

**Congress of the United States**  
Washington, DC 20515

December 15, 2024

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear President Biden,

As we approach the conclusion of your historic administration, we urge you to take immediate action to recognize the ratification of the Equal Rights Amendment (ERA) as the 28th amendment to the U.S. Constitution. We commend the work of the Biden-Harris administration to advance gender equality. We must continue our efforts to fully affirm and recognize the equality of rights for all people, regardless of sex, as part of our Constitution, a vital effort that has never been more urgent. This action is essential as we prepare to transition to an administration that has been openly hostile to reproductive freedom, access to health care, and LGBTQIA+ rights.

Solidifying your legacy on equal rights with a final action on the ERA would be a defining moment for the historic Biden-Harris administration and your presidency.

In your August 23, 2024, Proclamation on Women's Equality Day, you urged Congress to recognize the ratification of the ERA. Yet, the ERA has already met the constitutional requirements for ratification. The amendment guarantees that (1) "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex," (2) "Congress shall have the power to enforce this article," and (3) the amendment "shall take effect two years after the date of ratification."

### **Constitutional Requirements for Ratification**

As you are aware, Article V of the Constitution outlines the process for constitutional amendments, which states that 1) Congress or a constitutional convention proposes amendments and 2) ratification is completed by three-fourths of either state legislatures or state conventions, as proposed by Congress. The ERA has fulfilled both of these requirements.

On October 12, 1971, the United States House of Representatives passed the ERA with a vote of 354-24, and on March 22, 1972, the United States Senate followed suit with a vote of 84 to 8, well over the two thirds required by the Constitution. Nearly five decades later, on January 27, 2020, the Virginia General Assembly became the thirty-eighth state to ratify the ERA, fulfilling the three-fourths requirement. The ERA has fulfilled all of the requirements for adoption outlined by the Constitution.

### **Mandate for Certification and Publication**

According to 1 U.S.C. § 106b, when the National Archives and Records Administration receives official notice that a proposed amendment to the Constitution has been approved by enough states, the Archivist must certify that amendment, list the states that approved the amendment, and publish the amendment as an official part of the U.S. Constitution.

To date, the Archivist has not certified or published the ERA as part of the Constitution.

The Archivist certified the ratifications of Nevada in 2017 and Illinois in 2018. Under 1 U.S.C. § 106b, the Archivist was mandated to certify and publish the ERA after receiving notification from the state of Virginia in 2020 that it had become the 38th state to ratify the ERA.<sup>1</sup> We urge you to issue a proclamation recognizing the ERA as the 28th Amendment and direct the Archivist to certify and publish it.

### **Importance of Constitutional Protection from Sex Discrimination**

While there are laws at the federal level—like Title VII of the Civil Rights Act and Title IX of the Education Amendments—that protect individuals from government-based sex discrimination, these protections are not explicitly stated in the U.S. Constitution. This leaves gender equality vulnerable to changes in the political landscape, judicial interpretations, and shifts in public opinion. By adding the ERA to the Constitution, it would establish an unambiguous guarantee that sex-based discrimination is unconstitutional.

The ERA would help eliminate gender-based pay gaps, improve workplace protections, and ensure that gender biases no longer affect hiring, promotions, or job security. With the ERA enshrined in the Constitution, people who experience sex-based discrimination would have a clearer legal path to challenge discriminatory laws or policies. California’s state ERA did just that, securing protections for women in the workforce and ensuring equal treatment in education and healthcare.

A constitutional guarantee against sex discrimination would strengthen the protection of reproductive rights, ensuring that people have the right to make decisions about their own bodies without political interference or unequal treatment. In Connecticut, New Mexico, Nevada and Pennsylvania the state ERAs were interpreted to strike down bans on abortion care.

### **Broad Support for the Equal Rights Amendment**

As members of Congress representing specific constituencies, we are uniquely dedicated to representing and defending the will of the people. To that end, we assure you that the publication of the ERA has proven time and time again to be the will of the people.

Constitutional protections on the basis of sex are popular. This fact has been proven by the overwhelming support for the ERA in Congress<sup>2</sup> and across a broad coalition of states including Nevada, Virginia, Alaska, Wyoming, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North

<sup>1</sup> [ERA State Ratification Dates- National Archives](#)

<sup>2</sup> The Congressional ERA Caucus is the fifth largest Caucus in Congress. Congresswoman Pressley’s H.J.Res. 25 has 215 cosponsors and Rep. Bush’s H.J.Res. 82 has 131 cosponsors.

Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, and Wisconsin. As the need for protections against sex discrimination become increasingly pressing, we urge you to make the ratification and certification of the ERA a part of your administration's legacy.

Polling consistently shows that the public overwhelmingly supports constitutional gender equality. A 2020 Pew Research Center poll found that 78% of Americans believe that the ERA should be a part of the United States Constitution.<sup>3</sup> The same poll found that 57% of Americans believe our country has not come far enough in securing protections for equal treatment on the basis of sex.<sup>4</sup> Within the past two years, Nevada and New York voters enshrined the ERA into their state constitution by a 57% margin. These numbers reflect a broad and enduring consensus that gender equality is an essential part of American values.

Even in the most recent November 6th election, seven state constitutional amendments measures protecting reproductive rights were overwhelmingly supported by Americans across political ideologies. Voters in states like Missouri, Montana, Nevada, Arizona, Ohio, and Kansas have communicated their support for the constitutional right to reproductive health care, including abortion care. In New York, a majority of voters supported the initiative to adopt a state ERA with the effort winning 61% of the vote. Safeguarding abortion rights and gender equality is popular, just like the federal effort to publish and certify the Equal Rights Amendment is popular.

We believe that recognizing the ERA's ratification would not only fulfill the promise of equality enshrined in our founding documents, but would also stand as a defining achievement of your presidency—one that will reverberate across generations. In this critical moment, when the progress we've made on gender equality, reproductive rights, and LGBTQ+ protections is under threat, your decisive action to finalize the ERA's certification would be a powerful statement to the nation and the world: that the United States is committed to ensuring equality for all, regardless of sex.

By directing the Archivist to publish the ERA, you will leave an indelible mark on the history of this nation, demonstrating once again that your legacy is one of expanding rights, protecting freedoms, and securing a more inclusive future for all Americans. We urge you to take this final, transformative step toward ensuring the full promise of equality for every person in the United States.

Sincerely,



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CORI BUSH  
Member of Congress

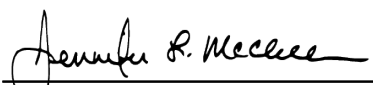


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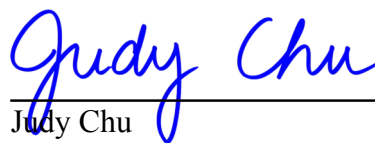
Ayanna Pressley  
Member of Congress

<sup>3</sup> [Most Americans support gender equality even if they are not feminists | Pew Research Center](#)

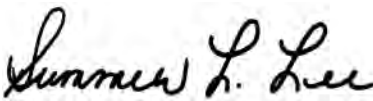
<sup>4</sup> [What Is the Equal Rights Amendment, and Why Are We Talking About It Now? - The New York Times](#)



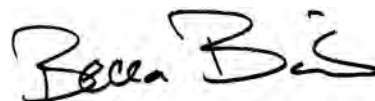
Jennifer L. McClellan  
Member of Congress



Judy Chu  
Member of Congress




Summer L. Lee  
Member of Congress



Becca Balint  
Member of Congress




Madeleine Dean  
Member of Congress



Maxwell Alejandro Frost  
Member of Congress



Sylvia R. Garcia  
Member of Congress



Sydney Kamlager-Dove  
Member of Congress



Barbara Lee  
Member of Congress



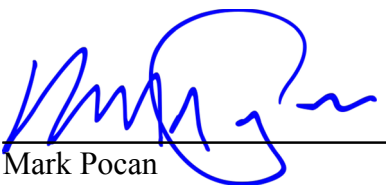
Jamie Raskin  
Member of Congress



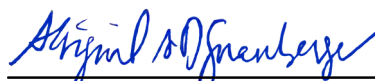
Delia C. Ramirez  
Member of Congress



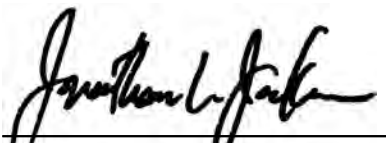
Ted W. Lieu  
Member of Congress



Mark Pocan  
Member of Congress



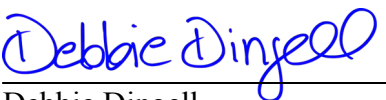
Abigail Davis Spanberger  
Member of Congress



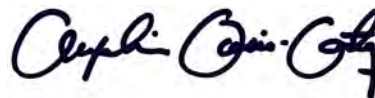
Jonathan L. Jackson  
Member of Congress



Rashida Tlaib  
Member of Congress



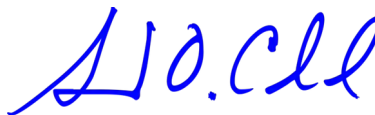
Debbie Dingell  
Member of Congress



Alexandria Ocasio-Cortez  
Member of Congress



Erica Lee Carter  
Member of Congress



Salud Carbajal  
Member of Congress



Shri Thanedar  
Member of Congress




Dan Goldman  
Member of Congress



Kevin Mullin  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



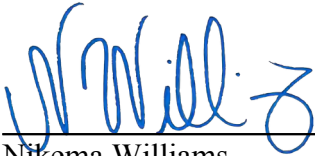
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Jake Auchincloss  
Member of Congress



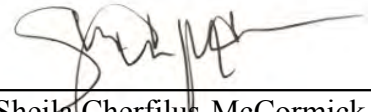
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Betty McCollum  
Member of Congress



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Nikema Williams  
Member of Congress



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Sheila Cherfilus-McCormick  
Member of Congress



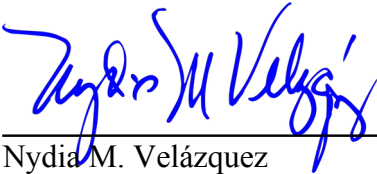
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James P. McGovern  
Member of Congress



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Lori Trahan  
Member of Congress



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Nydia M. Velázquez  
Member of Congress




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Andre Carson  
Member of Congress



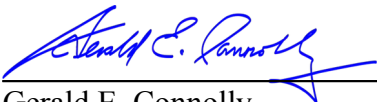
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Eric Swalwell  
Member of Congress



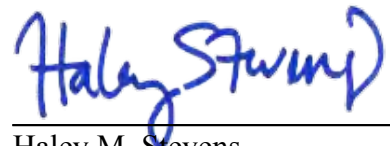
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Alma S. Adams, Ph.D.  
Member of Congress



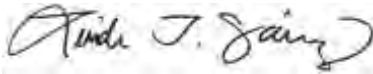
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Gerald E. Connolly  
Member of Congress



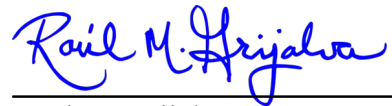
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Haley M. Stevens  
Member of Congress



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Linda T. Sánchez  
Member of Congress



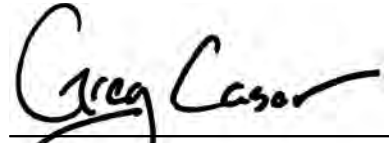
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Raúl M. Grijalva  
Member of Congress



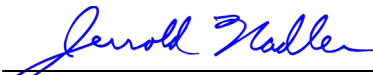
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Henry C. "Hank" Johnson, Jr.  
Member of Congress



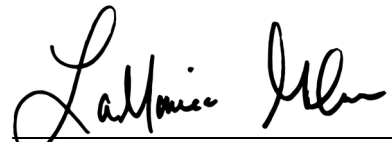
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Greg Casar  
Member of Congress



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Jerrold Nadler  
Member of Congress



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LaMonica McIver  
Member of Congress



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Dwight Evans  
Member of Congress



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Pramila Jayapal  
Member of Congress



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Darren Soto  
Member of Congress



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Ilhan Omar  
Member of Congress



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Kathy Castor  
Member of Congress

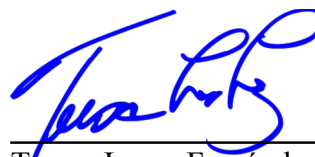


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Al Green  
Member of Congress  
Scion of the Enslaved  
Africans -  
Sacrificed to Make America  
Great



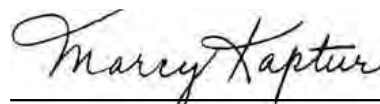
Julia Brownley  
Member of Congress



Teresa Leger Fernández  
Member of Congress



Jennifer Wexton  
Member of Congress



Marcy Kaptur  
Member of Congress



Robert C. "Bobby" Scott  
Member of Congress



Bonnie Watson Coleman  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



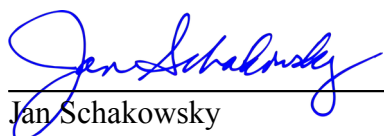
Daniel T. Kildee  
Member of Congress



Josh Gottheimer  
Member of Congress



Andrea Salinas  
Member of Congress



Jan Schakowsky  
Member of Congress



Jim Tokuda  
Member of Congress





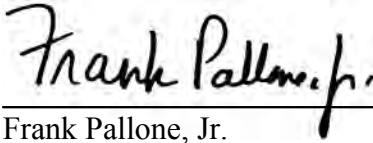
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Val Hoyle  
Member of Congress



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Paul D. Tonko  
Member of Congress



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Frank Pallone, Jr.  
Member of Congress



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Danny K. Davis  
Member of Congress



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C. A. Dutch Ruppersberger  
Member of Congress



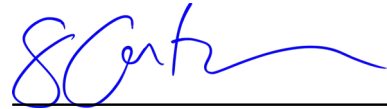
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Jahana Hayes  
Member of Congress



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Shontel M. Brown  
Member of Congress



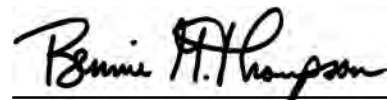
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Sean Casten  
Member of Congress



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Robert J. Menendez  
Member of Congress



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Bennie G. Thompson  
Member of Congress



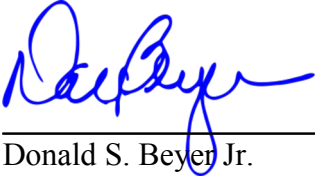
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Deborah K. Ross  
Member of Congress



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Wiley Nickel  
Member of Congress



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Donald S. Beyer Jr.  
Member of Congress



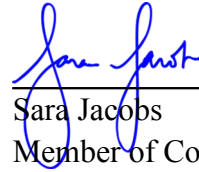
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Jamaal Bowman, Ed.D.  
Member of Congress



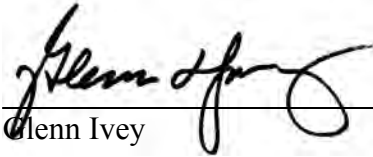
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Jim Costa  
Member of Congress



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Sara Jacobs  
Member of Congress



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Glenn Ivey  
Member of Congress



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Bill Foster  
Member of Congress



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Troy Carter  
Member of Congress



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Yvette D. Clarke  
Member of Congress



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Katie Porter  
Member of Congress



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Adam B. Schiff  
Member of Congress



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Terri A. Sewell  
Member of Congress



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Seth Moulton  
Member of Congress



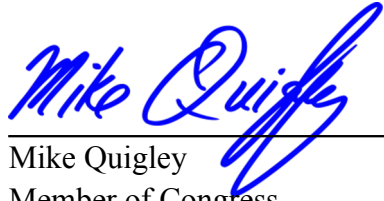
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Frederica S. Wilson  
Member of Congress



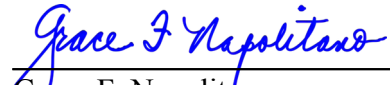
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Gwen S. Moore  
Member of Congress



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Mike Quigley  
Member of Congress



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Grace F. Napolitano  
Member of Congress



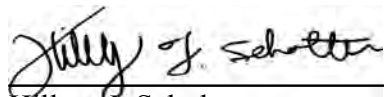
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Lauren Underwood  
Member of Congress



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Veronica Escobar  
Member of Congress



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Hillary J. Scholten  
Member of Congress



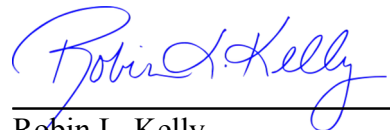
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Mark DeSaulnier  
Member of Congress



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Ro Khanna  
Member of Congress



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Robin L. Kelly  
Member of Congress



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Chellie Pingree  
Member of Congress



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David Scott  
Member of Congress



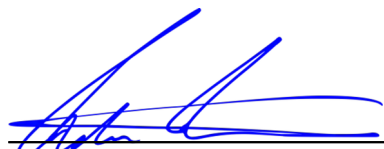
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Susie Lee  
Member of Congress



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Eric Sorensen  
Member of Congress



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Adriano Espaillat  
Member of Congress



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Valerie P. Foushee  
Member of Congress



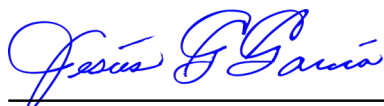
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Jeff Jackson  
Member of Congress



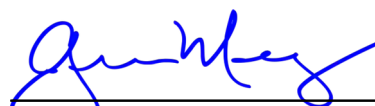
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Ann McLane Kuster  
Member of Congress



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Jesús G. "Chuy" García  
Member of Congress



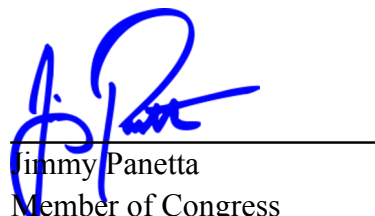
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Grace Meng  
Member of Congress



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John Garamendi  
Member of Congress



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Jimmy Panetta  
Member of Congress



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Mikie Sherrill  
Member of Congress



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Mark Takano  
Member of Congress

Ed Case

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Ed Case  
Member of Congress

William R. Keating

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William R. Keating  
Member of Congress

Diana DeGette

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Diana DeGette  
Member of Congress

Chris Pappas

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Chris Pappas  
Member of Congress

Kathy Manning

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Kathy Manning  
Member of Congress

Lucy McBath

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Lucy McBath  
Member of Congress

Donald Norcross

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Donald Norcross  
Member of Congress

Elissa Slotkin

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Elissa Slotkin  
Member of Congress

Anna G. Eshoo

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Anna G. Eshoo  
Member of Congress

Dina Titus

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Dina Titus  
Member of Congress

Suzan K. DelBene

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Suzan K. DelBene  
Member of Congress

Gregory W. Meeks

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Gregory W. Meeks  
Member of Congress