

United States Senate

WASHINGTON, DC 20510

August 6, 2024

VIA ELECTRONIC TRANSMISSION

Charlie Baker
President
National Collegiate Athletic Association
Indianapolis, Indiana 46202

Dear President Baker:

Amid the Biden—Harris administration’s unprecedented assault on Title IX, we write to urge the National Collegiate Athletic Association (NCAA) to update your student-athlete participation policy to require that only biologically female students participate in women’s sports. The 2024 Summer Olympics are upon us, and the NCAA has boasted about its athletes’ participation.¹ Yet the NCAA has still taken no steps to protecting a critical portion of these athletes. Several organizations—including the National Association of Intercollegiate Athletics (NAIA) and the Court of Arbitration for Sport—in addition to more than 20 states, have acted recently to protect women’s sports. We urge the NCAA to follow suit and take similar action to promote fair play.

The science is clear. Males have inherent athletic advantages over females due to their anatomy and biology—including through having larger hearts, higher red blood count, greater lung capacity, longer endurance, larger muscle mass, differences in bone density and geometry, and lower body fat. Consistently, when adult males’ athletic performance is contrasted with adult females’ athletic performance in sports relying on endurance, muscle strength, speed, and power, males dominate, outperforming females by 10 to 30 percent.²

Notably, similar trends are seen among trans-identifying athletes undergoing treatment, such as hormone therapy. When examining the effects of hormone therapy, studies show that muscular strength of men can be well preserved, even after three years on such a regimen. Moreover, data shows that estrogen therapy does not reverse the majority of athletic performance parameters, and biological males continue to have innate advantages.³ Regardless of whether a trans-identifying athlete is receiving treatment, dominance over women is still clearly visible. This reality is reflected in the international anti-doping community’s stance on testosterone supplementation. According to the United States Anti-Doping Agency, “testosterone is prohibited in sport at all

¹ *Here Are the NCAA Student-Athletes Competing at the 2024 Summer Olympics in Paris*, NCAA (July 18, 2024), <https://www.ncaa.com/news/ncaa/olympics-2024/2024-07-18/ncaa-student-athletes-competing-2024-summer-olympics-paris>.

² Sandra K. Hunter et al., *The Biological Basis of Sex Differences in Athletic Performance: Consensus Statement for the American College of Sports Medicine*, TRANSLATIONAL J. AM. COLL. SPORTS MED., Fall 2023, at 1-33.

³ Joanna Harper et al., *How Does Hormone Transition in Transgender Women Change Body Composition, Muscle Strength and Hemoglobin? Systematic Review with A Focus on The Implications for Sport Participation*, 55 BRIT. J. SPORTS MED. 865 (2021).

times.”⁴ This is because there is an understanding that male hormones give athletes a material and competitive advantage in sports. To allow biological men to compete in women’s sports, while considering testosterone a performance enhancer, is intellectually dishonest. These facts cannot continue to be ignored by the NCAA.

Other athletics associations are beginning to recognize this scientific fact. In April of this year, the NAIA Council of Presidents unanimously approved a new policy prohibiting the participation of males in women’s sports. Similarly, in June of this year, the Court of Arbitration for Sport ruled that Lia Thomas lacked standing to challenge World Aquatic’s policy barring Thomas from competing in the women’s category for the Olympics. These decisions are rooted in the fundamental knowledge that—while each individual should have access to sports—men and women have biological differences that must be respected.

While men may have inherent athletic advantages, they have no advantage over women in their level of passion, drive, or desire to compete. The very bedrock of sport is the exhibition of a commitment to excellence, grace under pressure, and fair play among competitors—all of which is threatened absent an even playing field. Women deserve that even playing field and chance to compete, one that can only be achieved by ensuring that only females compete in women’s sports. We urge you to follow the lead of the NAIA and the Court of Arbitration for Sport and adopt policies that protect women’s sports.

We look forward to working with you to support girls and women in sports.

Sincerely,



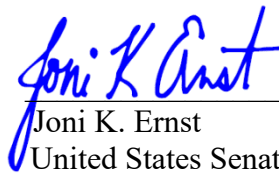
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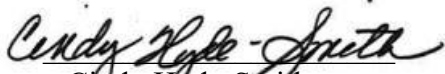
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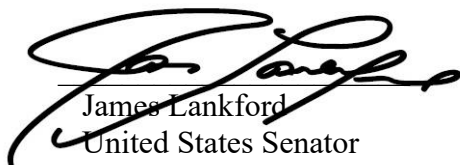
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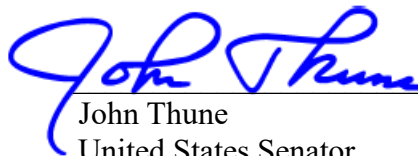
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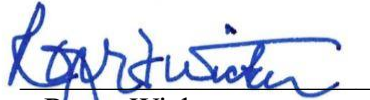



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⁴ Q&A on Transgender Athletes and USADA, USADA (Nov. 12, 2021), <https://www.usada.org/spirit-of-sport/transgender-athletes>.



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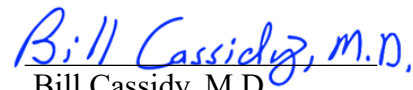

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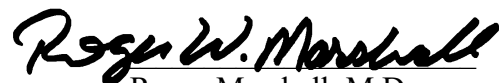

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