

time, the question is, Shall the joint resolution pass?

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

[Rollcall Vote No. 98 Leg.]

YEAS—50

| | | |
|-----------|------------|------------|
| Barrasso | Graham | Paul |
| Blackburn | Grassley | Ricketts |
| Boozman | Hagerty | Risch |
| Braun | Hawley | Romney |
| Britt | Hoeven | Rounds |
| Budd | Hyde-Smith | Rubio |
| Capito | Johnson | Schmitt |
| Cassidy | Kennedy | Scott (FL) |
| Collins | Lankford | Scott (SC) |
| Cornyn | Lee | Sullivan |
| Cotton | Lummis | Thune |
| Cramer | Manchin | Tillis |
| Crapo | Marshall | Tuberville |
| Cruz | McConnell | Vance |
| Daines | Moran | Wicker |
| Ernst | Mullin | Young |
| Fischer | Murkowski | |

NAYS—49

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|--------------|--------------|------------|
| Baldwin | Hickenlooper | Sanders |
| Bennet | Hirono | Schatz |
| Blumenthal | Kaine | Schumer |
| Booker | Kelly | Shaheen |
| Brown | King | Sinema |
| Cantwell | Klobuchar | Smith |
| Cardin | Lujan | Stabenow |
| Carper | Markey | Tester |
| Casey | Menendez | Van Hollen |
| Coons | Merkley | Warner |
| Cortez Masto | Murphy | Warnock |
| Duckworth | Murray | Warren |
| Durbin | Ossoff | Welch |
| Fetterman | Padilla | Whitehouse |
| Gillibrand | Peters | Wyden |
| Hassan | Reed | |
| Heinrich | Rosen | |

NOT VOTING—1

Feinstein

The joint resolution (S.J. Res. 11) was passed, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Administrator of the Environmental Protection Agency relating to “Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards” (88 Fed. Reg. 4296 (January 24, 2023)), and such rule shall have no force or effect.

REMOVING THE DEADLINE FOR THE RATIFICATION OF THE EQUAL RIGHTS AMENDMENT—MOTION TO PROCEED

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 4, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 3, S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment.

The PRESIDING OFFICER. The Senator from Alabama.

UNANIMOUS CONSENT REQUEST—H.R. 734

Mr. TUBERVILLE. Madam President, last week, the House voted for a commonsense proposal that is supported by a majority of Americans. The House voted to protect female athletes. This week, it is time for the Senate to do the same thing.

Before my time here, I spent many years as a coach, educator, and mentor. I have seen how sports can change people's lives. Athletic scholarships open up a lifetime of opportunities for men and women alike. Yet, today, those opportunities for women are being threatened by a radical political agenda that is being forced upon the American people.

When I was growing up, there were a lot less opportunities for female athletes. Fifty-one years ago, Congress passed title IX to ensure that male and female athletes both had access to lessons, life skills, and opportunities for advancement that come from participating in sports. It has been one of the most successful pieces of legislation ever to come out of Congress.

As a coach, I saw its impact firsthand. One of my first jobs out of college was coaching junior girls' basketball—what a thrill. Title IX was just starting to be implemented when I took the job. I was there to see the incredible impact it had on young girls all over this country.

For the first time, young women I coached had equal access to facilities, resources, and competition. I saw those hard-working athletes go on to earn college scholarships, start careers, and become leaders in their own communities.

I still keep in touch with a lot of them. I am deeply proud of them. I wonder if they would have had the same opportunities without title IX. Would they have had the same access or ability for success?

Before title IX, at a lot of schools, there was no such thing as college women's athletics. Very few collegiate championships for women's sports existed, limiting opportunities for female athletes to achieve greatness.

Before 1972, when title IX was enacted, there were only about 30,000 female athletes in college sports and only around 290,000 in high school sports. For comparison, at the same time, 3.7 million males were playing high school sports. However, after title IX's enactment, that changed very quickly.

Because of title IX, female participation at the college level has risen more than 600 percent. Yet now female athletes are again being told to give up their ability to compete—and settle for second place.

Women and girls are suffering at the hands of an ideology. The Biden administration is taking a sledgehammer—a big sledgehammer—to title IX.

A few weeks ago—on Good Friday, of all days—Joe Biden's Department of Education issued a new rule completely reinterpreting title IX. As usual, the Biden administration is trying to legislate from the White House—the executive branch—because they know their radical ideas would not—and I repeat, would not—make it through this Congress.

This type of change should require a bill, but Biden, again, wants to change

Federal law by simply publishing a new rule. Biden's rule change says schools cannot ban boys from participating in women's sports or else they will lose their funding.

I can't believe we are even talking about this.

The proposed rule is 116 pages long. It is so vague that schools are not going to know what to do. They are not going to know how to interpret it. The vagueness is going to let the Biden administration selectively enforce rules and intimidate schools into taking the most cautious position.

It is a backdoor national mandate to force schools to allow biological males to play in women's sports. Schools that choose to protect female athletes would face punishment from the government if they didn't allow it.

The rule is expected to go into effect this coming fall 2023. That means teachers and coaches would have to begin opening their girls' and women's teams, fields, and locker rooms to biological males. It is unfair, it is unsafe, and it is downright wrong. To be honest, it is moronic.

As a former coach, I can tell you that coaches will do what it takes to win. Coaches want to keep their jobs. The only way to keep your job as a coach and to deal with the pressure is to win games.

College athletics is a big business—a big, big business. There are conferences that make near \$100 million per school a year just for television rights. So there is a lot at stake.

Under the Biden rules, all of the incentives are for biological males to dominate women's sports. They are only a very small percentage today. One study shows trans athletes make up about 0.00025 of athletes in women's college sports today—a very small percentage.

But, frankly, one championship or opportunity ripped away from a female by a biological male is one too many. The Democrats are here to argue differently. If they do that, it is shameful.

Ten years from now, I suspect the situation is going to be very, very different. The Supreme Court last year voted to allow college athletes to get paid for their name, image, and likeness. A few years from now, coaches and players would stand to make millions through playing biological males against women. It is only common sense that that is going to happen because winning is the only thing that counts in college and professional athletes. That is the only thing that counts.

Biological males will and would dominate in virtually every women's sport. Women's sports, as we know it, would be over. Biological girls would simply drop out of sports or never choose to play in the first place.

Is this really what the Democrats want? Is this really their plan? Do Democrats really want to end women's sports? Do Democrats really want to ruin the dreams of young girls who

want to be the next world-famous gymnast, like Suni Lee, or tennis player superstars, like the Williams sisters, or Olympic swimming legend, like Katie Ledecky? Is that what they want?

I am grateful that many courageous female athletes are speaking out. I spoke with one of the greatest athletes in history, Caitlyn Jenner, who is fully supportive of this bill for keeping men and boys out of women's sports, because we have all seen women like Riley Gaines, who had to watch her national championship dreams get taken away by a biological male. This was after she was forced to share a locker room with that adult biological male against her will.

Riley Gaines was at the University of Kentucky on an athletic scholarship. But what would happen if a young girl is forced to compete against a male in high school? She could watch her dreams taken away.

Already 28 championships have been taken away from girls and women at the hands of biological males. You have got to be kidding me. Males have 40 to 50 percent greater upper body strength and 20 to 40 percent greater lower body strength. It is dangerous to put them on the same field with women. This is basic biology.

What did we see from the "Party of Science" last week? Exactly zero Democrats in the House voted for this bill—zero. The "Party of Science" seems to have skipped biology class.

Now the question is, Will any Democrat in the Senate show a little bit of courage and stand up for women—just a little bit? Will any Senate Democrat vote to protect their daughters, their granddaughters, or great-granddaughters? I am anxious to see this. Will any of them do that today?

Democrats have been talking a lot about women on the Senate floor lately. Democrats seem to think the only thing women care about is abortion, ending the life of a child. What about women and girls who want to be athletes or go to school on an athletic scholarship? Does that matter?

Not a single House Democrat voted to protect girls and women in sports. Today, we are going to find out where Senate Democrats stand.

The bill the House passed last week would stop this administration from forcing schools to let biological males compete against women. In fact, the Protection of Women and Girls in Sports Act does just the opposite. It prevents a school from receiving funds if it lets boys compete in women's sports.

Americans do not want the Federal Government footing the bill for a policy that is a slap in the face to women who have worked so hard to become athletes.

A clear majority of Americans support this bill—a clear majority. Poll after poll has proven that. It is time to act before the situation gets worse, and it is going to get much worse. So now I am going to give this body a chance to stand up for women athletes.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 734, which was received from the House; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Hawaii.

Ms. HIRONO. Madam President, reserving the right to object, I rise today in opposition to S. 613, legislation that would ban transgender women and girls from participating in sports consistent with their gender.

My Republican colleagues falsely claim that allowing transgender women and girls to play sports is harmful to cisgender women and girls. They continue to hurl insulting lies about transgender girls dominating sports. But what is true is that these bans are deeply harmful to transgender girls, particularly transgender girls of color, girls who are gender nonconforming, and cisgender girls as well. These "sex tests" invade every girl's privacy and open the door to harassment for anyone who is perceived as "different."

If my Republican colleagues were actually worried about women and girls in athletics, they would join in our efforts to address unequal athletic opportunities in school, unequal pay, sexual abuse and harassment, and more. But this isn't about supporting women and girls; this is about power and control. My Republican colleagues are obsessed with controlling women's bodies and our lives, as we are seeing yet again today.

But instead of being honest about what they are doing, many on the other side claim that this bill is somehow a defense of title IX. That couldn't be further from the truth. Title IX says:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

As someone who knew and was friends with Patsy Mink, the author of title IX, I can tell you she would be standing right next to me to say title IX in no way or shape supports what my colleague is attempting to do. Patsy spent her entire life fighting to advance equal opportunity for women and girls. It would pain her to know that the bill she fought so hard to make law is being twisted by Republicans to discriminate against the very people it was designed to protect.

Republicans have the wrong priorities. We shouldn't be banning anyone from playing sports. We should be fighting the discrimination that all women and girls—trans, cis, or otherwise—continue to face in athletics, in the classroom, and in the workplace.

For these reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. TUBERVILLE. Madam President, I am truly disappointed but expected that the Democrats were going to block this legislation to protect young girls and women. Again, it is shameful. It really is.

I see my colleague from Iowa is on the floor, and I want to thank her for joining me in this effort to protect women.

I yield the floor to Senator ERNST.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, I would like to thank the Senator from Alabama for leading this effort.

Iowa has a celebrated history of exceptional girls' sports programs. We recently saw the Iowa Hawkeyes women's basketball team make it to the national championship after taking home their fifth Big Ten Tournament title just days after cheering on the high school girls competing in the State tournament. Last year, the Iowa High School Girls Athletic Union proudly sanctioned girls wrestling, opening up new opportunities for girls to be part of a team and recognized for their achievements.

Title IX not only makes these events possible; it guarantees an opportunity for our female athletes. Whether it is growing as a leader, winning a championship, or securing a scholarship to college, sports opens doors for young women. But right now, President Biden is working overtime to force institutions to allow biological males to share spaces with females and compete in women's sports. Doors that were opened over 50 years ago are being slammed in the faces of girls across the country because of the progressive left's gender ideology. Girls' locker rooms have now become a battleground for the Democratic Party, and parents continue to be iced out of the issue.

Thankfully, last year, Governor Reynolds protected girls' sports across Iowa, from elementary school all the way up to the collegiate level.

Here in the Senate, I am proud to join my friend from Alabama and our colleagues in supporting the Protection of Women and Girls in Sports Act. Under this legislation, any athletic program that receives Federal funds and permits a biological male to participate in competitions designated for women or girls would be in violation of Federal law. The House just passed this commonsense bill last week, and we should not waste any more time in passing it here in the Senate.

Payton McNabb is a senior in high school. She loves volleyball but was severely injured last fall because a biological male spiked the ball into her face.

Riley Gaines Barker, a 12-time NCAA All-American athlete, was forced to compete against a biological male, Lia Thomas, in the 200 freestyle. The two tied—they tied—for fifth place, with Thomas taking home the trophy. No kidding. Thomas took home the trophy. The NCAA told Riley it was necessary for photo purposes.

Lia Thomas is a 6-foot-4-inch biological male who swam on the men's team at the University of Pennsylvania for 3 years before switching to the women's team for his final year. Thomas beat female 2020 Olympic silver medalists and American record holders to win an NCAA Division I title.

Man, you might feel like a woman, but you aren't one.

We must protect our young girls and make sure they aren't pushed off the podium. Title IX is the law of the land whether the far left likes it or not. The law was created to offer the same playing field to female athletes as their male counterparts, not to subject women to second place and the sidelines.

In defense of our Iowa daughters and female athletes across the Nation, I am standing with Riley Gaines—who was recently attacked by radical activists on a college campus—and her message: Biological men should not be allowed to compete in women's sports.

Our female athletes deserve fairness, safety, and the ability to win those top scholarships and titles, as title IX intended. No amount of harassment from the radical left will stop strong women from standing up for the truth and for what is right.

If Senate Democrats pushing the so-called Equal Rights Amendment were really interested in equal rights for women, they would protect women's sports and spaces from biological men.

Madam President, every time a girl steps onto the mat, onto the court, the field, or the track, she should know that she has every opportunity to compete and win.

I am proud to work with my friend Senator TUBERVILLE and my colleagues in fighting to pass the Protection of Women and Girls in Sports Act.

With that, I will yield the floor to Senator TUBERVILLE.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. TUBERVILLE. I thank Senator ERNST for her comments. Now I would like to yield the floor to my colleague from North Carolina, Senator BUDD.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BUDD. Madam President, I rise today to support Senator TUBERVILLE's Protection of Women and Girls in Sports Act.

For more than half a century, title IX has expanded opportunities for women and girls from the classroom to the playing field. According to the Women's Sports Foundation, our country went from a ratio of 1 in 27 girls playing sports in 1972 to 1 in 5 today. We went from fewer than 30,000 female collegiate athletes in 1972 to nearly 230,000 female athletes today. That is progress that should be celebrated.

However, women's sports are fundamentally undermined when biological males are allowed to compete against them. There are biological differences between men and women. If we ignore those differences, we threaten

future opportunities for female athletes and the entire notion of women's sports. It is unfair, it is unsafe, and it is unacceptable. That is why Senator TUBERVILLE's bill is so important. It simply ensures that title IX protections are clearly defined by a person's reproductive biology and genetics at birth.

The bottom line: Female athletes should compete against other female athletes. It is that simple.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. TUBERVILLE. Madam President, I thank Senators ERNST and BUDD for their comments today. I also want to thank the 25 cosponsors we have signed on to my bill in the Senate. Rest assured, this is not the end. We will continue to fight for this legislation for all the girls and women across this great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. First, Madam President, I thank my colleagues who are on the floor today—Senator TUBERVILLE for his leadership, Senator BUDD, and Senator ERNST—for their efforts in the protection of women and girls in sports. As a doctor, I share their concerns, share their passion in terms of fairness, in terms of safety, and I congratulate them on their efforts and continue to join them in those efforts to provide the protection for women and girls in sports.

ENERGY

Madam President, I come to the floor today to talk about the high price of Democrats' misguided energy agenda. It is a high-price crisis entirely of President Biden and the Democratic Party's own making.

Last year, when energy prices were already at historic highs, what did Democrats do? Well, they voted 10 times—time after time after time—against increasing American energy production. Instead, Democrats jammed through the Senate and the House the largest climate bill in American history. The climate extremists applauded this.

Let me just say, hold the applause, because the American public is suffering. Families all across this great land are hurting. Democrats' reckless spending in the past 2 years has driven up the cost of energy and, of course, as everyone knows, this has fueled inflation.

Inflation reached a 40-year high because of Democrats' spending. Prices today are over 15 percent higher than they were the day Joe Biden took office. Energy prices have gone up even more than that. Americans are paying 36 percent more for energy today than they were in January of 2021. Gas prices to fill the tank are up 46 percent. That is a 5-month high. They are going to continue to go up during this summer's driving season.

The lower gas prices that the administration desperately and irresponsibly

depleted our Nation's Strategic Petroleum Reserve to achieve last year has hurt our economy and has hurt our country and has hurt our national security.

Democrats were wrong to raid our emergency supplies of petroleum products in a desperate attempt to lower gas prices leading up to the November 2022 elections.

The Strategic Petroleum Reserve is our Nation's emergency reserve. Now it is out of gas. It is down to the lowest level it has been at in 40 years. Not refilling it. Oh, no.

Joe Biden knew we needed more energy than that. So he went on bended knee to foreign dictators, begging them to produce more oil to help lower gas prices here in America but not letting us produce it here at home—and we have plenty.

This President did everything he could to try to lower gas prices except the thing the American people know would work, and that is to produce more American energy. So American families are once again facing that double whammy of an energy crisis coupled with an inflation crisis.

Democrats are doing absolutely nothing to help solve the problem. Remember, the Biden administration began working on day No. 1 to choke off America's energy resources: killed the Keystone XL Pipeline, canceled oil and gas leases.

America's energy revolution turned us into the world's energy superpower. Our economy had a wonderful, competitive advantage. It is good for families, good for workers.

We challenged dictators without having to worry about our energy supply. We had affordable, reliable, and available American energy. This administration and the Democrats in this body squandered the gains that we had achieved.

They attacked American oil, natural gas, and coal at every turn along the way. Then they raised taxes to make it even more expensive. They instituted burdensome regulations to make it more difficult to produce the American energy.

They have put up roadblock after roadblock on every type of American energy. And yet Joe Biden and the Democrats, open-mouthed, looked with surprise: Why have the prices skyrocketed?

Anybody could have predicted that choking off our energy supply would lead to record-high energy prices and to increase dependence on our adversaries—Russia, China, Iran, Venezuela.

Last week, Secretary of Energy Jennifer Granholm testified before the Energy Committee. I specifically asked her about the administration's plan to lower gas prices and energy prices across the board, because they are up across the board. They are up for heating energy; they are up for driving energy.

Her solution: government mandates, phase out anything powered by oil,

natural gas, or coal. Take away our gas stoves, take away our gas-powered water heaters, force-feed us expensive electric cars that don't work for many people across the country.

They may be OK for rich people in the big cities who don't have to drive very much, who can afford to pay \$16,000 more for a vehicle than for a traditional car. But for Wyoming families and Wyoming farmers and Wyoming ranchers, they just don't work.

People want affordable, reliable vehicles. And for people all around rural America, electric cars are not it.

Americans don't support the Democrats' climate extremism. Look at the polls. Nearly two-thirds of Americans say they don't want to buy an electric car. They don't want to be force-fed by Joe Biden. They don't want to have the government in the driver's seat.

They say the price is too high. It is \$64,000 on average. The batteries are unreliable. Charging them is inconvenient. It is time-consuming. It takes a long time to get a battery charged, and it can't go all that far.

And then who benefits from all of this? China. That is because most of the critical minerals that are needed to build these batteries come right out of China. Just look for the "made in China" sticker on the batteries of the electric vehicles.

This country should be focusing on strengthening our energy independence, not finding ways to become more dependent to China or Russia.

So the reality of Secretary Granholm's so-called solution to lowering prices is that Americans will just pay more; not really concerned about affordability, but I didn't hear that word at all.

The way to lower prices is to unleash American energy. Now, the House recently passed legislation to do just that. And I support their efforts.

Senator CAPITO and I are going to soon introduce our own legislation in the Senate. The Energy and Natural Resources Committee is going to hold a hearing on the critical issues in the coming weeks.

We can only unleash American energy if we fix our broken permitting system process. Right now, new energy projects are bogged down by a maze of redtape and lawsuits.

Our legislation is going to include enforceable timelines on environmental reviews and filing legal challenges. We are going to move forward faster with an all-of-the-above American energy agenda. We need it all.

My Democratic colleagues have stated before that they do want permitting reform. Well, we will see. They are going to have an opportunity to speak up and to vote; because if they are serious, real reform is possible. If they are serious, we can tell the American people that real relief is on the way.

We do need a long-term commitment in this country to American energy. Making life more affordable for every American should be a bipartisan pri-

ority. It hasn't been for the first 2 years in the Biden administration and now going into the third.

We need to get back to a point where we can make energy affordable, available, and reliable—instead of focusing, as the Democrats do, on only renewable energy, regardless of the cost and regardless of the consequences.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

REMOVING THE DEADLINE FOR THE RATIFICATION OF THE EQUAL RIGHTS AMENDMENT

Mr. CARDIN. Madam President, I take this time—and I am going to be joined by several of my colleagues—to talk about a vote that we are going to have tomorrow on S.J. Res. 4. This is the resolution that would rescind the deadline for the ratification of the Equal Rights Amendment.

This is an issue that I have been working on for a long time, including during my time in the Maryland General Assembly in 1972, when the Maryland legislature ratified the Equal Rights Amendment.

So this goes back a long time, and it is time to finish the work. I want to thank Chairman DURBIN for his leadership on this issue, the chairman of the Judiciary Committee, for the work he did so that we could reach this moment where we have a chance to take the step that is critically important, removing any ambiguity in regards to the ratification process.

I also want to thank Leader SCHUMER for making this time available so we will be able to vote on this issue tomorrow.

I particularly want to acknowledge the extraordinary leadership of Senator LISA MURKOWSKI, my coleader on this resolution. The two of us have worked together. This should never be a partisan issue. Equality should enjoy support, I would hope, from both Democrats and Republicans.

There is no time limit on equality. The 28th Amendment to the Constitution, the Equal Rights Amendment, was approved by the U.S. Congress in both the House and Senate by a two-thirds vote, as required in the Constitution, and has been ratified by 38 States—that is, three-fourths necessary for the ratification of a constitutional amendment.

The sole purpose of S.J. Res. 4 is to remove any ambiguity, to remove the time limit that was included originally in the 1972 act of Congress of 7 years and previously extended to 10 years.

I want to acknowledge the help I have received on this through the incredible staff we all have here in the U.S. Senate. Bill Van Horne, who is my chief counsel, has been working on this issue since my days in the House of Representatives, and I thank him for his leadership in bringing all the groups together. Helen Rogers has helped a great deal in this effort. I just want to acknowledge the work both of them have done on the Equal Rights Amendment.

The ERA simply states:

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

That is it. That is exactly what the Equal Rights Amendment to the Constitution says. Ratification would affirm women's equality in our Constitution, enshrining the principle of women's equality and explicit prohibition against sex discrimination in our Nation's founding document.

Currently, the only explicitly guaranteed right in our Constitution based upon sex is the 19th Amendment, which is the right to vote.

Existing legal protections against sex-based discrimination fall well short of addressing systemic sex-based inequality in our society.

As the 28th Amendment, the ERA would serve as a new tool for Congress, for Federal Agencies, and in courts to advance equality in the fields of workforce and pay, pregnancy discrimination, sexual harassment and violence, reproductive autonomy, and protection of LGBTQ+ individuals. Enshrining this protection in our Constitution also ensures enduring protections for all Americans across the country.

Existing legal protections against sex-based discrimination fall well short of addressing the systemic sex-based inequality in our society.

It is also a signal to the courts that they should apply a more rigorous level of review to laws and government policies that discriminate on the basis of sex.

That is what the ERA is all about: equality—the most fundamental of American values.

We need to finally get the job done. Last Congress, a bipartisan majority in the Senate cosponsored this joint resolution, and the House of Representatives has already passed this legislation on two occasions—first in the 116th Congress and then in the 117th Congress.

Virginia became the 38th and final State required by the Constitution to ratify the Equal Rights Amendment on January 27, 2020.

Our resolution, S.J. Res. 4, would clarify once and for all that the Equal Rights Amendment has met all the requirements of article V of our Constitution.

Let me read what it says:

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

It is a clarification resolution. Congress has the power to do it. Congress approved it by more than the required two-thirds majority in both Chambers, and three-quarters of States have now ratified it. Article V of the Constitution has been complied with.

You are going to hear legal arguments surrounding whether a Senate

joint resolution can remove a deadline, so let me talk about some of these issues.

First, in the Constitution, there is nothing in the Constitution that sets a time limit on ratification. Read Article V. It talks about the votes necessary in Congress—we have had that—and the votes of ratification by the States—we have done that. There is no time limit in the Constitution.

The 27th Amendment effecting congressional pay raise was ratified after two centuries, after being initially proposed by Congress as part of the Bill of Rights in 1791, two centuries before—over 200 years before it was ratified.

Congress has the authority to act. There is precedent for Congress to extend the deadline for ratification of an amendment, as it did once before for the ERA. Note that the ERA deadline was contained in the preamble to the text of the constitutional amendment, not in the constitutional amendment itself.

There is precedent for Congress to declare that the requisite number of States have ratified a constitutional amendment, as the House and Senate did in 1992 by resolutions affirming the validity of the 27th Amendment regarding congressional pay raises. That is the one that took over 200 years to ratify.

In terms of Article V, the only question is whether a State has ratified. Ratification is something that happens at a moment in time. It either happens or it doesn't happen. History tells us that once a State has ratified, it can't take it back. The 14th Amendment became part of the Constitution after the Civil War even though two States had attempted to rescind prior ratifications. Those States were included on the list of States that ratified. The effectiveness of a rescission is ultimately a question for Congress. S.J. Res. 4 answers that question.

Then the most recent opinion by the Department of Justice, the opinion by the Office of Legal Counsel, noted that Congress, as a coequal branch of government, is not precluded from taking further action regarding the ratification of the ERA.

So we have all of the legal requirements. We can act.

Now let me lay out a few more things here.

Most Americans believe the ERA is already part of our Constitution. Just ask them. They think it is there. Most of our States have provisions in the State constitutions to provide equal rights based upon sex. So we already have it in States, and it is working.

Most democracies—in fact, every constitution that has been written since World War II contains an equal rights amendment. The United States is an outlier on this issue. We are the leader of democratic values in human rights globally, but we don't have an equal rights amendment in our Constitution.

The Pew Research Center did a survey on this. Seventy-eight percent of

Americans support the Equal Rights Amendment being added to the Constitution. This is overwhelmingly popular among all of our constituents—Democrats, Republicans, Independents, men, women. Two-hundred fifty national and local groups support the ERA, including the League of Women Voters, the National Urban League, the National Council of Jewish Women, the SEIU, and many, many other civil rights, labor, and civic groups.

This resolution language removes any doubt of ratification, and it is the right way to go under our Constitution. We had the advice of constitutional scholars who support what we are doing—Erwin Chemerinsky, Larry Tribe, Kathleen Sullivan, Catharine MacKinnon, Victoria Nourse, former Senator Russ Feingold. All have endorsed the way we are proceeding.

The ERA is needed not only to keep progress moving forward but also to protect against incursions on the progress we have already made. Based on recent decisions by the Supreme Court, some Justices ascribe to the view that the meaning of equality under the equal protection clause should be frozen in time in 1868 when the 14th Amendment was ratified. That approach may cast in doubt even the limited precedents currently holding that the equal protection clause applies to sex discrimination.

It has been more than 100 years since women won the right to vote and nearly 100 since the effort to enshrine the ERA in the Constitution began. Generations have fought to achieve major points of progress in our laws and our society since then. However, it is undeniable that work remains.

Finally, enshrining the ERA into the Constitution would be one major step that we could take towards a society that is truly equal on the basis of sex.

I therefore urge my colleagues to vote yes on the motion to invoke cloture on the motion to proceed to S.J. Res. 4. The women of America have waited long enough. Don't filibuster equality. You don't want to be on that side of history.

There should be no time limit on equality. Let us use this opportunity to complete the action of equality based on sex in our Constitution.

I yield the floor.

The PRESIDING OFFICER (Mr. OSSOFF). The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 121.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Michael Farbiarz, of New Jersey, to be

United States District Judge for the District of New Jersey.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 121, Michael Farbiarz, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 122.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Robert Kirsch, of New Jersey, to be United States District Judge for the District of New Jersey.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 122, Robert Kirsch, of New Jersey, to be United States District Judge for the District of New Jersey.

Charles E. Schumer, Richard J. Durbin, Brian Schatz, John W. Hickenlooper, Margaret Wood Hassan, Gary C. Peters, Mark Kelly, Jack Reed, Tammy Duckworth, Christopher Murphy, Sheldon Whitehouse, Catherine Cortez Masto, Mazie Hirono, Benjamin L. Cardin, Jeanne Shaheen, Tammy Baldwin, Angus S. King, Jr., Alex Padilla, Robert Menendez, Michael F. Bennet.