

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.¹ 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 Congress² 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

¹ [ERA State Ratification Dates- National Archives](#)

² 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.³ 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.⁴ 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,



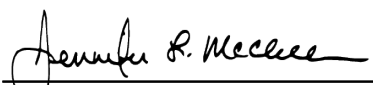
CORI BUSH
Member of Congress



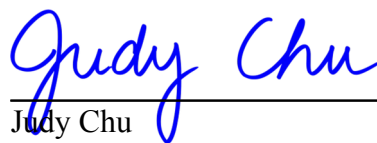
Ayanna Pressley
Member of Congress

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

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



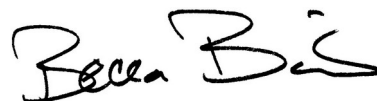
Jennifer L. McClellan
Member of Congress



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



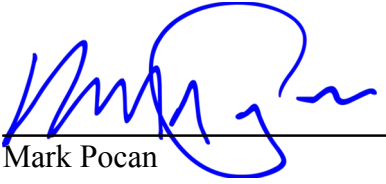
Jamie Raskin
Member of Congress



Delia C. Ramirez
Member of Congress



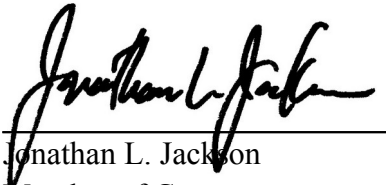
Ted W. Lieu
Member of Congress



Mark Pocan
Member of Congress



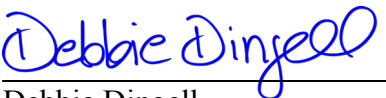
Abigail Davis Spanberger
Member of Congress



Jonathan L. Jackson
Member of Congress



Rashida Tlaib
Member of Congress



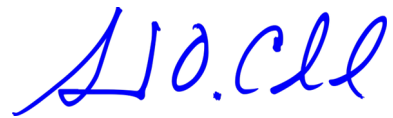
Debbie Dingell
Member of Congress



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



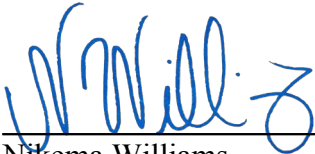
Eleanor Holmes Norton
Member of Congress



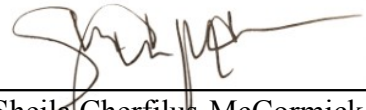
Jake Auchincloss
Member of Congress



Betty McCollum
Member of Congress



Nikema Williams
Member of Congress



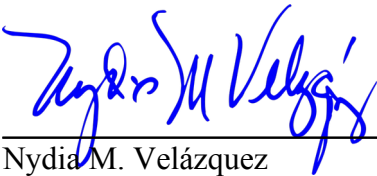
Sheila Cherfilus-McCormick
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James P. McGovern
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Lori Trahan
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Nydia M. Velázquez
Member of Congress



André Carson
Member of Congress



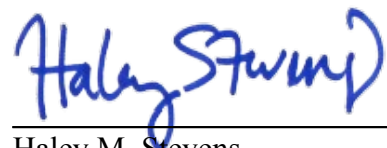
Eric Swalwell
Member of Congress



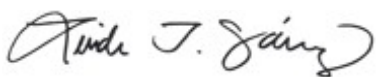
Alma S. Adams, Ph.D.
Member of Congress



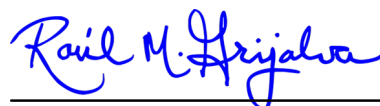
Gerald E. Connolly
Member of Congress



Haley M. Stevens
Member of Congress



Linda T. Sánchez
Member of Congress



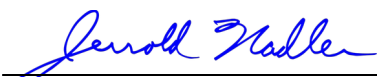
Raúl M. Grijalva
Member of Congress



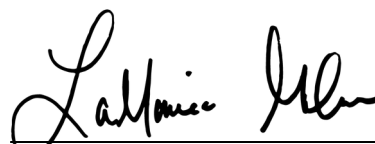
Henry C. "Hank" Johnson, Jr.
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Greg Casar
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Jerrold Nadler
Member of Congress



LaMonica McIver
Member of Congress



Dwight Evans
Member of Congress



Pramila Jayapal
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Darren Soto
Member of Congress



Ilhan Omar
Member of Congress



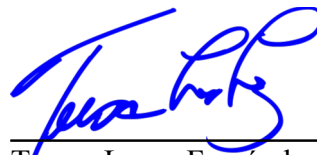
Kathy Castor
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Al Green
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Scion of the Enslaved
Africans -
Sacrificed to Make America
Great



Julia Brownley
Member of Congress



Teresa Leger Fernández
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Marcy Kaptur
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Robert C. "Bobby" Scott
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Bonnie Watson Coleman
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Debbie Wasserman Schultz
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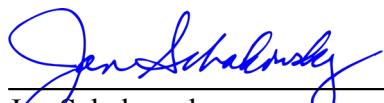
Daniel T. Kildee
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Josh Gottheimer
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Andrea Salinas
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Jim Tokuda
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Val Hoyle
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Frank Pallone, Jr.
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Danny K. Davis
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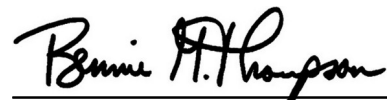
Shontel M. Brown
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Sean Casten
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Robert J. Menendez
Member of Congress



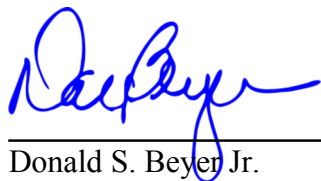
Bennie G. Thompson
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Deborah K. Ross
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Wiley Nickel
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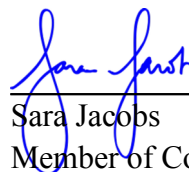
Donald S. Beyer Jr.
Member of Congress



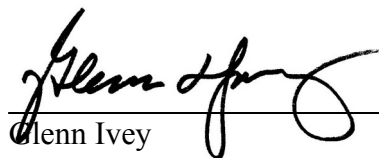
Jamaal Bowman, Ed.D.
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Jim Costa
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Sara Jacobs
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Glenn Ivey
Member of Congress



Bill Foster
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Troy Carter
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Yvette D. Clarke
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Katie Porter
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Adam B. Schiff
Member of Congress



Terri A. Sewell
Member of Congress



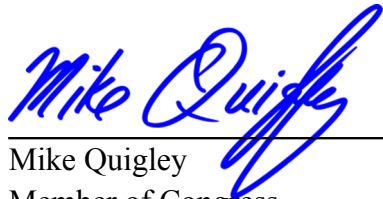
Seth Moulton
Member of Congress



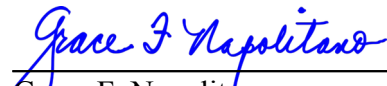
Frederica S. Wilson
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Gwen S. Moore
Member of Congress



Mike Quigley
Member of Congress



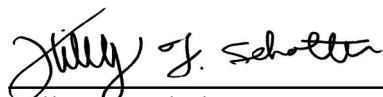
Grace F. Napolitano
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Lauren Underwood
Member of Congress



Veronica Escobar
Member of Congress



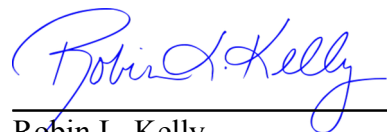
Hillary J. Scholten
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Mark DeSaulnier
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Ro Khanna
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Robin L. Kelly
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Chellie Pingree
Member of Congress



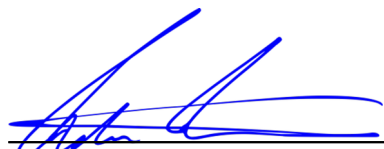
David Scott
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Susie Lee
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Eric Sorensen
Member of Congress



Adriano Espaillat
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Valerie P. Foushee
Member of Congress



Jeff Jackson
Member of Congress



Ann McLane Kuster
Member of Congress



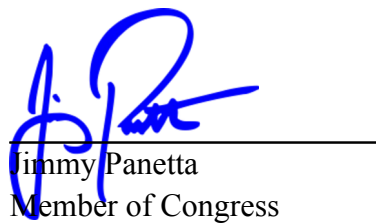
Jesús G. "Chuy" García
Member of Congress



Grace Meng
Member of Congress



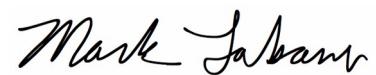
John Garamendi
Member of Congress



Jimmy Panetta
Member of Congress



Mikie Sherrill
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Mark Takano
Member of Congress

Ed Case

Ed Case
Member of Congress

William R. Keating

William R. Keating
Member of Congress

Diana DeGette

Diana DeGette
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Chris Pappas

Chris Pappas
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Kathy Manning

Kathy Manning
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Lucy McBath

Lucy McBath
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Donald Norcross

Donald Norcross
Member of Congress

Elissa Slotkin

Elissa Slotkin
Member of Congress

Anna G. Eshoo

Anna G. Eshoo
Member of Congress

Dina Titus

Dina Titus
Member of Congress

Suzan K. DelBene

Suzan K. DelBene
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Gregory W. Meeks

Gregory W. Meeks
Member of Congress