



September 22, 2020

The Honorable Kelly Loeffler
United States Senate
Washington, DC 20510

Dear Senator Loeffler,

As organizations representing hundreds of thousands of women and female athletes across America, we write to endorse the “Protection of Women and Girls in Sports Act of 2020.” This bill amends Title IX of the Education Amendments of 1972 to clarify,

“It shall be a violation...for a recipient of Federal funds who operates, sponsors, or facilitates athletic programs or activities to permit a person whose sex is male to participate in an athletic program or activity that is designated for women or girls.”

It is unfortunate that this bill is even necessary, but what is happening in female athletics today makes it essential. Although no basis exists in federal law, middle and high schools, colleges, and the NCAA are twisting the intent of Title IX, the federal law which prohibits discrimination in educational programs on the basis of sex, by allowing men who claim to “identify as women” to compete on women’s teams and against female athletes.

Title IX’s purpose and benefit are negated for women whenever the playing field is accessible to male athletes claiming status as women. Title IX’s prohibition of sex discrimination is based on sex – male and female. It does not define sex based on “gender identity.” It does not sanction males, with distinct physiological advantages regardless of treatment, to compete in female sports.

Policies allowing for inclusion in sex-specific sports on the basis of “gender identity” have no substantiation in biological fact or valid medical research to defend males competing in female athletics. Studies attest to the reality that puberty, testosterone, and innate biological differences give physical advantages to males that cannot be mitigated and, therefore, disqualify female athletes from fair competition when males compete in women’s sports. To deny these facts is to deny science.

The Karolinska Institute of Sweden concluded that “muscle strength, size and composition following 12-months of gender-affirming treatment in transgender individuals retained advantage” for males identifying as women.¹ Exercise physiology expert, Dr. Gregory A. Brown of the University of Nebraska published an exhaustive review of existing research, concluding that “men and adolescent boys perform better in almost all sports than women and adolescent girls because of their inherent physiological advantages that develop during male puberty.”²

In *United States v. Virginia*, Justice Ruth Bader Ginsburg writing for the majority recognized the relevance of sex-based classifications as permissible because certain “differences between men and women” are “enduring”.

We applaud you for introducing this critical legislation. Protecting fairness and equality for women and girls in sports should not be a partisan issue. It should be an issue that unites all members to stand for women’s rights and the intent and purpose of Title IX.

Sincerely,

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¹Tommy Lundberg, Ph.D. et.al. (September 26, 2019). Karolinska Institutet. Department of Laboratory Medicine/ANA Futura. Division of Clinical Physiology. Huddinge, Sweden. Retrieved from: <https://www.biorxiv.org/content/biorxiv/early/2019/09/26/782557.full.pdf>

²Expert Declaration of Gregory A. Brown, Ph.D. (January 7, 2020). Filed in support of the U.S. Department of Education Complaint Nos. 01-19-4025 & 01-19-1252. Retrieved from: <https://img1.wsimg.com/blobby/go/a69528e3-c613-4bcc-9931-258260a4e77f/downloads/2020.01.07%20G%20Brown%20Report%20Executed.pdf?ver=1580495895886>

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