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SENATE JOINT RESOLUTION NO. 275**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Privileges and Elections
on January 15, 2019)

(Patron Prior to Substitute—Senator Chase)

Reaffirming that all persons residing in the Commonwealth of Virginia are afforded equal protection under the law.

WHEREAS, the Fifth Amendment to the United States Constitution provides that "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law" by the federal government; and

WHEREAS, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that no state can "deny to any person within its jurisdiction the equal protection of the laws"; and

WHEREAS, Article VI of the United States Constitution establishes the United States Constitution as the supreme law of the land; and

WHEREAS, in addition to the Fifth and Fourteenth Amendments, equal protection for women can be found in a plethora of federal as well as state laws, including Title IX provisions, contract award guidelines, grants, scholarships, and privacy protections; and

WHEREAS, in 1974, the Virginia General Assembly enacted § 40.1-28.6 of the Code of Virginia (Equal pay irrespective of sex.) to provide that "[n]o employer having employees shall discriminate . . . between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work . . ."; and

WHEREAS, numerous United States Supreme Court cases have affirmed the equality of both men and women as a matter of constitutional law, including the 1996 case of *United States v. Virginia*; and

WHEREAS, significant cultural and legal advances have been made in recent decades that have contributed to parity for women and men in the workplace, including fair pay and employment security; and

WHEREAS, women have served alongside men in representative capacities in the Virginia General Assembly since 1924, when two women were first elected to the House of Delegates; and

WHEREAS, the Commonwealth of Virginia is a place that respects and values the differences of individuals and strives to ensure equality for both women and men; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly reaffirm that all persons residing in the Commonwealth are afforded equal protection under the law; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.