

117TH CONGRESS  
2D SESSION

# H. RES. 891

Expressing the sense of the House of Representatives that the article of amendment (commonly known as the “Equal Rights Amendment”) to the Constitution is valid.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2022

Ms. SPEIER (for herself, Ms. PELOSI, Mrs. CAROLYN B. MALONEY of New York, Ms. KAPTUR, Ms. SCHAKOWSKY, Ms. JACKSON LEE, Mr. CONNOLLY, Mr. ESPAILLAT, Mr. TAKANO, Mr. RUSH, Ms. VELÁZQUEZ, Mr. SUOZZI, Ms. ESCOBAR, Ms. MCCOLLUM, Mr. GARAMENDI, Ms. LEE of California, Ms. MOORE of Wisconsin, Mr. LIEU, Ms. JACOBS of California, Mr. CORREA, Ms. LOIS FRANKEL of Florida, Mr. PETERS, Mr. COSTA, Ms. TITUS, Ms. NORTON, Mr. BROWN of Maryland, Ms. BONAMICI, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. PAYNE, Mrs. WATSON COLEMAN, Mrs. LEE of Nevada, Mr. EVANS, Mr. DANNY K. DAVIS of Illinois, Mr. BLUMENAUER, Ms. CLARKE of New York, Mr. GOMEZ, Mr. SARBANES, Ms. DEAN, Mr. COOPER, Ms. STANSBURY, Mr. CARSON, Mrs. HAYES, Mr. TRONE, Ms. WEXTON, Ms. ROSS, Mr. SABLAN, Ms. BARRAGÁN, Mr. GALLEGÓ, Mr. CÁRDENAS, Mrs. LAWRENCE, Ms. MENG, Mrs. TRAHAN, Ms. WASSERMAN SCHULTZ, Mr. DESAULNIER, Mr. STANTON, Mr. TORRES of New York, Ms. CHU, Mr. KIND, Mr. RUPPERSBERGER, Mr. JOHNSON of Georgia, Mr. CARBAJAL, Mr. SCHRADER, Mr. KRISHNAMOORTHY, Mr. THOMPSON of California, Mr. MALINOWSKI, Ms. NEWMAN, Mrs. FLETCHER, Mr. FOSTER, Ms. DELBENE, Mr. CASTRO of Texas, Mr. SCHIFF, Ms. BROWN of Ohio, Ms. SPANBERGER, Mr. LYNCH, Mr. CASTEN, Ms. SCANLON, Mr. KAHELE, Mr. MCGOVERN, Mr. SOTO, Ms. LEGER FERNANDEZ, Mr. DEFazio, Mrs. KIRKPATRICK, Ms. ADAMS, Ms. BASS, Ms. DELAURO, Mrs. DINGELL, Ms. KUSTER, Mr. O'HALLERAN, Ms. PINGREE, Ms. BROWNLEY, Mr. CRIST, Mr. HORSFORD, Ms. MATSUI, Mrs. MCBATH, Ms. BOURDEAUX, Ms. ESHOO, Mr. SMITH of Washington, Ms. KELLY of Illinois, Miss RICE of New York, Ms. JAYAPAL, Mr. LAWSON of Florida, Ms. JOHNSON of Texas, Ms. MANNING, Mr. BOWMAN, Mr. CROW, Mr. VARGAS, Ms. WILSON of Florida, Mr. WELCH, Mr. SEAN PATRICK MALONEY of New York, Ms. SEWELL, Mr. KHANNA, Mr. SWALWELL, Mr. BUTTERFIELD, Mr. RASKIN, Mr. AUCHINCLOSS, Ms. SCHRIER, Ms. PLASKETT, Mrs. TORRES of California, Mr. MRVAN, Mr. KILDEE, Ms. CLARK of Massachusetts, Ms. LOFGREN, Mr. LARSON of Connecticut, Mr. JONES, Mr.

LOWENTHAL, Mrs. BEATTY, Ms. WILLIAMS of Georgia, Mr. KILMER, Ms. STEVENS, Ms. HOULAHAN, Mr. MCEACHIN, Mr. PANETTA, Mrs. BUSTOS, Ms. SÁNCHEZ, Ms. SLOTKIN, Mr. LEVIN of Michigan, Mr. PERLMUTTER, Mr. MCNERNEY, Mr. COHEN, Ms. UNDERWOOD, Mr. PAPPAS, Mr. SCHNEIDER, Mr. TONKO, Ms. BLUNT ROCHESTER, Mr. LAMB, Mr. LARSEN of Washington, Mr. GRIJALVA, Ms. GARCIA of Texas, Mr. YARMUTH, Ms. PRESSLEY, Mr. AGUILAR, Mr. PHILLIPS, Mr. CASE, and Mrs. DEMINGS) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

Expressing the sense of the House of Representatives that the article of amendment (commonly known as the “Equal Rights Amendment”) to the Constitution is valid.

Whereas  $\frac{2}{3}$  of each House of the 92d Congress duly proposed in 1972 an article of amendment (commonly known as the “Equal Rights Amendment”) to the Constitution that provides the following:

“SECTION 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.

“SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

“SEC. 3. This amendment shall take effect two years after the date of ratification.”;

Whereas the Equal Rights Amendment provides a stronger constitutional basis for combating sex discrimination and provides Congress with more authority to enact laws that ensure sex equality;

Whereas the House of Representative passed the Equal Rights Amendment on October 12, 1971, with a vote of

354 yeas and 24 nays (with 51 not voting), the Senate passed the Equal Rights Amendment on March 22, 1972, by a vote of 84 yeas and 8 nays (with 7 not voting), and the amendment was sent to the States for ratification;

Whereas the legislatures of more than  $\frac{3}{4}$  of the several States have ratified the proposed article of amendment to the Constitution, including:

- (1) Hawaii (March 22, 1972);
- (2) New Hampshire (March 23, 1972);
- (3) Delaware (March 23, 1972);
- (4) Iowa (March 24, 1972);
- (5) Idaho (March 24, 1972);
- (6) Kansas (March 28, 1972);
- (7) Nebraska (March 29, 1972);
- (8) Texas (March 30, 1972);
- (9) Tennessee (April 4, 1972);
- (10) Alaska (April 5, 1972);
- (11) Rhode Island (April 14, 1972);
- (12) New Jersey (April 17, 1972);
- (13) Colorado (April 21, 1972);
- (14) West Virginia (April 22, 1972);
- (15) Wisconsin (April 26, 1972);
- (16) New York (May 18, 1972);
- (17) Michigan (May 22, 1972);
- (18) Maryland (May 26, 1972);
- (19) Massachusetts (June 21, 1972);
- (20) Kentucky (June 27, 1972);
- (21) Pennsylvania (September 27, 1972);
- (22) California (November 13, 1972);
- (23) Wyoming (January 26, 1973);
- (24) South Dakota (February 5, 1973);
- (25) Oregon (February 8, 1973);
- (26) Minnesota (February 8, 1973);

- (27) New Mexico (February 28, 1973);
- (28) Vermont (March 1, 1973);
- (29) Connecticut (March 15, 1973);
- (30) Washington (March 22, 1973);
- (31) Maine (January 18, 1974);
- (32) Montana (January 25, 1974);
- (33) Ohio (February 7, 1974);
- (34) North Dakota (February 3, 1975);
- (35) Indiana (January 18, 1977);
- (36) Nevada (March 22, 2017);
- (37) Illinois (May 30, 2018); and
- (38) Virginia (January 27, 2020);

Whereas no time limit exists within the text of the proposed amendment that was ratified by more than  $\frac{3}{4}$  of the States;

Whereas the Fourteenth Amendment in 1868 was published to the Constitution despite 2 States purporting to rescind their ratifications;

Whereas the Archivist of the United States has a statutory and ministerial duty to certify that a proposed amendment to the Constitution is valid and has become part of the Constitution once it is ratified by more than  $\frac{3}{4}$  of the States; and

Whereas section 3 of the Equal Rights Amendment states that the amendment shall take effect 2 years after the last constitutionally necessary State ratification occurs, which was January 27, 2020: Now, therefore, be it

- 1       *Resolved*, That it is the sense of the House of Rep-
- 2       resentatives that the article of amendment to the Constitu-
- 3       tion relating to the equality of rights (commonly known
- 4       as the “Equal Rights Amendment”), duly proposed by  $\frac{2}{3}$

1 of each House of the Congress and ratified by more than  
2  $\frac{3}{4}$  of the several States, has met the requirements of the  
3 Constitution and become valid to all intents and purposes  
4 as a part of the Constitution, and shall be known as the  
5 “Twenty-Eighth Amendment to the Constitution”.

