

the Chair responded to a parliamentary inquiry concerning the vote required to adopt the Holland amendment.

Mr. [Carl T.] CURTIS [of Nebraska]. If the resolution were to be amended by the Holland amendment, it has been stated it would require a two-thirds vote for passage. My question is, Will it require a two-thirds vote to adopt the Holland amendment to Senate Joint Resolution 29?

The VICE PRESIDENT. Only a majority vote is required in acting upon an amendment.

After the Senate tabled the point of order and the Holland amendment was adopted, the Senate voted on passage of the amended joint resolution.

The PRESIDING OFFICER.⁽³⁾ The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll. . . .

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution is passed.

Yeas and Nays Not Required

§ 6.4 The yeas and nays are not required in the Senate on the question of passing a joint resolution proposing an amendment to the Constitution.

3. Lee Metcalf (MT).

On June 27, 2006,⁽¹⁾ the Senate ordered the yeas and nays on Senate Joint Resolution 12, proposing an amendment to the Constitution regarding physical desecration of the flag, as follows.

The PRESIDING OFFICER.⁽²⁾ The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution, as amended, pass?

Mr. [Orrin G.] HATCH [of Utah]. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The yeas and nays were ordered.

§ 7. Conference Reports

Differences between the two Houses on a joint resolution proposing a constitutional amendment may be committed to a committee of conference,⁽¹⁾ the report thereof requiring a two-thirds vote for adoption.⁽²⁾ As with the vote on initial passage of the joint resolution,⁽³⁾ the yeas and nays are

1. 152 CONG. REC. 12654, 109th Cong. 2d Sess.
2. Lamar Alexander (TN).
1. See 5 Hinds' Precedents § 7037.
2. *Id.* at § 7036.
3. See § 5.4, *supra*.

not required on the vote on adopting the conference report in the House.⁽⁴⁾

§ 8. Amendments Between the Houses

When one House has passed a joint resolution proposing a constitutional amendment and has transmitted it to the other House, the House receiving the joint resolution may adopt amendments by a simple majority vote, but a two-thirds vote is required for passage.⁽¹⁾ If one House passes with amendments such a joint resolution that originated in the other House, a two-thirds vote is required in the House in which the joint resolution originated in order to concur in the amendments of the other House.⁽²⁾ In the rare case where one House amends and passes a joint resolution of

4. See, *e.g.*, 111 CONG. REC. 15212–16, 89th Cong. 1st Sess., June 30, 1965. The same is true in the Senate, although on one occasion, upon putting the question on agreeing to a conference report proposing an amendment to the Constitution, the Presiding Officer announced that the “yeas and nays must be called.” 41 Cong. Globe 1638, 1641, 40th Cong. 3d Sess., Feb. 26, 1869 (proceedings carried in § 6.1, *supra*).

1. See § 8.1, *infra*.

2. See §§ 8.2, 8.3, *infra*.

the other House by a two-thirds vote and then recedes from that amendment by a simple majority vote, the joint resolution is not considered as having been passed.⁽³⁾

§ 8.1 Vote required to adopt an amendment before passage of other House’s joint resolution.

On Apr. 13, 1965,⁽¹⁾ the House agreed to an amendment to a joint resolution proposing a constitutional amendment that had originated in the Senate. The amendment was adopted by a simple majority vote and the Senate joint resolution, as amended, was then passed by the requisite two-thirds vote. Proceedings were as follows:

The Clerk read the title of the Senate joint resolution, as follows:

S.J. RES. 1

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office[.] . . .

The SPEAKER.⁽²⁾ The Clerk will report the amendment.

3. See 5 Hinds’ Precedents § 7035.

1. 111 CONG. REC. 7969, 89th Cong. 1st Sess.

2. John W. McCormack (MA).