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SENATE JOINT RESOLUTION 589

By Johnson

A RESOLUTION to affirm Tennessee's commitment to fairness, safety, and equal opportunity in women's sports and to urge federal action to preserve the original intent of Title IX.

WHEREAS, with respect to biological sex, a person is either male or female; and

WHEREAS, there are inherent and enduring biological differences between males and females that put males at a competitive advantage in sports and jeopardize women's safety and privacy when they are forced to compete against males; and

WHEREAS, for more than fifty years, Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) has guaranteed that no person shall, on the basis of sex, be excluded from participation in or denied the benefits of any federally funded education program; and

WHEREAS, Title IX's protections have historically recognized the biological differences between males and females, including the permissibility of sex-specific athletic teams in educational institutions, in order to ensure equal opportunities for women and girls; and

WHEREAS, maintaining separate sex-specific teams furthers the goal of sex equality by providing female athletes opportunities to demonstrate their skill, strength, and athletic abilities while also providing opportunities to obtain recognition, accolades, college scholarships, and the numerous other long-term benefits that flow from success in athletic endeavors; and

WHEREAS, allowing males to compete in women's sports reverses more than fifty years of progress for women; and

WHEREAS, science and common sense tell us that males generally have larger bodies, larger hearts and lungs, denser bones, and greater muscle mass and strength than females, giving them a competitive advantage that cannot be eliminated through testosterone suppression; and

WHEREAS, in 2022, a male athlete competing as a woman broke multiple records at the Ivy League Women's Swimming Championships, won multiple Ivy League championships, and won an NCAA women's championship in the 500-yard freestyle, defeating female athletes, including former Olympic medalists; and

WHEREAS, allowing males to compete against females in contact sports creates significant risks of physical harm to female athletes; and

WHEREAS, in North Carolina, a seventeen-year-old female high school athlete, Payton McNabb, suffered serious head and neck injuries that resulted in partial paralysis after being struck by a ball spiked by a male athlete competing in a girls' volleyball match; and

WHEREAS, maintaining separate female sports teams based on sex promotes the safety of female athletes by protecting them from predictable and preventable injuries that may result from forcing females to compete against male athletes; and

WHEREAS, allowing men into female-only spaces—including locker rooms, changing areas, restrooms, and overnight sleeping accommodations—erases the privacy and safety those spaces were created to protect; and

WHEREAS, in West Virginia, a seventh-grade girl was forced to share a locker room and compete with a male athlete who sexually harassed her and displaced her in athletic competition, causing her to experience significant emotional distress and loss of enjoyment in sports; and

WHEREAS, individuals should never be required to compromise their dignity or privacy in order to validate another person's subjective perception of identity; and

WHEREAS, in 2021, Tennessee enacted the Women's Sports Act, joining more than half the states in the nation in protecting fairness in women's sports by ensuring that

participation on athletic events or teams designated for women or girls is based on biological sex; and

WHEREAS, recent federal actions and court decisions threaten to undermine the original intent of Title IX and the authority of states to preserve fair and safe athletic competition for women and girls; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FOURTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that:

1. The General Assembly recognizes and respects the real and meaningful physiological differences between the two sexes;

2. The General Assembly reaffirms its commitment to protecting fairness in women's sports and safeguarding the safety and privacy of women and girls;

3. The General Assembly calls upon the Congress of the United States to enact federal legislation reaffirming that Title IX guarantees women and girls equal opportunities in athletics and that allowing males to compete in women's athletics or to access women's private spaces violates the purpose and meaning of Title IX; and

4. The General Assembly expresses its hope that the federal courts, including the Supreme Court of the United States, will give due consideration to the original public meaning and purpose of Title IX and to the longstanding authority of the states to preserve fair, safe, and sex-based athletic competition.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of the Tennessee Congressional delegation.