



March 16, 2021

## H.J.Res. 17 Removing the Time Limit for Ratification of the Equal Rights Amendment

- H.J.Res. 17 is a joint resolution to remove an arbitrary time limit previously set by Congress for the States to ratify the Equal Rights Amendment (ERA). This joint resolution, introduced by Rep. Jackie Speier (D-CA), has [bipartisan support from 209 cosponsors](#).
- H.J.Res. 17 is identical to H.J.Res. 79 in the 116th Congress, which passed the House by a bipartisan vote of 232 to 183 on February 13, 2020 ([2020 House Vote #70](#)).
- The Equal Rights Amendment simply states: “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.” It would finally affirm women’s equality in our Constitution – enshrining the principle of women’s equality and an explicit prohibition against sex discrimination in the nation’s foundational document.
- The ERA was first proposed in 1923 by suffragist Alice Paul, just a few years after women gained the right to vote. It was also in the Republican Party’s presidential platform as early as 1940 and was supported by both Democrats and Republicans under Presidents Nixon, Carter and Ford.
- Beginning in 1923, the constitutional amendment was then introduced in every session of Congress until it passed in 1972 by bipartisan majorities in both the House and Senate.
- Unfortunately, in 1972, Congress placed an arbitrary seven-year time limit on the ratification process. This time limit was placed not in the text of the ERA itself, but in the proposing clause.
- After Congress passed the ERA in 1972, 35 states ratified the amendment before the original 1979 deadline – just three states short of the three-fourths needed. Although Congress extended the deadline to 1982, no new states ratified during that time period.
- However, with the recent ratifications of the ERA by Nevada in 2017, Illinois in 2018, and Virginia in 2020, we now have the 38 states needed for certification of the ERA to become the 28th Amendment to [the U.S. Constitution](#).
- A vote for H.J.Res. 17 would remove the arbitrary 1982 deadline and take a critical step toward ensuring the ERA officially becomes part of our Constitution.

- It should be noted that the Constitution itself does not say anything about ratification time limits. For a proposed constitutional amendment to become part of the Constitution, the Constitution simply requires that the proposed amendment be passed by a two-thirds majority in both the House and Senate and be ratified by three-fourths of the states (i.e. by 38 states). The Equal Rights Amendment has now met both of these requirements.
- Ensuring the ERA becomes part of the Constitution is critical. It would give women in the United States a key tool in the legal arsenal to combat everyday discrimination women face including pay discrimination, pregnancy discrimination, and sexual and domestic violence. It would provide a single, national baseline protection against sex discrimination across the country.
- The ERA would apply the most demanding standards of review in sex discrimination cases, just as the Constitution requires the most demanding standard of review in cases of discrimination based on race and national origin. It would also give Congress more power to enact laws that ensure better legal protections for women and confirm the rightful place of gender equality in all aspects of life.
- Adding the ERA to the Constitution also makes an important statement about equality. The Constitution reflects our most cherished values as a nation and explicitly putting gender equality in the Constitution will have broad impacts on the lives of women.
- There is broad support from organizations representing millions of Americans across the country for this resolution and for the Equal Rights Amendment including the ERA Coalition, the National Organization for Women, the YWCA, the League of Women Voters, the National Women's Law Center, the American Association of University Women, the American Federation of State, County and Municipal Employees (AFSCME), Feminist Majority, GLAAD, National Association of Women Lawyers, the National Alliance to End Sexual Violence, National Network to End Domestic Violence, National Urban League, Service Women's Action Network (SWAN), TIME'S UP Now, Women's Media Center, the U.S. Women's Chamber of Commerce, among others.