

The Congressional Path

S.J. Res. 38 and H.J. Res. 80

Article V sets forth procedures for amending the Constitution and establishes that Congress and the states have the sole authority of the amendment process.

ERA Joint Resolutions Introduced on Equal Pay Day

The Equal Rights Amendment (ERA) joint congressional resolution was introduced around Equal Pay Day, March 25, 2025, to highlight economic disparities and why constitutional equality is needed now more than ever to close the income gap between women and men.

This Congressional session, Senator Lisa Murkowski (AK) has been the lead sponsor of the ERA since 2011 and is joined by Democratic Senator Mazie Hirono of Hawaii as the lead cosponsor. Hirono taking over from Maryland Ben Cardin who retired in 2024.

Congresswomen Ayanna Pressley (MA-07), Madeleine Dean (PA-04), Sylvia Garcia (TX-29), Sydney Kamlager-Dove (CA-37), and Jennifer McClellan (VA-04) are collectively taking the lead on moving the ERA resolution, H.J. Res.80, forward. The 2025 lead ERA sponsors are a majority women of color including Congresswomen who are longtime, seasoned members, along with others who were recently elected and bring new voices of support.

Economic issues are intrinsically linked to the ERA due to numerous current federal policies that cannot be fully rectified at the state level. These include persistent gender disparities in wages and benefits, lifetime pay, pink taxes, health insurance rates, benefits for part-time workers, retirement packages, and the Social Security system.

Entitled *Establishing the Ratification of the Equal Rights Amendment*, the language of the ERA Joint Resolution in United States Senate ([S.J. Res. 38](#)) and in the House ([H.J. Res. 80](#)) is quite simple:

That notwithstanding any time limit contained in House Joint Resolution 208, 92nd Congress, as agreed to in the Senate on March 22, 1972, the article of amendment proposed to the States in that joint resolution is valid to all intents and purposes as part of the United States Constitution having been ratified by the legislatures of three-fourths of the several States.

This resolution was immediately referred to the Senate and House Judiciary Committees. Both are chaired by Republicans who oppose the ERA: Chuck Grassley of Iowa and Jim Jordan of Ohio. However, both committees have strong Democratic ERA supporters, with the Ranking Democratic members Senator Dick Durbin of Illinois and Representative Jamie Raskin of Maryland.

As of March 2026, 217 Democrats and one Republican are [co-sponsors of H.J. Res. 80](#).

Recent Congressional Actions

The same joint resolution was introduced in the 118th Congress (2023-2025) as S.J. Res. 4 and H.J. Res 25. In April 2023, a majority of the Senate voted for the resolution, but it did not reach the 60-vote majority to override a filibuster. An ERA Discharge Petition filed in the House of Representatives reached 114 of the needed 118 signatures to trigger a floor vote in the House.

A joint resolution like the one pending in the current Congress was introduced in the 117th Congress (2021-2023) as S.J. Res. 1 and H.J. Res. 17. The House joint resolution passed just two months into the new Congress in March 2021. A majority in the Senate co-sponsored the Senate joint resolution, but it never made it to the floor for a vote.

ERA Joint Resolutions: Yesterday and Today

The journey to the Equal Pay Day introduction of a joint congressional resolution has been long and complicated.

A version of an equality amendment to the Constitution was first introduced in 1923, soon after the 19th Amendment on women's suffrage was ratified following a century of campaigns, political battles, and arrests.

For most of past century, both Republicans and Democrats introduced and supported the current Equal Rights Amendment, as ratified and recently affirmed by President Biden as "the law of the land."

Congressional passage of the Equal Rights Amendment occurred in 1972 during the 92nd Congress, garnering a strong two-thirds vote in both chambers. The ERA passed in the House with a vote of 354 to 24, and the Senate with a vote of 84 to 8. The ERA was promptly sent to the states for ratification.

The initial passage in Congress was due in part to Republican House leadership by then Minority Leader Gerald Ford (R-MI), who played a crucial role in securing the necessary two-thirds vote. Savvy Democratic House Members led by Martha Griffiths (D-MI) and Shirley Chisholm (D-NY) devised a discharge petition strategy to overcome the initial opposition from the Speaker of the House with the ERA approved by Congress on March 22, 1972.

The Virginia legislature ratified the ERA in 2020, fulfilling the crucial requirement of having the necessary 38th state approval under Article V of the Constitution. This milestone paved the way for the ERA being enshrined as the 28th Amendment to the Constitution.

The ERA Full Text is Simple

Section One: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section Two: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

The Equal Rights Amendment — which states simply that sex discrimination is unlawful — has been ratified by the required 38 states and fulfilled every legal threshold of Article V. Yet it remains unrecognized, and unenforced. This is not a legal ambiguity. It is a political choice — and it is the choice that Driving the Vote for Equality exists to reverse.