

House Resolution 16

By: Representative Mitchell of the 88th

A RESOLUTION

1 To ratify a proposed Amendment to the United States Constitution; and for other purposes.

2 WHEREAS, both houses of the 92nd Congress of the United States of America, by a
3 constitutional majority of two-thirds, adopted the following resolution proposing to amend
4 the United States Constitution:

5 RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
6 UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF
7 EACH HOUSE CONCURRING THEREIN), That the following article is proposed as
8 an amendment to the Constitution of the United States, which shall be valid to all intents
9 and purposes as part of the Constitution when ratified by the legislatures of three-fourths
10 of the several States within seven years from the date of its submission by the Congress:

11 ARTICLE.....

12 Section 1. Equality of rights under the law shall not be denied or abridged by the United
13 States or by any State on account of sex.

14 Section 2. The Congress shall have the power to enforce, by appropriate legislation, the
15 provisions of this article.

16 Section 3. This amendment shall take effect two years after the date of ratification; and

17 WHEREAS, the 95th Congress of the United States amended the resolution of the 92nd
18 Congress to extend the time for ratification to June 30, 1982, thereby indicating its continued
19 support of the amendment; and

20 WHEREAS, the Congress of the United States adopted the 27th Amendment to the
21 Constitution of the United States, which was proposed in 1789 by our first Congress but not
22 ratified by three-fourths of the states until May 7, 1992, and, on May 18, 1992, certified as
23 the 27th Amendment; and

24 WHEREAS, the restricting time limit for ratification of the Equal Rights Amendment is in
25 the resolving clause and is not part of the amendment which was proposed by Congress and
26 which has already been ratified by 35 states; and

27 WHEREAS, having passed a time extension for the Equal Rights Amendment on
28 October 20, 1978, Congress demonstrated that a time limit in a resolving clause may be
29 disregarded if it is not part of the proposed amendment; and

30 WHEREAS, the United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433 (1939),
31 recognized that Congress is in a unique position to judge the tenor of the nation, to be aware
32 of the political, social, and economic factors affecting the nation and to be aware of the
33 importance to the nation of the proposed amendment; and

34 WHEREAS, if an amendment to the Constitution of the United States has been proposed by
35 two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures,
36 it is for Congress, under the principles of *Coleman v. Miller*, to determine the validity of the
37 state ratifications occurring after a time limit in the resolving clause, but not in the
38 amendment itself; and

39 WHEREAS, the Georgia General Assembly finds that the proposed amendment is
40 meaningful and needed as part of the Constitution of the United States and that the present
41 political, social, and economic conditions demonstrate that constitutional equality for women
42 and men continues to be a timely issue in the United States.

43 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
44 GEORGIA that the said Amendment to the Constitution of the United States is hereby
45 ratified and adopted.

46 BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded by the
47 Governor to the President of the United States, the Secretary of State of the United States,
48 and the Archivist of the United States at the National Archives and Records Administration
49 pursuant to 1 U.S.C. §§ 106b and 112, which shall serve as official notice that the proposed
50 amendment to the Constitution of the United States of America is hereby ratified by the
51 Georgia General Assembly.