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January 22, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Vice President Kamala Harris
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Biden and Vice President Harris:

I want to extend my warmest congratulations to both of you on your historic victory. I look forward to working with you to prioritize equal rights and to reverse the damage done by the previous administration, particularly when it comes to women's rights.

I am thrilled to know how important the Equal Rights Amendment is to both of you as evidenced by its position, front-and-center in the [Biden Agenda for Women](#). I was also excited to read Vice President-elect Harris' response to what she would do for women in her first 100 days in the White House: "Passing the ERA, let's start there." As was written in the Biden Agenda for Women, we must "...take action so our Constitution makes clear that any government-related discrimination against women is unconstitutional." Time is of the essence.

I have sponsored an Equal Rights Amendment resolution in the House during every Congressional session since the 105th in 1997, working to build momentum and support for this critical constitutional change. As you know, last January, Virginia became the 38th and final state needed to ratify the amendment. Now that the Equal Rights Amendment has been ratified by a majority of states, I urge you to prioritize your campaign promise and direct the National

Archivist to immediately perform his ministerial role as required by law to publish the Equal Rights Amendment as part of the Constitution of the United States.¹

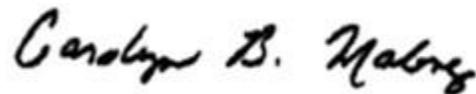
Although the Trump Administration's Office of Legal Counsel (OLC) issued a [memo last year](#) effectively blocking completion of the process, the memo is unsupported by law and contradicts prior guidance issued by the National Archivist indicating that he would publish the Equal Rights Amendment upon receiving notice of ratification by the 38th state, which has now occurred.

I, along with many of my colleagues and numerous civil society interest groups across the country, urge you and the Department of Justice to rescind the legally flawed memo and encourage the National Archivist to complete the amendment process.

Finally, the House plans to pass another resolution eliminating the arbitrary timeline previously imposed for ratification of the Equal Rights Amendment, hopefully in the first 100 days of the 117th Congress. Vice President-elect Harris, I would like to enlist your support in encouraging the Senate to prioritize this issue during the first 100 days as you pledged on the campaign trail.

I am ready to assist you in your continued commitment to see the Equal Rights Amendment published as our 28th Amendment, once and for all. This is the single most consequential action any of us can take to ensure gender equality for all. Your swift action on the Equal Rights Amendment is of utmost importance.

Sincerely,

A handwritten signature in black ink that reads "Carolyn B. Maloney". The signature is written in a cursive, slightly slanted style.

CAROLYN B. MALONEY
Member of Congress

¹ 1 U.S.C. § 106b. (Instructing the National Archivist to “cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States”).