



March 21, 2022

To: Members of the U.S. House of Representatives

From: Virginia Kase, CEO League of Women Voters

Re: Cosponsor H. Res. 891, affirming the validity of the Equal Rights Amendment

The League of Women Voters encourages you to cosponsor H. Res. 891. This resolution will affirm the validity of the Equal Rights Amendment (ERA) as the 28th Amendment to the U.S. Constitution.

Despite the significant legal and legislative advances that have been made in recent decades, women continue to face discrimination on the basis of sex. The symptoms of this systemic discrimination are clear in the ongoing fights against unequal pay, workplace harassment, pregnancy discrimination, domestic violence, and limited access to comprehensive healthcare. It is not enough to treat the symptoms; we must address the root cause of inequality by amending the Constitution.

The ERA has satisfied all requirements set forth in Article V of the Constitution and should be added as the 28th Amendment. In 1972, the ERA was passed through Congress with well over the necessary two-thirds vote and sent to the states. It has been over two years since Virginia became the 38th state to ratify the amendment as the last necessary state to meet the $\frac{3}{4}$ state ratification requirement. The effective waiting period has now come to an end and the Amendment is enforceable.

Congress is the only branch of the government that is given a role in the amendment process outlined by Article V, and thus it is uniquely qualified to weigh in and resolve the outstanding questions around rescissions and the time limit. This resolution sets aside any remaining questions about the timeline to ratify the amendment. Congress has a clearly established basis for their authority to extend or remove the time limit from the resolving clause of the Equal Right Amendment. In fact, the U.S. House of Representatives has already cleared the path to remove the timeline by passing H.J. Res 17 with bipartisan support in 2021.

The new resolution before you, H. Res. 891 asserts that the ERA has met all necessary requirements under Article V and should be included in the Constitution. Similar resolutions have been passed by Congress when the validity of the 14th and 27th Amendments were questioned. The resolution passed by Congress pertaining to the 27th Amendment specifically addressed the question of timeliness after the amendment was finally ratified over two hundred years after it was first proposed. There is precedence in Congress for this resolution to address a Constitutional amendment in this way.

The new resolution is consistent with that, reflecting the sense of the House that under the terms of Article V, the ERA is already part of the Constitution and becomes effective on January 27, 2022. Please cosponsor H. Res. 891. The inclusion of the Equal Rights Amendment in the U.S. Constitution is long overdue.