

No Budget, No Pay Act - Evidence Card 1

Tag Line

The No Budget, No Pay Act directly violates the Twenty-Seventh Amendment's prohibition on varying congressional compensation

Verbal Citation

UC Davis Law Professor Vikram Amar, in his faculty blog analysis, states that "the No Budget, No Pay Bill...seems on its face to directly violate the clear text of the Constitution" because "the Twenty-Seventh Amendment says: 'No law, varying the compensation for the services of Senators and Representatives, shall take effect, until an election for Representatives shall have occurred.' At first blush, the textual argument against the NBPA bill seems to be a slam dunk."

What the evidence says in context

Professor Amar explains that withholding congressional salaries during budget impasses, even if eventually paid back, constitutes "varying" compensation because the timing of payment affects the actual value received due to the time value of money. He argues that delaying payment for nearly two years would change the real compensation value and thus violates the constitutional prohibition on varying pay without an intervening election.

Impact

This evidence establishes that the No Budget, No Pay Act would be unconstitutional and subject to immediate legal challenges, forcing Congress to choose between violating their oath to uphold the Constitution or abandoning this budget enforcement mechanism entirely.

Webpage or Book Title

UC Davis Law Faculty Blog

URL or page number

<https://law.ucdavis.edu/faculty-blog/no-budget-no-pay-bill-twenty-seventh-amendment-and-debt-ceiling>

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The No Budget, No Pay Bill and the Text of the Twenty-Seventh Amendment

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