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Proposals to Amend the U.S. Constitution: Fact Sheet

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Proposals to Amend the U.S. Constitution: Fact Sheet

This report provides brief background information and resources for locating historical, recent, and current proposed and unratified amendments to the Constitution of the United States. It does not focus on successful amendments to the Constitution. It is also not intended to provide detailed legal or policy analysis about amending the Constitution.

Article V sets out two procedures for amending the Constitution. First, Congress may propose amendments by two-thirds majorities in both the House and Senate. Second, two-thirds of the state legislatures may call a convention for proposing amendments, though this has not happened to date. Under either procedure, three-fourths of the states must ratify an amendment for it to become part of the Constitution.

Some Members of Congress and others have proposed thousands of amendments since 1787. Frequent topics for proposed amendments introduced in Congress over the past 50 years include abortion, the electoral college, federal budget, and electoral term limits.

The states ratified a total of 27 amendments between 1791 and 1992. Congress has endorsed six amendments that were not ratified by the necessary number of states. These unratified amendments address the size of the U.S. House (1789), foreign titles of nobility (1810), slavery (1861), child labor (1924), equal rights for women (1972), and representation for the District of Columbia (1978).

Congress.gov contains bill and resolution texts for proposed amendments from the 103rd Congress (1993-1994) to the present, and summaries back to the 93rd Congress (1973-1974). Suggested search parameters for returning a comprehensive list back to 1973 are available on the “Action Search Scope Notes” help page.

In addition, two online databases contain large collections of proposed constitutional amendments going back to the 1780s: the *Amending America* database and the *Amendments Project* database. The former was created by the National Archives and Records Administration (NARA). The latter, created by researchers at Harvard University, includes proposals not introduced in Congress, as well as the full text of proposed amendments.

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Introduction

This report provides brief background information and resources for locating historical, recent, and current proposed and unratified amendments to the Constitution of the United States. It does not focus on successful amendments to the Constitution.¹ It is also not intended to provide detailed legal or policy analysis about amending the Constitution.

Background

Article V sets out two procedures for amending the Constitution:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress....

Amendments proposed by Congress must achieve two-thirds votes in both the House and Senate and subsequent ratification by three-fourths of the states in order to become part of the Constitution. The second procedure for proposing amendments, a convention called by two-thirds of the state legislatures, has never been used.² The Archivist of the United States is currently responsible for certifying if an amendment has been properly ratified.³

Thousands of amendments have been proposed since the Constitution was drafted in 1787. Abortion,⁴ the electoral college,⁵ federal budget,⁶ and electoral term limits⁷ were among the most frequent topics for proposals introduced in Congress between 1971 and 2021.⁸

¹ The Constitution has been successfully amended 27 times. The first 10 amendments, proposed in 1789 and ratified in 1791, are known as the Bill of Rights. For discussion, see the *Constitution Annotated: Analysis and Interpretation of the U.S. Constitution* at <https://constitution.congress.gov>.

² See CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale; and CRS Report R44435, *The Article V Convention to Propose Constitutional Amendments: Current Developments*, by Thomas H. Neale. Congressional offices with follow-up inquiries may contact Karen L. Shanton.

³ 1 U.S.C. §106b.

⁴ See CRS Report RL33467, *Abortion: Judicial History and Legislative Response*, by Jon O. Shimabukuro.

⁵ See CRS Report R43824, *Electoral College Reform: Contemporary Issues for Congress*, by Thomas H. Neale. Congressional offices with follow-up inquiries may contact R. Sam Garrett.

⁶ See CRS Report R41907, *A Balanced Budget Constitutional Amendment: Background and Congressional Options*, by James V. Saturno and Megan S. Lynch.

⁷ See CRS In Focus IF12343, *Term Limits for Members of Congress: Policy and Legal Overview*, by R. Sam Garrett and L. Paige Whitaker.

⁸ Appendix D, “Most Popular Amending Proposals by Year and Key Events and Publications Relating to Constitutional Amendments” in John R. Vile, *Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2023*, 5th ed., vol. 2 (New York: Bloomsbury Academic, 2023), pp. 579-598. This resource does not include amendments proposed in petitions, periodicals, or other sources.

Unratified Amendments

Congress has endorsed 33 amendments since 1789, and the states ratified 27 of these proposed amendments between 1791 and 1992. The remaining six proposals, described in **Table 1**, were not ratified by a sufficient number of states.

Table 1. Unratified Amendments to the U.S. Constitution

Six amendments proposed by Congress but not ratified by the states.

Topic of Proposed Amendment	Citation(s)	House Approval	Senate Approval
Size of the U.S. House	1 Stat. 97	September 24, 1789	September 25, 1789
Foreign titles of nobility	2 Stat. 613	May 1, 1810 87-3	April 27, 1810 19-5
Slavery	12 Stat. 251 H.J.Res. 80 (36 th Cong.)	February 28, 1861 133-65	March 2, 1861 24-12
Child labor	43 Stat. 670 H.J.Res. 184 (68 th Cong.)	April 26, 1924 297-69	June 2, 1924 61-23
Equal rights for women	86 Stat. 1523 H.J.Res. 208 (92 nd Cong.)	October 12, 1971 354-24	March 22, 1972 84-8
District of Columbia representation	92 Stat. 3795 H.J.Res. 554 (95 th Cong.)	March 2, 1978 289-127	August 22, 1978 67-32

Sources: *Annals of Congress*, Congress.gov, *Congressional Record*, *Constitution Annotated: Analysis and Interpretation of the U.S. Constitution*, *House Journal*, *Senate Journal*, *United States Statutes at Large*.

Notes: Vote tallies not available for 1789 proposal. Resolution numbers not available for 1789 or 1810 proposals.

The Equal Rights Amendment (1972) and the District of Columbia representation amendment (1978) included specific deadlines for ratification, which have since passed.⁹

For those proposed amendments without specific ratification deadlines, the Supreme Court has ruled that any limits on the time allowed between endorsement by Congress and ratification by states is a political question for Congress.¹⁰ In May 1992, the Archivist certified ratification of the

⁹ For information about ratification of the Equal Rights Amendment, see CRS Report R47619, *The Equal Rights Amendment: Background and Recent Legal Developments*, by Jon O. Shimabukuro. Also CRS Report R42979, *The Proposed Equal Rights Amendment: Contemporary Ratification Issues*, by Thomas H. Neale. Congressional offices with follow-up inquiries may contact Jon Shimabukuro.

¹⁰ *Coleman v. Miller*, 307 U.S. 433 (1939). In *Coleman*, Chief Justice Charles Evans Hughes suggested that Congress is responsible for “promulgating” the “adoption” of a constitutional amendment and, consequently, that Congress had the power to determine whether ratification of a proposed amendment occurred within a “reasonable time.” Subsequent commentators have argued that this is incorrect because the Constitution gives Congress no such role. See U.S. Department of Justice, Office of Legal Counsel, *Ratification of the Equal Rights Amendment*, 44 Op. O.L.C. 1 (2020), pp. 29-33.

Twenty-Seventh Amendment¹¹—and both chambers of Congress voted to declare the same¹²—though the amendment had been proposed in September 1789.¹³

Recent and Current Proposals in Congress

Constitutional amendments introduced in Congress typically take the form of a joint resolution, which must pass both chambers by a two-thirds vote.¹⁴ The President does not sign amendments into law. Instead, they are sent to the states for ratification.

Congress.gov contains bill and resolution texts going back to the 103rd Congress (1993-1994), and summaries back to the 93rd Congress (1973-1974).¹⁵ Users can search the database to identify proposed constitutional amendments, including measures currently pending in the House or Senate.

Suggested search parameters are available under the “Constitutional Amendments Proposed” heading on the “Action Search Scope Notes” help page.¹⁶

Compilations of Historical Proposals

Two online databases contain large collections of proposed constitutional amendments. Both incorporate information from six older reference guides that compiled proposed constitutional amendments through 1990.¹⁷

These compilations, and others like them, are limited in their attempts to be comprehensive by practical challenges that are inherent in identifying and collecting historical proposals made in a variety of forms and venues over a period of nearly 240 years.

¹¹ Archivist of the United States, “Certification of Amendment to the Constitution of the United States Relating to Compensation of Members of Congress,” *57 Federal Register* 21187, May 19, 1992.

¹² On May 20, 1992, the House voted 414-3 to adopt H.Con.Res. 320 and the Senate voted 99-0 to adopt S.Con.Res. 120. Article V of the Constitution does not specifically grant Congress the power to declare that the states have properly ratified a proposed amendment to the Constitution, and some scholars doubt that Congress has any such constitutional role. See Office of Legal Counsel, *Ratification of the Equal Rights Amendment* (2020), pp. 29-33.

¹³ See CRS Legal Sidebar LSB10933, *The Twenty-Seventh Amendment and Congressional Compensation Part 4: Proposal and Ratification*, by Brandon J. Murrill; and CRS Legal Sidebar LSB10935, *The Twenty-Seventh Amendment and Congressional Compensation Part 6: Implications for the Article V Amendment Process*, by Brandon J. Murrill.

¹⁴ See CRS Report R46603, *Bills, Resolutions, Nominations, and Treaties: Characteristics and Examples of Use*, by Jane A. Hudiburg.

¹⁵ See CRS Report R43434, *Policy and Legislative Research for Congressional Staff: Finding Documents, Analysis, News, and Training*, by Sarah W. Caldwell, Ellen M. Lechman, and Michele L. Malloy.

¹⁶ Available at <https://www.congress.gov/help/action-search-scope-notes>.

¹⁷ These are Herman V. Ames, *The Proposed Amendments to the Constitution of the United States During the First Century of Its History*, printed as H.Doc. 54-353, Part 2, in 1897; Charles C. Tansill, *Proposed Amendments to the Constitution of the United States Introduced in Congress from December 4, 1889, to July 2, 1926*, printed as S.Doc. 69-93 in 1926; *Proposed Amendments to the Constitution of the United States Introduced in Congress from the 69th Congress, 2d Session Through the 87th Congress, 2d Session, December 6, 1926 to January 3, 1963*, printed as S.Doc. 87-163 in 1963; *Proposed Amendments to the Constitution of the United States of America Introduced in Congress from the 88th Congress, 1st Session Through the 90th Congress, 2d Session, January 9, 1963, to January 3, 1969*, printed as S.Doc. 91-38 in 1969; CRS Report 85-36 GOV, *Proposed Amendments to the Constitution of the United States of America Introduced in Congress From the 91st Congress, 1st Session, Through the 98th Congress, 2nd Session, January 1969-December 1984*, by Richard A. Davis, February 1, 1985 (available to congressional clients upon request); and CRS Report 92-555 GOV, *Proposed Amendments to the U.S. Constitution: 99th-101st Congresses (1985-1990)*, by Daryl B. Harris, July 9, 1992 (available to congressional clients upon request).

Amending America

The *Amending America* database,¹⁸ created by the National Archives and Records Administration (NARA), is a downloadable dataset (in csv format) with nearly 12,000 entries. It focuses on proposed amendments that were introduced in Congress up to 2014.

Entries contain information about each proposal, including title or short description, date, sponsor, and a source citation. The dataset does not include the full text of proposed amendments.

Amendments Project

The *Amendments Project* database,¹⁹ created by researchers at Harvard University,²⁰ is a searchable website containing nearly 22,000 entries dated from 1787 to 2022. It includes measures introduced in Congress as well as proposals that appeared in petitions, political party platforms, periodicals, speeches, and other sources.

Entries generally include the full text of each proposal, its sponsor or proponent, one or more topics assigned by the researchers, date it was proposed, and a source citation.

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¹⁸ Available at <https://www.archives.gov/open/dataset-amendments>.

¹⁹ Available at <https://amendmentsproject.org>.

²⁰ See <https://amendmentsproject.org/people> for details.