

United States Senate

WASHINGTON, DC 20510

March 3, 2025

Charlie Baker
President
National Collegiate Athletic Association
700 W. Washington Street
P.O. Box 7110
Indianapolis, Indiana 46206

Dear President Baker,

On February 5, 2025, President Donald J. Trump issued an executive order—*Keeping Men Out of Women's Sports*—to strengthen Title IX and protect opportunities for biological female athletes to compete in safe and fair sports.¹ After the Biden-Harris administration's assault on Title IX in its efforts to allow biologically male athletes who identify as female to compete in women's sports, this order came as a sigh of relief to millions of female athletes across the country who desire equal opportunity to engage in competitive athletics.

In response to President Trump's order, the National Collegiate Athletic Association (NCAA) updated its student-athlete participation policy to bar biological male students from participating in women's sports.² We commend the NCAA's quick action to comply with President Trump's order and write to encourage the NCAA to take additional steps to protect the safety and privacy of female athletes nationwide.

The NCAA's new policy makes clear that biological male student-athletes may not compete on a women's team.³ We could not be more supportive of this essential policy change. The NCAA's policy guarantees that biological male athletes who practice with female athletes will "receive all other benefits applicable to student-athletes who are otherwise eligible for practice."⁴ There is an opportunity to clarify that these guarantees do not include access to facilities that would undermine the privacy and safety of female athletes—such as women's locker rooms or other female-only spaces—which the President's order made clear should be protected.⁵ We ask that the NCAA consider adding language to its policy that explicitly bars biological male athletes from female-only spaces and to consider adopting additional privacy protections for women and girls in sports.

¹ Exec. Order 14201 (Feb. 5, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/keeping-men-out-of-womens-sports/>.

² Press Release, Nat'l Collegiate Athletic Ass'n, NCAA Announces Transgender Student-Athlete Participation Policy Change (Feb. 6, 2025), <https://www.ncaa.org/news/2025/2/6/media-center-ncaa-announces-transgender-student-athlete-participation-policy-change.aspx>.

³ *Participation Policy for Transgender Student-Athletes*, NAT'L COLLEGIATE ATHLETIC ASS'N (Feb. 6, 2025), <https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx>.

⁴ *Id.*

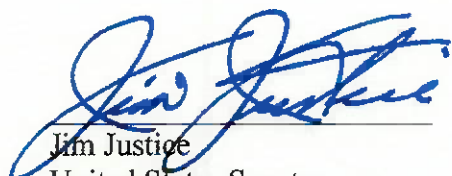
⁵ Exec. Order 14201, *supra* note 1 ("[I]t is the policy of the United States to rescind all funds from educational programs that deprive women and girls of fair athletic opportunities, which results in the endangerment, humiliation, and silencing of women and girls and deprives them of privacy.").

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We also applaud the NCAA's policy defining "sex assigned at birth" as the male or female designation that doctors assign to infants at birth, which is marked on their birth records—*e.g.*, birth certificate.⁶ Publicly, the NCAA has affirmed that biological male athletes may not compete on a women's team with amended birth certificates or by other documentary means. The NCAA's public stance on this issue is commendable, and its policy could go a step further and explicitly state that amended birth certificates are prohibited.

We stand in support of President Trump's unparalleled actions to protect the safety and privacy of female athletes across the country. The NCAA's efforts are likewise respectable, and we look forward to working with you to ensure women and girls have equal opportunity in athletics.

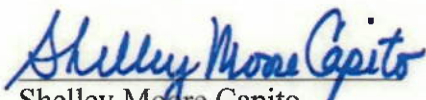
Sincerely,



Jim Justice
United States Senator




Tommy Tuberville
United States Senator



Shelley Moore Capito
United States Senator



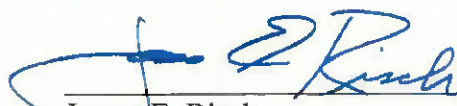
James Lankford
United States Senator



Mike Lee
United States Senator



Mike Crapo
United States Senator



James E. Risch
United States Senator



Jim Banks
United States Senator

⁶ See *Participation Policy for Transgender Student-Athletes*, *supra* note 3.