, pp. S11458-60.

## CRS-5

<b>Payable Salary<sup>a</sup></b>	<b>Effective Date</b>	<b>Statutory Authority</b>
\$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)
\$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 <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)

<b>Payable Salary<sup>a</sup></b>	<b>Effective Date</b>	<b>Statutory Authority</b>
\$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)
\$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)

- 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.