

AMENDMENT XXVII.<sup>18</sup>

§ 258. Timing of law  
varying congressional  
compensation.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

To quell speculation over the efficacy of a ratification process spanning two centuries, the House adopted a concurrent resolution declaring the ratification of the amendment (H. Con. Res. 320, May 19, 1992, p. 11779 (adopted May 20, 1992, p. 12051)). The Senate adopted both a separate concurrent resolution and a simple resolution making similar declarations (S. Con. Res. 120 and S. Res. 298, May 20, 1992, p. 11869). Neither House considered the concurrent resolution of the other. For a concurrent resolution declaring the ratification of the 14th amendment, see July 21, 1868. For opinions of the Supreme Court concerning the duration of the ratification process and the contemporaneity of State ratifications, see *Dillon v. Gloss*, 256 U.S. 368 (1921) and *Coleman v. Miller*, 307 U.S. 433 (1939). A law enacted in the 113th Congress directed the payroll administrators of each House to withhold the pay of Members or Senators until either

<sup>18</sup>The 27th amendment to the Constitution was proposed on September 25, 1789. It was declared to have been ratified by the legislatures of 39 of the 50 States in a certificate of the Archivist dated May 18, 1992. The dates of ratification were: Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; Delaware, January 28, 1790; Vermont, November 3, 1791; Virginia, December 15, 1791; Ohio, May 6, 1873; Wyoming, March 6, 1978; Maine, April 27, 1983; Colorado, April 22, 1984; South Dakota, February 21, 1985; New Hampshire, March 7, 1985; Arizona, April 3, 1985; Tennessee, May 23, 1985; Oklahoma, July 10, 1985; New Mexico, February 14, 1986; Indiana, February 24, 1986; Utah, February 25, 1986; Arkansas, March 6, 1987; Montana, March 17, 1987; Connecticut, May 13, 1987; Wisconsin, July 15, 1987; Georgia, February 2, 1988; West Virginia, March 10, 1988; Louisiana, July 7, 1988; Iowa, February 9, 1989; Idaho, March 23, 1989; Nevada, April 26, 1989; Alaska, May 6, 1989; Oregon, May 19, 1989; Minnesota, May 22, 1989; Texas, May 25, 1989; Kansas, April 5, 1990; Florida, May 31, 1990; North Dakota, March 25, 1991; Alabama, May 5, 1992; Missouri, May 5, 1992; Michigan, May 7, 1992; New Jersey, May 7, 1992.

Ratification was completed on May 7, 1992. The amendment was subsequently ratified by Illinois, May 12, 1992; California, June 26, 1992; Rhode Island, June 10, 1993; Hawaii, April 26, 1994; Washington, August 12, 1995; Kentucky, March 21, 1996.

(1) a concurrent resolution on the budget was adopted in their respective body or (2) in order to ensure compliance with the 27th amendment, the final day of the 113th Congress (P.L. 113-3).

For Federal court opinions upholding congressional cost-of-living adjustments for Members under the Ethics Reform Act of 1989 (103 Stat. 1716), see *Boehner v. Anderson*, 809 F. Supp. 138 (D.D.C. 1992), *aff'd*, 30 F.3d 156 (D.C. Cir 1994); *Schaffer v. Clinton*, 54 F. Supp.2d 1014 (D.Colo. 1999).