

1 ALDERSON COURT REPORTING

2 KEVIN JAMES KISER

3 HJU317000

4 MARKUP OF H.J. RES. 79, REMOVING THE DEADLINE FOR THE

5 RATIFICATION OF THE EQUAL RIGHTS AMENDMENT

6 Wednesday, November 13, 2019

7 House of Representatives

8 Committee on the Judiciary

9 Washington, D.C.

10 The committee met, pursuant to call, at 10:11 a.m., in
11 Room 2141, Rayburn Office Building, Hon. Jerrold Nadler
12 [chairman of the committee] presiding.

13 Present: Representatives Nadler, Lofgren, Jackson Lee,
14 Cohen, Johnson of Georgia, Bass, Richmond, Jeffries,
15 Cicilline, Lieu, Raskin, Jayapal, Correa, Scanlon, Garcia,
16 Neguse, McBath, Stanton, Dean, Murcarsel-Powell, Escobar,
17 Collins, Chabot, Gohmert, Buck, Roby, Johnson of Louisiana,
18 Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong,
19 and Steube.

20 Staff present: David Greengrass, Senior Counsel; John

21 Doty, Senior Advisor; Madeline Strasser, Chief Clerk; Moh
22 Sharma, Member Services and Outreach Advisor; Julian Gerson,
23 Staff Assistant; James Park, Chief Counsel, Constitution,
24 Civil Rights, and Civil Liberties Subcommittee; Sophie Brill,
25 Counsel, Constitution, Civil Rights, and Civil Liberties
26 Subcommittee; Will Emmons, Professional Staff Member,
27 Constitution, Civil Rights, and Civil Liberties Subcommittee;
28 Brendan Belair, Minority Staff Director; Bobby Parmiter,
29 Minority Deputy Staff Director/Chief Counsel; Jon Ferro,
30 Minority Parliamentarian/General Counsel; Paul Taylor,
31 Minority Chief Counsel, Constitution Subcommittee; Erica
32 Barker, Minority Chief Legislative Clerk; and Andrea Woodard,
33 Minority Professional Staff Member.

34 Chairman Nadler. The Judiciary Committee will please
35 come to order, a quorum being present.

36 Without objection, the chair is authorized to declare a
37 recess at any time.

38 Pursuant to Committee Rule II and House Rule XI, Clause
39 2, the chair may postpone further proceedings today on the
40 question of approving any measure or matter or adopting an
41 amendment for which a recorded vote for the yeas and nays are
42 ordered.

43 Pursuant to notice, I now call up H.J. Res. 79, Removing
44 the Deadline for the Ratification of the Equal Rights
45 Amendment, for purposes of markup, and move that the
46 committee report the resolution favorably to the House.

47 The clerk will report the resolution.

48 Ms. Strasser. H.J. Res. 79, Removing the Deadline for
49 the Ratification of the Equal Rights Amendment.

50 Chairman Nadler. Without objection, the resolution is
51 considered as read and open for amendment at any point.

52 [The resolution follows:]

53 Chairman Nadler. I will begin by recognizing myself for
54 an opening statement.

55 H.J. Res. 79, introduced by Representative Jackie Speier
56 with 217 co-sponsors, would ensure that the Equal Rights
57 Amendment, or ERA, can become part of our Constitution if and
58 when a sufficient number of States ratify it. Specifically,
59 this short and straightforward measure provides that
60 notwithstanding the ratification deadline that Congress set
61 for the ERA in 1972 and extended in 1978, it "shall be valid
62 to all intents and purposes as part of the Constitution
63 whenever ratified by the legislatures of three-fourths of the
64 several States." I would hope that there is little dispute
65 about the need for enshrining in the Constitution a clear and
66 firm statement guaranteeing equal rights under the law
67 regardless of sex.

68 In 1971 and 1972, the House and Senate, respectively,
69 passed the ERA by well more than the constitutionally-
70 mandated two-thirds majority in each chamber, the House by a
71 354-24 margin, and the Senate by an 84-4 margin. It
72 contained these simple words, "Equality of rights under the
73 law shall not be denied or abridged by the United States or
74 any State on account of sex." In the years that quickly
75 followed, dozens of States ratified the ERA through their
76 legislatures. By the end of the 1970s, the ERA was just a
77 few States short of full ratification. But then progress on

78 ratification slowed, and the deadline Congress had set for
79 ratification passed. There is renewed momentum behind the
80 ERA, however, and this legislation would ensure that no
81 arbitrary deadline will stand in way of equality once a
82 sufficient number of States ratify the ERA.

83 Almost 100 years ago, Alice Paul, who helped lead the
84 campaign to secure women's right to vote, proposed the first
85 version of the Equal Rights Amendment. Her heroic efforts on
86 behalf of women's suffrage culminated in adoption of the
87 Nineteenth Amendment. Yet she and the other courageous women
88 who led that movement soon recognized that ratification of
89 women's suffrage was only the start. They knew that if women
90 were to achieve true equality, our Nation's founding document
91 needed to be amended to reflect that core principle.

92 We have, of course, made important strides, in large
93 part thanks to a brilliant legal strategy pioneered by now
94 Justice Ruth Bader Ginsburg. The courts have recognized that
95 the Fourteenth Amendment prohibits many forms of outright
96 discrimination. Critically, the ERA would strengthen and
97 further secure these existing constitutional and other legal
98 guarantees of women's equality. Unfortunately, despite
99 existing protections, in troubling ways women's rights have
100 begun to slide backwards in recent years. For instance, the
101 Trump Administration continues an onslaught of threats to
102 women's rights on a regular basis, whether by trying to roll

103 back laws that prohibit health insurers from charging more to
104 women just for being female, or by allowing women's
105 healthcare choices, including choices about their
106 reproductive healthcare, to be dictated by their employers'
107 religious beliefs. Also, women still have uneven protections
108 against other forms of discrimination and harassment in the
109 workplace.

110 In a similar way, the Administration has aggressively
111 sought to undermine measures to protect against
112 discrimination on the basis of sexual orientation and gender
113 identity. Make no mistake, the ERA's prohibition of the
114 denial or abridgement of "equality of rights under the law on
115 account of sex" includes discrimination based on sexual
116 orientation and gender identity. With ongoing efforts by the
117 Federal and State governments to undermine equality under the
118 law based on sex, it is clear that an equal rights amendment
119 to the Constitution is more important than ever.

120 Thankfully, the momentum behind ratification has picked
121 back up. As we learned back in April in the hearing on the
122 ERA before the Subcommittee on the Constitution, Civil
123 Rights, and Civil Liberties, Nevada led the revised effort to
124 ratify the ERA in 2017, the 36th State to ratify it, with
125 Illinois following suit last year. With Virginia on the cusp
126 of potentially becoming the 38th State to ratify the ERA next
127 year, we may at long last make the ERA the twenty-eighth

128 amendment to our Constitution.

129 Meanwhile, women have been elected to office in
130 unprecedented numbers, including in this Congress. Now for
131 the first time ever, more than 100 women are serving in the
132 United States House of Representatives, 105, in fact. Some
133 of the women who are part of this inspiring wave are on this
134 committee, and they are helping to lend their voices to the
135 critical effort to ratify the ERA.

136 Some may argue that we do not need an ERA or that
137 Congress cannot change the deadline for ratification
138 retroactively. Both arguments are clearly wrong. As a
139 straightforward moral matter, our Constitution should
140 explicitly guarantee equality of rights under the law
141 regardless of sex. Moreover, while the Constitution has been
142 interpreted to provide a considerable level of protection
143 against sex discrimination already, those interpretations can
144 always change for the worse. The ERA would secure and
145 potentially enhance these existing protections. As to
146 Congress' authority to change or eliminate the ratification
147 deadline, Article V of the Constitution, which governs the
148 constitutional amendment process, does not provide for a
149 ratification deadline of any kind.

150 Article V also contemplates that Congress alone is
151 responsible for managing the constitutional amendment
152 process, given that it assigns only to Congress an explicit

153 role in the amendment process and does not mention any role
154 for the executive or judicial branches. The Supreme Court
155 made clear in *Coleman v. Miller* that Article V contains no
156 implied limitation period for ratifications, and that
157 Congress may choose to determine "what constitutes a
158 reasonable time and determine accordingly the validity of
159 ratifications" because such questions are "essentially
160 political."

161 The Court concluded that, in short, Congress "has the
162 final determination of the question whether by lapse of time
163 its proposal of an amendment has lost its vitality prior to
164 the required ratifications." Similarly, when this committee
165 considered an extension of the ratification deadline in 1978,
166 it concluded that "Rescissions are to be disregarded" based
167 on the generally-agreed view of constitutional experts that
168 "the decision as to whether rescissions are to be counted is
169 a decision solely for the Congress sitting at the time the
170 38th State has ratified it as part of its decision whether an
171 amendment has been validly ratified."

172 We are on the verge of a breakthrough for equality in
173 this country despite all the obstacles in our current
174 political and social climate. Alice Paul's equal rights
175 amendment was introduced in both Houses of Congress in 1923,
176 but 96 years later, the United States Constitution still does
177 not explicitly declare that women have equal rights under the

178 law. Adopting the ERA would bring our country closer to
179 truly fulfilling our values of inclusion and equal
180 opportunity for all people. Adopting this legislation would
181 help make this a reality.

182 I now recognize the ranking member of the Judiciary
183 Committee, the gentleman from Georgia, Mr. Collins, for his
184 opening statement.

185 Mr. Collins. Thank you, Mr. Chairman, and I appreciate
186 your yielding time, and I appreciate your statements. There
187 is no disagreement on the fact of equality, and the need for
188 it, and the work that has been done. I applaud that. The
189 only thing is, again, here today what we are doing will not
190 help anybody who showed up today and will not help anything
191 going forward. It is a good discussion point, I guess, but
192 this is a problem.

193 You know, it failed to be ratified, as you have already
194 stated. The ERA failed to be ratified by three-quarters of
195 the States under a congressionally-mandated deadline, and
196 explicitly relied upon by the States during the States during
197 the State ratification debates. The deadline expired in
198 1979, and Congress lacks any power to retroactively revive a
199 failed constitutional amendment. It is really interesting
200 you stated in your opening statement that it is up to
201 Congress to do this, and Congress did do this. The put a
202 deadline on it, and, as you stated in your opening statement,

203 that is the purview of Congress. And Congress did put a
204 deadline on this, which is fully within its right to do.

205 The U.S. Supreme Court recognized just that in 1982 when
206 it stated that the issue was moot since the deadline for ERA
207 ratification expired before the requisite number of States
208 approved it. The next year, the Democratic leadership of the
209 House, acting on the same understanding, started the entire
210 process of the ERA approval over again. The new attempt with
211 ERA also failed to achieve the required two-thirds majority
212 margin on the floor of the House on November 15th, 1983. And
213 I am glad that you mentioned Justice Ginsburg because even
214 Supreme Court Justice Ruth Bader Ginsburg, a longtime
215 supporter of the ERA, said just a few weeks that "I hope
216 someday we will be starting all over again on the ERA,
217 collecting the necessary States to ratify it."

218 Today in defiance of a historical reality and all
219 relevant participants' in the original debate clear
220 acceptance of the situation, the chairman of this committee
221 is bringing forward a resolution that denies the obvious.
222 Now that the Democrats control the Virginia legislature, the
223 proponents of this joint resolution want to convince their
224 base that if it passes both Houses of Congress by a simple
225 majority vote and signed into law, then Virginia alone can
226 pass a resolution to allegedly ratify the 1972 ERA, and it
227 will become part of the Constitution. Congress, however,

228 does not have the constitutional authority to retroactively
229 revive a failed constitutional amendment and subject citizens
230 in all 50 States through the current political trend in just
231 one State. The Supreme Court has already recognized that.
232 The past Democratic leadership of the House recognized that.
233 And apparently leadership on this committee, however, is
234 intent on trying to rewrite history.

235 If you support the language in the 1972 ERA, you only
236 have one constitutional option, and that is even from Justice
237 Ginsburg herself: to start the whole process over and make
238 your case to the current voters nationwide. You must obtain
239 the required two-thirds vote in each of the Houses of
240 Congress, then win ratification individually from 38 States,
241 which is not likely to happen because it is well understood
242 that the language used in the ERA would not protect women,
243 but will prevent States' voters from enacting any limits on
244 abortion up to the moment of birth.

245 Just in the last few years, an increasing number of
246 leading pro-abortion advocates have openly argued that the
247 language of the 1972 ERA would require unlimited abortions
248 with no restriction whatsoever nationwide regardless of the
249 views of the voters. To take just a single example, in a
250 national alert sent out on March 13th, 2019, NARAL Pro-Choice
251 America stated flatly, "The ERA will reinforce the
252 constitutional right to an abortion. It would require judges

253 to strike down any anti-abortion laws."

254 Let's face it. On our side, basically we are not
255 offering amendments because there is no way you can fix a bad
256 bill. You can't fix something that is inherently wrong, that
257 is inherently bad. You can have every want of saying that
258 behind this, and I would agree with both sides, that the
259 intent behind it is fine. But you cannot put forward a bill
260 that simply the Supreme Court has already said you can't do,
261 your own leadership years ago have said you can't do, and
262 just simply waving a wand and saying it matters doesn't help.
263 And so we can all disagree about this, but we have done this
264 in this committee before. We put out false hope on things
265 that are not going to work instead of actually working on
266 things that we could work on.

267 So with that, hopefully this will go quickly. You will
268 get your vote. You have your votes. We will go with that.
269 But do not, anyone in this audience, or anyone on this dais,
270 or anyone watching, who happens to be probably not watching,
271 where we should be if we are going to move through an
272 impeachment, actually should be here, not over in Longworth,
273 but we were cut out of that process.

274 So if we want to do this, fine, Mr. Chairman. I
275 appreciate you calling it. Let's move through this as
276 quickly as possible because this is going nowhere. I yield
277 back.

278 Chairman Nadler. I now recognize the chairman of the
279 Subcommittee on the Constitution, Civil Rights, and Civil
280 Liberties, the gentleman from Tennessee, Mr. Cohen, for his
281 opening statement.

282 Mr. Cohen. Thank you, Mr. Chair. I strongly support
283 H.J. Res. 79, which will remove the arbitrary ratification
284 deadline for the Equal Rights Amendment imposed in 1972 and
285 ensure equal treatment under the law regardless of sex. I am
286 an original co-sponsor of the measure along with 216 other
287 members of Congress.

288 Unlike my friends on the other side, I don't get stymied
289 on process. I stand on principle, and you try to do things
290 to make the American Congress better, the American public
291 better, and the lives of Americans better, and you try to
292 work through process. You don't use process as an excuse for
293 not taking women forward, for not reforming our Constitution,
294 and for not making progress. The same type of activities
295 they are using over in Longworth to oppose impeachment:
296 process, not the truth that the President has abused his
297 powers, subverted the Constitution, and tried to help a
298 foreign power, Russia, work its way against Ukraine unless
299 Ukraine helped him with his political fights against Biden.
300 So process is not the answer. It is an excuse, and it has
301 been an excuse for centuries with the party on my left.

302 The ERA was, in fact, approved in both the House and

303 Senate by overwhelming bipartisan majorities in 1971 and
304 1972, respectively. Republicans even voted for it then, the
305 Grand Old Party. The Constitution instructs that after a
306 proposed amendment receives the required two-thirds of the
307 vote in both the Houses, it has to be ratified in three-
308 quarters of the States. In the decade after the ERA was sent
309 to the States in 1972, it was ratified by 35 of the 38.

310 But for decades that progress towards equality stalled.
311 A well-organized counter-movement scared the American people
312 into thinking that a guarantee of equality would somehow harm
313 women who stay at home to raise their children and would
314 erode American families. That same well-organized counter-
315 movement destroyed the Grand Old Party and made it the party
316 that it is today. What started as a matter of broad
317 consensus became yet another divisive issue in the culture
318 wars.

319 Today we know better. We know that in the year 2019, it
320 is unacceptable that women still are not paid equal wages for
321 equal work. We know that no Republican voted for that bill
322 that we had to equal pay. We know that when women are
323 treated with equal dignity and respect in the workplace, and
324 the home, and by our institutions of government, our society
325 at large, all the people stand to benefit. And we know that
326 a simple, but fundamental, guarantee of equality should be
327 welcomed rather than feared. At the same time, it is now

328 more important than ever to affirm that women have an equal
329 place under the law, and especially under our Nation's
330 Constitution. There is a play on Broadway about how
331 important it is for women and for young girls to see that
332 their Constitution respects them. That is the way we should
333 be here in Congress, too, and try to achieve.

334 Although women have achieved some measure of equal
335 status under the Fourteenth Amendment, that progress is
336 fragile. As the Supreme Court has moved to the right, it
337 could backtrack from foundational decisions as it has in
338 other areas and jeopardize the many advances that women have
339 made. Meanwhile, there are dark currents in our politics and
340 culture seeking to undermine women's status in our society,
341 whether it is by threatening their healthcare, which I
342 submit, no Republican voted for the Affordable Care Act. Even
343 though they say they are for your healthcare, they don't vote
344 for it. They say they are for eliminating the prohibition on
345 preexisting conditions, but they don't vote for it. So they
346 objectify women in the workplace, and they ignore and even
347 condone gender-based violence.

348 In the face of these challenges, I was heartened by the
349 witnesses and the extraordinary attendance at our hearing on
350 the ERA of the Subcommittee on Constitution, Civil Rights,
351 and Civil Liberties back in April. We learned from that
352 hearing the U.S. Constitution was the only major written

353 constitution in the world that lacked the provision of
354 equality of the sexes, which Professor Kathleen Sullivan
355 properly described as "national embarrassment to the world's
356 leading democracy." We also learned Article IV of the
357 Constitution largely commits to Congress the authority to
358 determine when an amendment has been validly ratified once
359 the requisite three-fourths of State legislatures have
360 ratified it, including the authority, self-imposed time
361 limits to ignore any rescission of ratifications. Yes, the
362 Constitution gives Congress that right, just like it gives
363 Congress the right to determine what is impeachable.

364 A few years ago, Justice Ruth Bader Ginsburg was asked
365 in an interview what amendment she would most like to add to
366 the United States Constitution. She answered it would be the
367 Equal Rights Amendment. As she explained, the ERA means that
368 women are people equal in stature before the law, and the
369 principle is in every constitution written since the Second
370 World War. Justice Ginsburg said she would like her
371 granddaughters when they pick up the Constitution to see that
372 this is a basic principle of our society, the same as Heidi
373 Schreck said. I look forward to that day.

374 The ERA was first proposed almost 100 years ago, and
375 Congress passed it overwhelmingly, almost 50 years ago. Now
376 with the 38th State poised to potentially ratify the ERA,
377 process must stop us when we know the process is really on

378 our side. Congress must once again do its part and repeal
379 the arbitrary ratification deadline and help honor Justice
380 Ginsburg's wishes, and I am sure those of Abigail Adams, too,
381 if she were around to speak and wish that the Constitution
382 explicitly state the basic moral principle that men and women
383 are equal before the law.

384 I strongly urge the committee to report H.J. Res. 79
385 favorably to the full House and bring the Constitution and
386 women into the 21st century. I yield back the balance of my
387 time.

388 Chairman Nadler. I thank the gentleman. I now
389 recognize the ranking member of the Constitution
390 Subcommittee, the gentleman from Louisiana, Mr. Johnson, for
391 his opening statement.

392 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
393 am just struck by some of the comments this morning. I just
394 want to say to my friend, Mr. Cohen, unfortunately process is
395 a critical component to maintaining the rule of law in a
396 constitutional republic. You can decry it, but process is
397 essential to who we are as a people.

398 The Equal Rights Amendment, the ERA, was first
399 introduced in Congress in 1923. It was passed on to the
400 States by Congress in 1972, incidentally, the year I was
401 born. This goes back a long way, but it wasn't ratified by
402 the required three-fourths of the States before its

403 expiration. In 1983, the ERA was reintroduced, as it had to
404 be, following its failure to be ratified before the
405 congressionally-set deadline, not arbitrary, made by vote of
406 the duly-elected representatives of the people. It was a
407 deadline that was explicitly relied upon by the States, and
408 it was the subject of 5 hearings in the House Subcommittee on
409 Civil and Constitutional Rights, including 1 hearing called
410 by the minority. It was last debated and marked up in the
411 House Judiciary Committee here on November 9th, 1983. The ERA
412 subsequently failed to pass the House of Representatives by
413 the required two-thirds vote.

414 If the ERA is ever to become part of the Constitution,
415 the process has to start all over again with a new
416 introduction in Congress and new issuing out of an amendment
417 to the States with a two-thirds vote of each House, and
418 ratification of that new amendment by three-quarters of the
419 States. Justice Ruth Bader Ginsburg has been quoted here a
420 lot this morning already. She was a prominent supporter of
421 the ERA at its inception, of course, and it may still be her
422 dream that it be enacted. But she said publicly in September
423 of this year at a gathering at Georgetown University, in her
424 speech, she said, "I hope someday we will be able to start
425 over again on the ERA, collecting the necessary States to
426 ratify it." So it is clear the ERA will have to be passed
427 again by Congress and the States under the Constitution's

428 supermajority requirements before it becomes part of the
429 Constitution.

430 As a result, this effort to retroactively erase the
431 original deadline relied upon the States during the previous
432 ratification debates is just patently unconstitutional.
433 Beyond that, the ERA itself should not become part of the
434 Constitution for a lot of reasons. You have heard some of
435 them summarized here this morning, but one that is at the top
436 of our list of concerns is the bipartisan Hyde Amendment
437 prohibits the use of Federal funds for abortions except in
438 cases of rape, incest, or when the life of the mother is
439 endangered. And we think the Hyde Amendment would be greatly
440 jeopardized by the passage of the ERA.

441 It is not just us. The Supreme Court upheld the Hyde
442 Amendment's abortion funding restrictions as constitutional
443 in *Harris v. McRae* that the people's right to protect the
444 unborn would be eliminated under the ERA. Back in the early
445 1980s, our colleague, Representative Sensenbrenner, requested
446 that Congress' independent research arm, the Congressional
447 Research Service, provide the committee with its own
448 evaluation of that question. As he said at the 1983 markup
449 of the ERA, "The executive summary of the CRS report says
450 that under strict scrutiny, the pregnancy classification in
451 the Hyde Amendment would probably be regarded to be a sex
452 classification under the ERA," meaning that under the ERA,

453 restrictions on abortion would be struck down.

454 Today, however, with the benefit of more recent history,
455 we can see that the concerns of Representative Sensenbrenner
456 in 1983 were fully justified. Five years later, in 1988, the
457 Colorado Supreme Court held that Colorado's ERA in its State
458 constitution prohibits discrimination on the basis of
459 pregnancy. Ten years later in 1998, the Supreme Court of New
460 Mexico took the next step and relied on New Mexico's State-
461 level ERA to strike down a State regulation restricting State
462 funding of abortions for Medicaid-eligible women. Those
463 cases made clear what the advocates of the ERA, or at least
464 many of them, actually support. Recently, NARAL Pro-Choice
465 America in a March 13th, 2019 national alert that went out
466 over all the internet, admitted their belief that their Equal
467 Rights Amendment would "reinforce the constitutional right to
468 abortion. It would require judges to strike down anti-
469 abortion laws."

470 Of course, women should be protected from discrimination
471 based solely on their sex, and that is the law today. The
472 Supreme Court has significantly ratcheted up the standard the
473 government must meet in order to discriminate based on sex
474 since the 1980s. For example, in *U.S. v. Virginia*, the Court
475 stated that "Parties who seek to defend gender-based action
476 must demonstrate an exceedingly persuasive justification for
477 that action." The Court also stated, "The burden of

478 justification is demanding, and it rests entirely on the
479 State." As Justice Rehnquist noted in his concurrence in
480 that case, the Court had, in effect, made the government's
481 burden much more difficult than it had been previously.

482 Justice Scalia in his dissent pointed out that the
483 standard governing review of the government's actions that
484 discrimination based on sex that had previously been in place
485 was "a standard that lies between the extremes of rational
486 basis scrutiny and strict scrutiny. We have denominated the
487 standard intermediate scrutiny, and under it have inquired
488 whether the statutory classification is substantially related
489 to an important governmental objective." Yet in *U.S. v.*
490 *Virginia*, Justice Scalia pointed out that the majority in
491 that case had "executed a de facto abandonment of the
492 intermediate scrutiny that has been standard for sex-based
493 classifications for decades," and they replaced it with a
494 higher standard, which is the law today.

495 The majority opinion in *U.S. v Virginia*, it should be
496 noted, was written by Justice Ginsburg. In the 1970s, she
497 was imminently involved in the preparation of a report
498 published by the U.S. Commission on Civil Rights in 1977 that
499 specifically supported the Federal ERA, along with the
500 ramification of its adoption, which include the elimination
501 of terms "fraternity and sorority chapters" and the required
502 sex integration of the Boy Scouts and the Girl Scouts, among

503 many other things I think most Americans today would object
504 to. As I mentioned previously, even such an outspoken an
505 advocate of the ERA as Justice Ginsburg realizes, this effort
506 before us today is illegitimate and doomed to fail.

507 Further, at the Constitution Subcommittee hearing on the
508 ERA earlier this year, I asked all the witnesses invited by
509 the Democrats the following question. I said, "Some people
510 are arguing in the Supreme Court this term, as we all know,
511 that the word 'sex' in the Federal civil rights law includes
512 self-professed gender identity. Is it your understanding
513 that the term 'sex' in the ERA includes self-professed gender
514 identity?" Ms. Kathleen Sullivan, the top legal expert
515 invited by the Democrats responded, "I think the proper
516 textual reading of the term 'on account of sex' does include
517 discrimination on the basis of sexual orientation or
518 transgender identity." I then asked Dr. Pat Spearman if she
519 agreed with that, and she said, "Yes, I do." Then I asked
520 Ms. Patricia Arquette, and she said it would be argued in
521 court, but that she would like it to include gender identity.

522 As a result, we know the intent on the part of the ERA's
523 most prominent supporters is to enshrine the infinitely fluid
524 concept of gender identity, not only in Federal statutory law
525 -- recall our debate on H.R. 5 -- but also in the
526 Constitution itself with the resolution before us today. As
527 was fully discussed during the debate on H.R. 5, the result

528 would be to require doctors to perform treatments and
529 surgeries on minors that render them permanently infertile
530 without parental involvement, the requiring of biological men
531 to invade the private spaces of women, and the domination of
532 biological males in female sports. And in doing so, the
533 Equal Rights Amendment would ironically and tragically
534 completely erase women's protections under the law.

535 I urge all my colleagues to join me in opposing this
536 resolution, which is anti-life, anti-female, and patently
537 unconstitutional. The process does matter, and I yield back.

538 [Disturbance in hearing room.]

539 Ms. Lofgren. Mr. Chairman?

540 Chairman Nadler. The gentleman yields back. Without
541 objection, all other opening statements will be included in
542 the record.

543 [The information follows:]

544 Chairman Nadler. I now recognize myself for purposes of
545 offering an amendment in the nature of a substitute.

546 The clerk will report the amendment.

547 Ms. Strasser. Amendment in the nature of a substitute
548 to H.J. Res. 79, offered by Mr. Nadler. Strike all that
549 follows after the resolving clause and insert the following:
550 "that notwithstanding any time limit contained in House Joint
551 Resolution 208, 92d. Congress, as agreed to in the Senate on
552 March 22nd, 1972, the article of amendment proposed to the
553 States in that joint resolution shall be valid to all intents
554 and purposes as part of the United States Constitution
555 whenever ratified by the legislatures of three-fourths of
556 several States."

557 [The amendment in the nature of a substitute of Chairman
558 Nadler follows:]

559 Chairman Nadler. This amendment simply makes a technical
560 correction to clarify that the ERA is an amendment to the
561 United States Constitution, just in case someone thought
562 maybe we were talking about the French Constitution.

563 [Laughter.]

564 Chairman Nadler. Otherwise, it makes no substantive
565 changes, and I urge adoption of the amendment. And before I
566 yield the floor, I want to comment, and I am glad my
567 Republican colleagues agree that denying women access to
568 abortion is inherently unequal treatment, and that abortion
569 is an issue of equality. I hadn't heard that from them
570 before.

571 [Laughter.]

572 Chairman Nadler. A vote for the ERA is a vote for the
573 full equality of every American regardless of sex or gender.
574 The ERA is not limited to any one issue. Bringing up the
575 abortion issue is a red herring designed to divide us over
576 what should be a basic and obvious consensus about the
577 equality of the sexes. The Supreme Court has already
578 repeatedly held that the Constitution already, without the
579 ERA, protects the right to have an abortion. This reasoning
580 has long been based on the fundamental right to privacy and
581 does not hinge on the passage of the ERA.

582 By talking about abortion in the context of the ERA, I
583 take the minority to be acknowledging that the right to full

584 equality includes the right of each woman and man to make
585 their own decisions about their reproductive choices. I
586 agree that equality means the right to control one's own
587 body, and I congratulate my Republican colleagues for finally
588 coming around to this point of view.

589 I will now recognize the ranking member, the gentleman
590 from Georgia, Mr. Collins, for any comments he may have on
591 the amendment in the nature of a substitute.

592 He doesn't have an amendment.

593 Are there any amendments to the amendment in the nature
594 of a substitute? For what purpose does the gentlelady from
595 California seek recognition?

596 Ms. Lofgren. To strike the last word.

597 Chairman Nadler. The gentlelady is recognized.

598 Ms. Lofgren. I just wanted to make a few comments here
599 because we have talked about the history of the ERA and the
600 extension, and I actually worked on the ERA in 1971, and I
601 see Ellie Smeal, who was here and worked on that. Don
602 Edwards was the chairman of the Subcommittee Number 4 of the
603 Constitution and was called the father of the Equal Rights
604 Amendment. And the picture of that man back there, Emanuel
605 Celler, was chairman of the committee. He was opposed to the
606 Equal Rights Amendment, and he didn't want to act on it, and
607 finally he had to act on it because there was a discharge
608 petition filed. And I remember he started the hearings with

609 a prayer that began, "Thank God I was born a man." He wanted
610 to put a 1- or 2-year limit on ratification, and we ended up
611 with a 7-year ratification.

612 I was right out of college when I worked on the ERA, but
613 I was a young lawyer on Don Edwards' staff in 1978 when I
614 worked on the extension. And at the time, there was
615 substantial discussion -- we ultimately did pass the
616 extension -- of whether the extension was even necessary
617 because if you look at Article V, there is no limitation on
618 time. And it is not clear that Congress can limit the time.

619 Now, there is a case, *Coleman v. Miller*, that addresses
620 this, but it was not directly argued on that basis. And so I
621 am happy to support the extension today because if
622 constitutionally you can't limit the time, and, therefore,
623 the extension is unnecessary, that constitutional principle
624 will be true whether or not Congress extends the time.
625 Better to be safe than sorry. I would just note that this
626 constitutional amendment is as important today as it was when
627 I worked on it in 1971. Women do not yet have full rights
628 under the Constitution, and I think that it is long past due
629 for the Equal Rights Amendment to be made part of the
630 Constitution. I am hopeful that Virginia will ratify, and
631 when they do, it is my position that the Equal Rights
632 Amendment will, in fact, become part of the Constitution.

633 So I appreciate the gentleman's clarifying amendment. I

634 am happy to support the bill, but I also want to make sure
635 that we leave our legal options open, which is without the
636 extension, the amendment is ratified when two-thirds of the
637 legislatures have approved. And with that, Mr. Chairman, I
638 yield back.

639 Chairman Nadler. I thank the gentlelady. Who seeks
640 recognition? The gentlelady from Texas, Ms. Jackson Lee.

641 Ms. Jackson Lee. I thank the chairman very much, and I
642 rise to support the chairman's amendment. And I am delighted
643 to hear the question of process because here we are in the
644 Judiciary Committee responding to the redundancy of process,
645 and we are fixating on process. And we are fixing it with a
646 bipartisan legislative initiative first introduced by
647 Congresswoman Speier with Republican and Democratic members
648 to do something that Congress is authorized to do.

649 My good friends on the other side have not indicated a
650 prohibition of what we are doing today. There is no
651 constitutional prohibition of what we are doing today, and
652 the language, in particular, says that "Notwithstanding any
653 time limit contained in the previous deadlines passed by
654 Congress for ratification of the ERA, the ERA shall be valid
655 to all intents and purposes whenever ratified by the
656 legislatures of three-fourths of the several States." That
657 same resolution has been introduced in the United States
658 Senate. And for all those who, in essence, suggest that they

659 are in support of it -- more than half of the American people
660 -- I would find it difficult for the Senate not to pass this
661 bill as the House will pass this bill, and for the President,
662 whoever it might be, to sign this legislation.

663 Just for a chronological history, in the late 1960s, the
664 National Organization of Women devised a strategy of pushing
665 for equal rights through a combination of impact litigation
666 and advocacy for the ERA. I am particularly connected to
667 this time frame because my recollection serves me well that
668 the first women's convention was held in Houston, Texas. My
669 predecessor, the Honorable Barbara Jordan, was there and many
670 of you in the audience.

671 In 1970, Representative Martha Griffiths filed a
672 discharge petition in the House to bring the ERA to the floor
673 after the Judiciary Committee consistently refused to act on
674 it. My memory serves me well that unlike the array of
675 individuals on this committee, I don't believe there was a
676 woman on that committee. That evidences the crux of the ERA.
677 Over the decades of being left out, the discharge petition
678 was adopted. The ERA passed the House by a wide margin even
679 in that climate.

680 The Senate Judiciary Committee also held several days of
681 hearings in 1970 on its version of the ERA, but it failed to
682 gain enough votes that year. On October 12th, 1971, the
683 House voted 354-24 to approve a version of the ERA that

684 stated, "Resolved by the Senate and House of Representatives
685 of the United States of America in Congress assembled, two-
686 thirds of each House concurring therein, that the following
687 articles are proposed as an amendment to the Constitution of
688 the United States, which shall be valid to all intents and
689 purposes as part of the Constitution when ratified."

690 The irony of where we are today is for the rights that
691 women have fought for and died for, for women have died in
692 battle over the last 50 years wearing the uniform, something
693 that they have really done over the decades of wars. You
694 will find women were in the Revolutionary War, Civil War, in
695 capacities that have been documented and undocumented. But
696 the very basic question of the equality of the sexes is a
697 question that should not have to be asked in 2021 or 2020.
698 The very fact that this is not a respecter of one's income,
699 one's region, and that you are discriminated against because
700 of a natural act that none of us can differ, it is your
701 birth, it is your right.

702 And so on the centennial of the Nineteenth Amendment, we
703 are dealing with process. Process has life or death impact.
704 Process is just an angle of a document that is now sacred and
705 sober and somber, and is being utilized to uphold the rule of
706 law. And this committee, the Judiciary Committee, may
707 ultimately decide and discern that the Constitution, in a few
708 weeks, the acts of a participant under Article II and whether

709 those were constitutional or unconstitutional. Can we not
710 sit here today and correct process and hold this sacred and
711 powerful document, of which we clearly are able always --
712 thank you, Mr. Cohen -- to be able to hold up? All these
713 past days and weeks, I take it around, and I indicate to
714 schoolchildren and faith groups and civic groups that this is
715 a document that we should reintroduce ourselves to. And I
716 think I can turn the pages and find nothing that is
717 prohibiting Mr. Nadler's resolution from going forward and
718 the introduction of the legislation by Jackie Speier.

719 Today, let us do our process that has been claimed as an
720 angle to enhance our democracy, and let's do it to be able to
721 uplift this sacred and somber document that the ERA now is a
722 part of the Constitution of the United States. I support
723 this amendment to the legislation, and I yield back.

724 Chairman Nadler. I thank the gentlelady. For what
725 purpose does the gentlelady from Pennsylvania seek
726 recognition?

727 Ms. Dean. I move to strike the last word.

728 Chairman Nadler. The gentlelady is recognized.

729 Ms. Dean. Thank you, Mr. Chairman. Thank you for
730 bringing us together to vote on this important legislation,
731 H.J. Res. 79. And I thank Representative Speier for her
732 continuing work on this legislation.

733 I have to tell you, it is an honor to serve in this

734 committee at this time on this historic day. It has been
735 nearly a century since the first constitutional amendment to
736 guarantee equal treatment for women was introduced in 1923.
737 Since then, 37 States have ratified the ERA, including my
738 home State of Pennsylvania in 1972, and then as we learned
739 today, of course, most recently Nevada in 2017 and Illinois
740 in 2018. Virginia attempted to be that 38th State earlier
741 this year, but the resolution came up short. The election,
742 however, this election year, the Virginia legislature has
743 changed, and we are optimistic that so will the results of
744 ratification. Elections matter.

745 This resolution gets us so much closer to the basic
746 rights so many in this country have fought for a century, to
747 be equal in the eyes of our Constitution, something I carry
748 with me every day as well. We are so very close to finally
749 enshrining the principle of equality for women as a
750 fundamental tenet of our society. I was looking at the motto
751 of Susan B. Anthony's newspaper. It was, and I quote, "Men,
752 Their Rights and Nothing More. Women, Their Rights and
753 Nothing Less." And today we again say that women will accept
754 nothing less than equality.

755 And fittingly, before her passing in 1906, Susan B.
756 Anthony reveled in the progress and contributions that women
757 would continue to make, saying, "Oh, if I could but live
758 another century and see the fruition of all of the work for

759 women. There's so much work to be done." Though it may have
760 taken longer than a century after her passing, moving the
761 Equal Rights Amendment builds on the work of Anthony and of
762 so many others, like Jeannette Rankin, Alice Paul, Ida B.
763 Wells, and that we, the most diverse Congress in American
764 history, will continue that progress.

765 Mr. Chairman, I am a mother to three sons and a
766 grandmother to two granddaughters. And like Anthony, I, too,
767 am filled with joy of the progress of this generation, that
768 those will accomplish after us, young women of our future,
769 like my granddaughters, Aubrey and Ella. Again, I am
770 grateful for the chairman and Representative Speier's
771 leadership on this issue, and I look forward to the passing
772 of this resolution out of this body and certainly out of our
773 Congress. Thank you, Mr. Chairman. I yield back.

774 Chairman Nadler. I thank the gentlelady, and I want to
775 congratulate her for her new granddaughter. The gentlelady
776 from Washington, Ms. Jayapal.

777 Ms. Jayapal. Thank you, Mr. Chairman. This is a great
778 and important day. I am so proud of this Judiciary Committee
779 as we finally take up, and I hope pass with bipartisan
780 support, this resolution that will eliminate the ratification
781 deadline for the Equal Rights Amendment.

782 I call to mind the testimony of Senator Pat Spearman of
783 Nevada when she testified on the ERA in April of this year.

784 She said, "Equality is not debatable. We are born with it.
785 All we are asking for is for it to be recognized." So to
786 women across this country who are watching this hearing, and
787 those of you advocates and activists in the room who have
788 been fighting for this for so long, let me say we see you, we
789 stand with you, and today we take a step towards equal rights
790 under the law.

791 First proposed almost a century ago and passed by
792 Congress in 1972, the Equal Rights Amendment would enshrine
793 in our Constitution a ban on discrimination on the basis of
794 sex. It seems hard to imagine that we still need to do this.
795 Decades after our sisters in the Civil Rights Movement fought
796 to pass this amendment through Congress, we are today just
797 one State away from ratifying it. And with last week's
798 election results in Virginia, we now have the momentum we
799 need to actually make the Equal Rights Amendment a reality.

800 The new Democratic-controlled legislature in Virginia
801 now has the opportunity to become the 38th and the final
802 State needed to ratify the amendment, and I want to thank
803 today the powerful, brave women who stood up, ran, and won in
804 tough districts across Virginia, including the first openly
805 transgender lawmaker, the first Latina delegates, the first
806 female Asian-American delegate, and the first Muslim woman
807 elected to the Virginia State legislature, for giving women
808 across the country a deep and abiding sense of hope that we

809 will win what is deeply owed to us all: equality in our
810 Constitution. Virginia's 28 female delegates that were sent
811 to the legislature last week now have the power to finally
812 ratify the ERA.

813 What a great moment in history this is as we prepare for
814 that next great moment to advance justice for all women
815 across the country. We all know that we have a long way to
816 go in achieving equality for all women. The gender pay gap
817 continues with women of color bearing a particularly great
818 burden. Women who work full time year round still only make
819 82 cents on the dollar for men's earnings, amounting to an
820 annual wage gender gap of over \$10,000. Black women only
821 make 62 cents, Latina women make 54 cents, and Native women
822 make 58 cents for every dollar paid to white men, and close
823 to two-thirds of minimum wage workers are women.

824 Not only are women more likely to earn minimum and sub-
825 minimum wages, they are also subjected to exploitation and
826 sexual harassment in the workplace and on the streets. The
827 objectification and the diminishment of women in all roles
828 and industries continues, and in spite of #MeToo, and Time's
829 Up, and the great work that women across this country have
830 been doing, we still have men in the highest offices of this
831 land continuing that very same objectification and
832 diminishment.

833 The Equal Rights Amendment is about equality, pure and

834 simple. It is about ending the second-class status of women
835 in America. It could also provide additional constitutional
836 protection for parents in many ways, including with respect
837 to discrimination based on pregnancy, childbirth, and
838 caregiving responsibilities. Right now, pregnant workers can
839 be placed on an unpaid leave or forced out of their jobs
840 because of a pregnancy. This is allowed under the law, and
841 the ERA would strengthen constitutional protections for
842 pregnant workers across the country by ensuring that
843 discrimination on the basis of pregnancy will be considered
844 incompatible with the guarantee of equality of rights for
845 women under the law. A vote for the ERA is a vote for
846 families.

847 In 1972, Washington State voters, my great State, passed
848 an amendment to our own State constitution to guarantee
849 rights on the basis of sex and ratified the ERA a year later.
850 And yet today, we are 1 of only 25 States across the country
851 whose constitution provides either inclusive or partial
852 guarantees of equal rights on the basis of sex. It is time
853 for us to extend this basic human right to all people across
854 the country. And that is why I am so proud, Mr. Chairman,
855 today to be able to vote in favor of House Joint Resolution
856 79, which will pave the way for the 38th and the final State
857 to ratify the Equal Rights Amendment.

858 I urge my colleagues on both sides of the aisle to join

859 us in this joyful moment. Thank you. I yield back.

860 Chairman Nadler. I thank the gentlelady. For what
861 purpose does the gentlelady from Texas seek recognition?

862 Ms. Garcia. Mr. Chairman, I move to strike the last
863 word.

864 Chairman Nadler. The gentlelady is recognized.

865 Ms. Garcia. Thank you, Mr. Chairman, and I, too, thank
866 you for convening this very important and historic hearing.
867 For me, it brings back a lot of memories. I remember back in
868 1972 being a bright-eyed, bushy-tailed college student,
869 looking as good as I look today, I might add --

870 [Laughter.]

871 Ms. Garcia. -- walking into the Texas capitol for the
872 first time to be involved and engaged in legislative
873 advocacy. I was there for an ERA hearing. I could not have
874 been prouder than to see what Texas was doing and see that
875 Texas did pass it. But then again in 1977, I was a Texas
876 delegate to the International Women's Year Convention held in
877 Houston, and I was proud then, too, to stand shoulder to
878 shoulder with Ann Richards, who was then not governor -- she
879 was the treasurer of Texas -- stand shoulder to shoulder with
880 her when she stood up and made a speech in favor of a
881 resolution for the ERA. I remember some of the Pink Ladies,
882 the opposition that were there, but Ann stood tall, much like
883 all of us stand tall even today, to support this amendment

884 and to support this bill.

885 So I ask you, Mr. Chairman, what is the problem? Why
886 are we more focused on process instead of the principle, as
887 Mr. Cohen said? I have been a steadfast supporter of the
888 Equal Rights Amendment from day one, and I will continue to
889 do that today and tomorrow and every day until it gets into
890 this book, as the congresswoman, my colleague from Houston,
891 said, because, frankly, it is shocking that almost a century
892 later, we are still trying to affirm the importance of this
893 very important amendment. It is worth so much more than
894 adhering to a 7-year deadline. It is about pay equity. It
895 is about protection against violence. It is about paid
896 maternal and paternal leave.

897 When women are empowered, the Nation is empowered. We
898 are long, long overdue in guaranteeing equality for all
899 Americans, and when I say "all," I mean all. There has been
900 important legislation to guarantee equal protection under
901 law, much of which has come out of this Congress, but we can
902 do more and we must do more because our young women
903 everywhere are depending on it. By passing the ERA under
904 this committee today, we will show all women and the trans
905 community that their voices do matter, and, if ratified,
906 there will be a solid constitutional foundation on which to
907 rely on for justice and equality for all.

908 At the end of the day, it will be up to the States to

909 ratify the ERA, so our job today is empower the States to
910 make the right decision. And on that point, I hope my
911 colleagues across the aisle do join us in supporting this
912 initiative. They need to remember their daughters, their
913 sisters, their mothers, and their grandmothers. They need to
914 remember that justice is a fact for all. Thank you, Mr.
915 Chairman, and I yield back the remainder of my time.

916 Chairman Nadler. I thank the gentlelady. For what
917 purpose does the gentlelady from Pennsylvania seek
918 recognition?

919 Ms. Scanlon. I move to strike the last word.

920 Chairman Nadler. The gentlelady is recognized.

921 Ms. Scanlon. I want to offer thanks to Alice Paul, who
922 drafted the first ERA in 1923. She graduated from Swarthmore
923 College, which is located in the heart of the district that I
924 represent now. Many of us have mentioned personal
925 connections to this fight. I was 12 when the ERA passed, and
926 I have waited my entire adult life to see us get to the
927 finish line. So on behalf of myself, my sisters, my
928 daughter, our foremothers, our daughters and granddaughters
929 yet to be, my female colleagues who are disproportionately
930 seated on this side of the aisle, and on behalf of the
931 overwhelmingly female audience here today, I say we have
932 waited long enough to have full recognition of our rights,
933 whether in the workplace, in the courts, in our healthcare,

934 or in our Constitution. So I proudly support this bill, and
935 I yield back.

936 Chairman Nadler. I thank the gentlelady. Are there any
937 further --

938 Mr. Neguse. Mr. Chairman?

939 Chairman Nadler. Oh, I am sorry. For what purpose does
940 the gentleman from Colorado seek recognition?

941 Mr. Neguse. Thank you, Mr. Chairman. I move to strike
942 the last word.

943 Chairman Nadler. The gentleman is recognized.

944 Mr. Neguse. Thank you, Mr. Chairman. I will be brief,
945 but I am just very grateful for the chairman's leadership in
946 holding this hearing today, and, of course, I am proud to
947 cast my vote in support of Representative Speier's
948 resolution. And I don't know that I could put it any better
949 than my colleague from the great State of Texas, Ms. Garcia.
950 I think we truly have a unique opportunity to look into the
951 future and decide what place in history we would like to
952 have, and whether we wish to stand ultimately for the
953 equality of opportunity on which our Nation was founded.

954 And for us to pursue the affirmation of equality before
955 us today is not radical and it should not be difficult. Our
956 actions today are straightforward, and in my view and in the
957 view of so many of our colleagues, we know that it is long
958 past time for us to act. Inclusion of the ERA in our

959 Constitution is not for us, but for the next generation and
960 all those who will follow, including my daughter, who is 14
961 months old. It is not for today, but for tomorrow and for
962 her, and the assurance that the fundamental equality of women
963 will not be subject to the ever-changing congressional and
964 judicial representation.

965 And let us be clear. This is not based on any partisan
966 ideology, but on that foundational understanding of freedom
967 and of justice which each of us here share, that we are all
968 created equal, endowed by our Creator with certain
969 unalienable rights. I hope that my colleagues will join me
970 in ensuring that those rights are extended and guaranteed to
971 all peoples with unquestioning resolve.

972 I want to just close by quoting one of the mothers of
973 the suffragist movement. My distinguished colleague from
974 Pennsylvania mentioned her earlier, and that was the author
975 of the ERA, Alice Paul, who said, "I never doubted that equal
976 rights was the right direction. Most reforms, most problems
977 are complicated. But to me, there is nothing complicated
978 about ordinary equality." On behalf of ordinary equality, I
979 urge you to support this legislation, and with that I yield
980 back.

981 Chairman Nadler. The gentleman yields back. For what
982 purpose does the gentleman from Louisiana seek recognition?

983 Mr. Richmond. I move to strike the last word.

984 Chairman Nadler. The gentleman is recognized.

985 Mr. Richmond. Let me thank the chairman for moving so
986 promptly on this important issue. And as a black male who
987 has gone to some remarkable colleges, I will just cite three
988 of my most intellectual and moral role models, which is my
989 mother and my two grandmothers, and they would always say,
990 "Nothing beats a failure but a try." And we hear the
991 argument acrobatics from the other side about we support
992 women's rights. Well, if you do, then let's get straight to
993 the point.

994 The Equal Rights Amendment says, "Equality of rights
995 under the law shall not be denied or abridged by the United
996 States or by any other State on account of sex." That is
997 very simple. It is very straightforward. There is no other
998 argument out there. Either you are for that sentence or you
999 are against it. And if your concern is about the Supreme
1000 Court, then let the Supreme Court do what the Supreme Court
1001 does. But the question is right now today, what side of
1002 history you are going to fall on, and I never thought I would
1003 be in a position to make that decision. And as I studied in
1004 my grade schools, including Morehouse where I often go back
1005 and look at history to see who was on the other side when we
1006 were talking about equality for African-Americans, who was on
1007 the other side when we were talking about all of these civil
1008 rights issues, the question I ask is in 20 years, do you want

1009 a kid or grandkid to pull up the tape and see that on the day
1010 we were fighting to prevent discrimination on the basis of
1011 sex, that somehow and for some reason you were against it?

1012 And we have thrown out a number of issues, and I don't
1013 necessarily want to go down the red herring road of abortion.
1014 But I want to say that the day of being righteous and saying
1015 I am pro-life until the baby is born needs to be addressed
1016 because if you are pro-life, you would be for equal pay for
1017 women. You are sentencing a baby born to a single mother
1018 who has to work two jobs to make what a man makes, who can't
1019 be there to nurture them when they get home. We don't
1020 support adoption. We don't adopt single parents. We don't
1021 do any of the things we are supposed to do, and all of a
1022 sudden we always hide behind "I am pro-life."

1023 And so let me just say that there will be a day where
1024 someone somewhere, and it could be my son, it could be my
1025 granddaughter, who will ask me on the day that this was
1026 argued and you all passed this legislation to allow the Equal
1027 Rights Amendment to become law, when Virginia does what
1028 Virginia is supposed to do, Daddy, Granddaddy, what was the
1029 argument against protecting women? And I hate to say I am
1030 going to say I don't know because when you are supposed to
1031 stand up and do what is right, you just do what is right.

1032 And I would ask that we put partisanship on the side,
1033 join hands together, stand up for the women in the United

1034 States, those that are not born, those that will be born, and
1035 pass this legislation in a bipartisan manner. With that, I
1036 yield back.

1037 Chairman Nadler. The gentleman yields back. For what
1038 purpose does the gentleman from Rhode Island seek
1039 recognition?

1040 Mr. Cicilline. I move to strike the last word.

1041 Chairman Nadler. The gentleman is recognized.

1042 Mr. Cicilline. Thank you, Mr. Chairman, for holding
1043 this markup of such an important piece of legislation to pave
1044 the way for the ratification of the Equal Rights Amendment.
1045 "Equality of rights under the law shall not be denied or
1046 abridged by the United States or by any State on account of
1047 sex." This is not a radical idea. Nearly every major
1048 industrialized nation has an equal rights amendment. The
1049 United States, however, is not one of them. This is a
1050 shameful stain on our Nation's history that can be remedied
1051 with action today. Equality, after all, is a founding
1052 principle of this great country.

1053 Article V of the U.S. Constitution states that "An
1054 amendment proposed by Congress shall be valid to all intents
1055 and purposes when ratified by the legislatures of three-
1056 fourths of the several States." But nothing in the
1057 Constitution limits ratification of a constitutional
1058 amendment to any particular period of time. In fact, most

1059 constitutional amendments contain no express deadline for
1060 ratification. It took the States 3 years and 340 days to
1061 ratify the Twenty-Second Amendment, which set presidential
1062 term limits. And most notably, the Twenty-Seventh Amendment
1063 was not ratified by the States until 1992. That is 203 years
1064 after it was first introduced by James Madison in 1789.

1065 Ratification of the Equal Rights Amendment must not be
1066 further delayed because of some arbitrary deadline.
1067 Discrimination on the basis of sex remains a real issue
1068 facing women all across this country. Women are more likely
1069 to forego healthcare services due to costs compared to men.
1070 According to research by the Institute for Women's Policy
1071 Research, women working full time earn 82 cents on the dollar
1072 per men's earnings in 2018. If change continues at its
1073 current pace, it will take 40 years, or until 2059, for women
1074 to finally reach pay parity. And the effects of gender
1075 discrimination cut deeply across racial, ethnic, and gender
1076 lines.

1077 To be clear, our Nation's courts have already recognized
1078 that women are entitled to equal protection under the law,
1079 but this is not enough. Supreme Court Justice Antonin Scalia
1080 said, and I quote, "Certainly the Constitution does not
1081 require discrimination on the basis of sex. The only issue
1082 is whether it prohibits it. It does not." This statement
1083 exemplifies why the Equal Rights Amendment is needed now.

1084 Ratifying the Equal Rights Amendment would affirm our
1085 Nation's values by codifying an express prohibition against
1086 sex discrimination in our Nation's foundational document, and
1087 ensure that vital protections implemented into law and
1088 correctly recognized by the courts are not undone.

1089 It is on us to support a pathway to ensure that the
1090 States can ratify this important amendment. We should do all
1091 that we can to guarantee that regardless of judicial or
1092 political ideology, women are treated the same as men in all
1093 respects of their public lives, including making a living,
1094 obtaining healthcare, and accessing public services.

1095 And while we may not be able to prevent all
1096 discrimination, we can stand up for what is right and ensure
1097 that people who are discriminated against based on their sex
1098 have all the legal tools necessary to protect themselves from
1099 discriminatory behavior and hold bad actors accountable.

1100 We should also remember when any person is discriminated
1101 against, it not only harms that individual who may be denied
1102 the ability to realize their full potential, but it harms the
1103 entire community, who is robbed of all that individual could
1104 do free of discrimination.

1105 The Constitution provides Congress with the power to
1106 remove the arbitrary deadline in the ERA. A vote for H. Res.
1107 79 is a vote for equality. I urge my colleagues to support
1108 this resolution, and I yield back.

1109 Chairman Nadler. I thank the gentleman. For what
1110 purpose does the gentleman from Maryland seek recognition?

1111 Mr. Raskin. Move to strike the last word.

1112 Chairman Nadler. The gentleman is recognized.

1113 Mr. Raskin. Mr. Chairman, first of all, thank you for
1114 your terrific leadership on bringing the ERA forward, and I
1115 want to say how moved I am by all of the eloquent statements
1116 of our colleagues this morning. And I think it is impressive
1117 that we have such a robust turnout on the committee to come
1118 for this historic moment.

1119 In Democracy in America, Tocqueville said that democracy
1120 is always either contracting, or it is expanding. And we can
1121 look at other places in Government today to see how democracy
1122 has been contracting and languishing, and we are in a
1123 struggle to defend the Constitution even as it is. But one
1124 of the best ways to defend the Constitution is to expand the
1125 Constitution and to elaborate the meanings that are implicit
1126 within it.

1127 The whole trajectory of our constitutional development
1128 is about expanding democracy to include people who had been
1129 subordinated or marginalized or kept outside of equality.
1130 When we began, we did not live up to Lincoln's beautiful
1131 vision of government of the people, by the people, for the
1132 people. We were a slave republic of Christian white male
1133 property owners over the age of 21, but it has been through a

1134 process of social struggle and constitutional amendment and
1135 change that we have opened America up.

1136 So after the Civil War, the Thirteenth Amendment
1137 abolished slavery, and the Fourteenth Amendment gave us equal
1138 protection and due process in the States. The Fifteenth
1139 Amendment said no race discrimination in voting. The
1140 Seventeenth Amendment shifted the mode of election of U.S.
1141 Senators from the State legislatures to the people, and the
1142 great Nineteenth Amendment, whose birthday we observe next
1143 year, whose centennial anniversary we will observe, gave us
1144 women's suffrage.

1145 The Twenty-Third Amendment gave people in Washington,
1146 D.C., the right to participate in presidential elections.
1147 The Twenty-Fourth Amendment abolished poll taxes in elections
1148 so that we didn't have essentially a wealth qualification
1149 test for voting. The Twenty-Sixth Amendment lowered voting
1150 to age 18.

1151 So the whole movement of our democracy can be read
1152 through the Constitution and the 17 amendments we have had
1153 since the Bill of Rights were adopted. And everything has
1154 moved toward greater expansion and inclusion of people who
1155 had not been treated as equals before. The Equal Rights
1156 Amendment is an historical imperative from that perspective
1157 to build gender equality right into the heart of our
1158 Constitution.

1159 Mr. Chairman, I saw a wonderful play by a woman I
1160 suspect may be your constituent named Heidi Schreck, called
1161 "What the Constitution Means to Me." And in the play, she
1162 talks about how when she was a kid, her mom would take her to
1163 American Legion competitions to talk about what the
1164 Constitution meant to her, and she would talk about it and
1165 speak about it. But then the play takes a dark turn for a
1166 moment because it turns out that her mother and pretty much
1167 all of the women and girls in her family were victims of
1168 sexual and domestic violence and physical violence.

1169 And the play is really about her connecting this trauma
1170 in the household to what she was doing talking about the
1171 Constitution because she said, ultimately, the Constitution
1172 did not include her. And that basic gender imbalance in the
1173 original Constitution filtered all the way down to the way
1174 that police officers and prosecutors and judges treated women
1175 in domestic violence cases and marginalized the voices of
1176 women.

1177 And so my takeaway from that play was there is nothing
1178 better we could do than to give ourselves a new Constitution
1179 in the new century than to pass the Equal Rights Amendment.
1180 So I am thrilled that we are going to overcome the rather
1181 arcane process objections being made.

1182 As you point out, Mr. Chairman, under Article V of the
1183 Constitution, this is a political question. It is up to

1184 Congress to define what the methodology is for adopting a
1185 constitutional amendment. The Supreme Court has said that it
1186 is a political question. And in *Coleman v. Miller*, it
1187 rejected the idea that Article V contained some kind of
1188 implied limitation on what Congress can do in the adoption of
1189 constitutional amendments.

1190 I am very proud of my neighbors across the Potomac River
1191 in Virginia for what a women-led movement did in the most
1192 recent election. One of my former constitutional law
1193 students, Eileen Filler-Corn, has just been elected the new
1194 speaker of the Virginia House. And I think it will be her
1195 great honor to preside over the passage of the Equal Rights
1196 Amendment in the 38th State as a fellow graduate of American
1197 University's Washington College of Law, along with Alice
1198 Paul, who introduced the very first Equal Rights Amendment
1199 back in 1923.

1200 So I am very proud to speak in support of this
1201 resolution, and I yield back, Mr. Chairman.

1202 Chairman Nadler. I thank the gentleman. For what
1203 purpose does the gentlelady from Arizona seek recognition?

1204 Mrs. Lesko. Thank you, Mr. Chairman, to strike the last
1205 word.

1206 Chairman Nadler. The gentlelady is recognized.

1207 Mrs. Lesko. Thank you, Mr. Chairman.

1208 Members, I am a pro-life congresswoman, and I put that

1209 out there when I was elected that I was pro-life, and the
1210 majority of my constituents elected me as a pro-life
1211 congresswoman. And so one of the questions that is important
1212 to me is would the Equal Rights Amendment create a nationwide
1213 right to abortion?

1214 And so I am just going to quote a few different opinions
1215 from different groups. First one is from Concerned Women for
1216 America, who says, "Adding an equality amendment based on sex
1217 allows Federal courts and legislatures new powers to
1218 reinterpret every law making a distinction based on sex or
1219 gender. Any limits on abortion or denying taxpayer funds for
1220 abortion could be seen as a form of sex discrimination and a
1221 violation of this amendment."

1222 Then Susan B. Anthony List says, "The Equal Rights
1223 Amendment to the U.S. Constitution, as proposed in 1972 and
1224 as interpreted to date by a wide range of legal scholars, by
1225 several lower courts, and even by certain advocates of the
1226 amendment, would install a legal mandate for abortion on
1227 demand, funded with taxpayer dollars into our Constitution."

1228 Then the United States Conference of Catholic Bishops
1229 says, "At least two States, New Mexico and Connecticut, have
1230 construed their own Equal Rights Amendments with language
1231 analogous to that of the Federal ERA to require government
1232 funding of abortion."

1233 The National Right to Life says, "There is now essential

1234 agreement between pre -- I am sorry -- between key pro-life
1235 and pro-abortion groups that the language of the 1972 ERA is
1236 likely to result in powerful reinforcement and expansion of
1237 abortion rights."

1238 For example, NARAL Pro-Choice America, in a March 13,
1239 2019, national alert, asserted that the ERA would reinforce
1240 the constitutional right to abortion. It would require
1241 judges to strike down anti-abortion laws.

1242 Beginning in 1983, pro-life Members of Congress have
1243 insisted that a simple abortion neutralization clause must be
1244 added to any new ERA before it is sent out to the States.

1245 I just had a new grandchild last week, born early, 36
1246 weeks. Then I was looking on Twitter and saw a tweet that
1247 said that many States allow abortions through 37 weeks.

1248 This year, we have seen radical efforts in States like
1249 New York and Virginia to expand abortion on demand through
1250 the moment of birth and even infanticide of babies born alive
1251 after a failed abortion. Every leading Democratic candidate
1252 for President backs this extreme agenda, as well as many
1253 House Democrats, led by Speaker Pelosi, who have blocked more
1254 than 80 requests on the floor of the U.S. House of
1255 Representatives to vote on the Born Alive Abortion Survivors
1256 Protection Act.

1257 Now this bill is trying to change the rules to bring
1258 back an expired, outdated amendment that would rewrite our

1259 Constitution to enshrine a right to unlimited taxpayer-funded
1260 abortion. This bill hijacks the language of equal rights to
1261 deny unborn girls the most fundamental right of all, life.

1262 I urge my colleagues to reject this bill, and I yield
1263 back my time.

1264 Chairman Nadler. I thank the gentlelady for yielding
1265 back. For what purpose does the gentlelady from Texas seek
1266 recognition?

1267 Ms. Escobar. I move to strike the last word.

1268 Chairman Nadler. The gentlelady is recognized.

1269 Ms. Escobar. Thank you, Chairman.

1270 I am so grateful to you for bringing this resolution
1271 before us. I am grateful to Representative Speier for her
1272 work on it. I grateful to all of you in the audience, in
1273 this packed house of smiling faces, looking to us for
1274 leadership, looking to us for hope, expecting that we will
1275 stand with you and stand with women in this country.

1276 I am very grateful to be in this historic moment
1277 alongside with you and with my distinguished colleagues, many
1278 of whose remarks I associate myself with.

1279 You know, it is a privilege and a tragedy that we are
1280 here together in this room today. It is a privilege because
1281 we get to be a part of history, and we have the opportunity
1282 to right generations of wrongs. But it is a tragedy because
1283 it has taken so long.

1284 I think about my mother, Isabel, who is the hardest-
1285 working person I have ever met in my life, and all of the
1286 opportunities denied to her, all of the extra obstacles that
1287 she had to face. I think about my daughter, Eloisa, who is
1288 the strongest advocate for justice that I have ever met, and
1289 the potential and opportunity that she has ahead of her.

1290 And I think about so many other women, women who came
1291 before us, women who work silently beside us, who deserve
1292 more than being second-class citizens. Our country has a
1293 real struggle, and what we struggle with is recognizing the
1294 dignity, the grace, the opportunity, the potential, and the
1295 power of each individual.

1296 My community has seen that struggle with the way that we
1297 have had to bear witness as to how immigrants have been
1298 treated in our country. But all of us have long had to bear
1299 witness and participate in a system that treats women as
1300 second-class citizens.

1301 And so it is, again, with deep gratitude that I am here
1302 today alongside all of you to support this. Let it not be a
1303 tragedy going forward if we fail to pass this. This should
1304 be an absolute no-brainer.

1305 Thank you, Chairman. I yield back.

1306 Chairman Nadler. I thank the gentlelady. For what
1307 purpose does the gentlelady from Florida seek recognition?

1308 Ms. Mucarsel-Powell. Mr. Chairman, I move to strike the

1309 last word.

1310 Chairman Nadler. The gentlelady is recognized.

1311 Ms. Mucarsel-Powell. Thank you, Mr. Chairman, and thank
1312 you to Congresswoman Jackie Speier for introducing this
1313 legislation.

1314 I am so proud to speak in support of this joint
1315 resolution and the Equal Rights Amendment. For far too long,
1316 women have had to fight to be treated equally in our society.
1317 While we have made a great amount of progress, we still have
1318 a long way to go.

1319 Compared to men, women have far fewer healthcare
1320 options. There is little support to accommodate women who
1321 are pregnant at the workplace. I have been there with two
1322 pregnancies. Few public services exist to support and help
1323 us raise our children.

1324 There is a large wage gap between men and women. Women,
1325 on average, earn about \$10,000 less than a man doing the same
1326 job every single year. That is about 80 cents for every
1327 dollar earned by a man, and Latinas earn only 53 cents paid
1328 to every dollar.

1329 Women are underrepresented in high-level positions at
1330 companies and in politics. Right now, we only have 33
1331 Fortune 500 CEOs who are women. And I am so proud to be part
1332 of this historical class of women where we elected the most
1333 number of women than any other Congress before us, but we

1334 still have such a long way to go.

1335 I am the first South American-born woman to be elected
1336 to Congress, and that shouldn't be a fact that I should be
1337 proud to give. There should have been so many more before
1338 me. It is 2019, and it is far past time that we recognize
1339 women as equals.

1340 It is shameful that the Equal Rights Amendment has not
1341 been ratified. It is far past time that we give women the
1342 equal respect, recognition, and the resources that we all
1343 deserve.

1344 And that is why I support this resolution. It would
1345 ensure that we give States the time and the opportunity to
1346 weigh in on the Equal Rights Amendment. It would remove an
1347 arbitrary deadline and give States the ability to fully
1348 consider this amendment.

1349 And at the very heart of this amendment is equality. We
1350 should not have to rely on a patchwork of laws and
1351 regulations. We would be recognized as equal to men under
1352 the eyes of the law in our country's most fundamental
1353 governing principles. Our equality would be guaranteed. I
1354 don't think that is too much to ask in the 21st century.

1355 The Equal Rights Amendment will finally include women in
1356 our Constitution. I urge my colleagues from all sides of the
1357 political spectrum to vote in favor of this resolution.

1358 Thank you. I yield back.

1359 Chairman Nadler. I thank the gentlelady for yielding
1360 back. And I now recognize -- for what purpose does the
1361 gentlelady from Georgia seek recognition?

1362 Mrs. McBath. Thank you, Mr. Chairman. I move to strike
1363 the last word.

1364 Chairman Nadler. The gentlelady is recognized.

1365 Mrs. McBath. I would like to thank our colleague,
1366 Representative Jackie Speier, for this very timely
1367 legislation and just really so grateful for her work.

1368 Women have been fighting tooth and nail for decades to
1369 be recognized as equal in the eyes of the law. America's
1370 women have fought for the right to vote, the right to equal
1371 education, and the right to financially provide for our
1372 families and be compensated the same as men. While we have
1373 made significant gains, it is time for full constitutional
1374 equality.

1375 Because of that ongoing fight and that history of
1376 discrimination, I am co-leading the bipartisan Pregnant
1377 Workers Fairness Act, along with Chairman Nadler, Congressman
1378 Katko, and Congresswoman Herrera-Beutler. Bills like these
1379 are critically important at protecting women, but they simply
1380 are not enough. We need the Equal Rights Amendment because
1381 all Americans deserve to be treated equally.

1382 In 1886, Frances Ellen Watkins Harper, a free-born black
1383 woman, addressed the National Women's Rights Convention in

1384 New York City. She said, and I quote, "Justice is not
1385 fulfilled so long as woman is unequal before the law. We are
1386 all bound up together in one great bundle of humanity.
1387 Society cannot afford to neglect the enlightenment of any
1388 class of its members."

1389 Her words are still so true today. We are all bound up
1390 together, and the Constitution must declare the equality of
1391 all of us for our society to continue to make the progress
1392 that it has made. And I am so proud to be a cosponsor of
1393 this measure and to take another step toward equality with
1394 this markup today.

1395 And I yield back the balance of my time.

1396 Chairman Nadler. I thank the gentlelady for yielding
1397 back.

1398 Are there any further amendments to the amendment in the
1399 nature of a substitute?

1400 [No response.]

1401 Chairman Nadler. The question then occurs on the
1402 amendment in the nature of a substitute. This will be
1403 followed immediately by a vote on final passage of the
1404 resolution.

1405 All those in favor of the amendment in the nature of a
1406 substitute will respond by saying aye.

1407 Opposed, no.

1408 In the opinion of the chair, the ayes have it, and the

1409 amendment in the nature of a substitute is agreed to.

1410 A reporting quorum being present, the question is on the
1411 motion to report the resolution, H.J. Res. 79, as amended,
1412 favorably to the House.

1413 Those in favor, respond by saying aye.

1414 Those opposed, no.

1415 And the ayes have it. The resolution is ordered
1416 reported favorably.

1417 Mr. Collins. Roll call.

1418 Chairman Nadler. A recorded vote has been requested.

1419 The clerk will call the roll.

1420 Ms. Strasser. Mr. Nadler?

1421 Chairman Nadler. Aye.

1422 Ms. Strasser. Mr. Nadler votes aye.

1423 Ms. Lofgren?

1424 Ms. Lofgren. Aye.

1425 Ms. Strasser. Ms. Lofgren votes aye.

1426 Ms. Jackson Lee?

1427 Ms. Jackson Lee. Aye.

1428 Ms. Strasser. Ms. Jackson Lee votes aye.

1429 Mr. Cohen?

1430 Mr. Cohen. Aye.

1431 Ms. Strasser. Mr. Cohen votes aye.

1432 Mr. Johnson of Georgia?

1433 Mr. Deutch?

1434 Ms. Bass?

1435 Ms. Bass. Aye.

1436 Ms. Strasser. Ms. Bass votes aye.

1437 Mr. Richmond?

1438 Mr. Jeffries?

1439 Mr. Jeffries. Aye.

1440 Ms. Strasser. Mr. Jeffries votes aye.

1441 Mr. Cicilline?

1442 Mr. Cicilline. Aye.

1443 Ms. Strasser. Mr. Cicilline votes aye.

1444 Mr. Swalwell?

1445 Mr. Lieu?

1446 Mr. Raskin?

1447 Mr. Raskin. Aye.

1448 Ms. Strasser. Mr. Raskin votes aye.

1449 Ms. Jayapal?

1450 Ms. Jayapal. Aye.

1451 Ms. Strasser. Ms. Jayapal votes aye.

1452 Mrs. Demings?

1453 Mr. Correa? Mr. Correa?

1454 Mr. Correa. Aye.

1455 Ms. Strasser. Mr. Correa votes aye.

1456 Ms. Scanlon?

1457 Ms. Scanlon. Aye.

1458 Ms. Strasser. Ms. Scanlon votes aye.

1459 Ms. Garcia?

1460 Ms. Garcia. Aye.

1461 Ms. Strasser. Ms. Garcia votes aye.

1462 Mr. Neguse?

1463 Mr. Neguse. Aye.

1464 Ms. Strasser. Mr. Neguse votes aye.

1465 Mrs. McBath?

1466 Mrs. McBath. Aye.

1467 Ms. Strasser. Mrs. McBath votes aye.

1468 Mr. Stanton?

1469 Mr. Stanton. Aye.

1470 Ms. Strasser. Mr. Stanton votes aye.

1471 Ms. Dean?

1472 Ms. Dean. Aye.

1473 Ms. Strasser. Ms. Dean votes aye.

1474 Ms. Mucarsel-Powell?

1475 Ms. Mucarsel-Powell. Aye.

1476 Ms. Strasser. Ms. Mucarsel-Powell votes aye.

1477 Ms. Escobar?

1478 Ms. Escobar. Aye.

1479 Ms. Strasser. Ms. Escobar votes aye.

1480 Mr. Collins?

1481 Mr. Collins. No.

1482 Ms. Strasser. Mr. Collins votes no.

1483 Mr. Sensenbrenner?

1484 Mr. Chabot?
1485 Mr. Gohmert?
1486 Mr. Gohmert. No.
1487 Ms. Strasser. Mr. Gohmert votes no.
1488 Mr. Jordan?
1489 Mr. Buck?
1490 Mr. Ratcliffe?
1491 Mrs. Roby?
1492 Mrs. Roby. No.
1493 Ms. Strasser. Mrs. Roby votes no.
1494 Mr. Gaetz?
1495 Mr. Johnson of Louisiana?
1496 Mr. Johnson of Louisiana. No.
1497 Ms. Strasser. Mr. Johnson of Louisiana votes no.
1498 Mr. Biggs?
1499 Mr. Biggs. No.
1500 Ms. Strasser. Mr. Biggs votes no.
1501 Mr. McClintock?
1502 Mrs. Lesko?
1503 Mr. Reschenthaler?
1504 Mr. Reschenthaler. No.
1505 Ms. Strasser. Mr. Reschenthaler votes no.
1506 Mr. Cline?
1507 Mr. Cline. No.
1508 Ms. Strasser. Mr. Cline votes no.

1509 Mr. Armstrong?

1510 Mr. Armstrong. No.

1511 Ms. Strasser. Mr. Armstrong votes no.

1512 Mr. Steube?

1513 Mr. Steube. No.

1514 Ms. Strasser. Mr. Steube votes no.

1515 Chairman Nadler. The gentleman from Louisiana?

1516 Mr. Richmond. Aye.

1517 Ms. Strasser. Mr. Richmond votes aye.

1518 Chairman Nadler. The gentleman from California?

1519 Mr. Lieu. Aye.

1520 Ms. Strasser. Mr. Lieu votes aye.

1521 Chairman Nadler. The gentleman from Georgia?

1522 Mr. Johnson of Georgia. Aye.

1523 Ms. Strasser. Mr. Johnson of Georgia votes aye.

1524 Chairman Nadler. The gentlelady from Arizona?

1525 Mrs. Lesko. No.

1526 Ms. Strasser. Mrs. Lesko votes no.

1527 Chairman Nadler. Has every member who wishes to vote

1528 voted?

1529 [No response.]

1530 Chairman Nadler. The clerk will report.

1531 The gentleman from California?

1532 Mr. McClintock. No.

1533 Ms. Strasser. Mr. McClintock votes no.

1534 Mr. Chairman, there are 21 ayes and 11 noes.

1535 Chairman Nadler. The ayes have it. The resolution, as
1536 amended, is ordered reported --

1537 [Applause.]

1538 [Gavel sounding.]

1539 Chairman Nadler. Everyone, please -- everyone will
1540 please suspend.

1541 The ayes have it. The resolution, as amended, is
1542 ordered reported favorably to the House. Members will have
1543 2 days to submit views.

1544 The resolution will be reported as a single amendment in
1545 the nature of a substitute, incorporating all adopted
1546 amendments. And without objection, staff is authorized to
1547 make technical and conforming changes.

1548 This concludes our business for today. Thanks to all
1549 our members for attending.

1550 Without objection, the markup is adjourned.

1551 [Whereupon, at 11:32 a.m., the committee was adjourned.]