

118TH CONGRESS  
2D SESSION

# H. R. 9218

To establish a clear and consistent biological definition of male and female.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2024

Mrs. MILLER of Illinois (for herself, Mr. HARRIS, Mr. MOONEY, Mr. GUEST, Mr. SELF, Mr. LAMALFA, Mr. STEUBE, Mrs. LESKO, Mrs. MCCLAIN, Mrs. LUNA, Ms. BOEBERT, Ms. TENNEY, and Mr. MOORE of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish a clear and consistent biological definition of male and female.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defining Male and Fe-  
5 male Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In human beings, there are two—and only  
9 two—sexes: male and female, which refer to the two

1 body structures (phenotypes) that, in normal devel-  
2 opment, correspond to one or the other gamete—  
3 sperm for males and ova for females.

4 (2) Every individual is either male or female.

5 (3) An individual's sex can be observed or clini-  
6 cally verified at or before birth.

7 (4) Rare disorders of sexual development are  
8 not exceptions to the binary nature of sex.

9 (5) In no case is an individual's sex determined  
10 by stipulation or self-identification.

11 (6) There is increasing confusion about the def-  
12 inition and implications of sex as a biological truth  
13 and its relationship to concepts and terms including  
14 but not limited to sex assigned at birth, gender, gen-  
15 der identity, gender role, gender expression, and ex-  
16 perience gender.

17 (7) Confusion and ambiguities surrounding the  
18 definitions of sex, male, female, and related terms  
19 can hinder individual efforts to enjoy equal treat-  
20 ment under the law.

21 (8) Legal equality of the two sexes—male and  
22 female—does not imply that the sexes are identical  
23 to each other or are the same in every respect.

24 (9) With respect to the two sexes—male and fe-  
25 male—separate facilities or sports leagues estab-

1 lished because of or organized according to physical  
2 differences between the sexes do not constitute un-  
3 equal treatment under the law.

4 (10) Physical differences between males and fe-  
5 males are enduring, and the two sexes are not fun-  
6 gible.

7 (11) To prevent further efforts to undermine  
8 the longstanding meaning and understanding of sex,  
9 male, female, and related terms, it is necessary for  
10 Congress to reaffirm and codify the meaning of  
11 these terms.

12 **SEC. 3. DEFINITION OF “SEX”, “MALE”, “FEMALE”, AND RE-**  
13 **LATED TERMS.**

14 Chapter 1 of title 1, United States Code, is amended  
15 by adding at the end the following:

16 **“§ 9. Definition of ‘sex’, ‘male’, ‘female’, and related**  
17 **terms**

18 “In determining the meaning of any Act of Congress,  
19 or of any ruling, regulation, or interpretation of the var-  
20 ious administrative bureaus and agencies of the United  
21 States, the word—

22 “(1) ‘sex’, when referring to individual’s sex,  
23 shall be understood to refer to either male or female,  
24 as biologically determined and defined by this sec-  
25 tion;

1           “(2) ‘female’, when referring to a natural per-  
2           son, means an individual who naturally has, had,  
3           will have, or would have, but for a developmental or  
4           genetic anomaly or historical accident, the reproduc-  
5           tive system that at some point produces, transports,  
6           and utilizes eggs for fertilization;

7           “(3) ‘male’, when referring to a natural person,  
8           means an individual who naturally has, had, will  
9           have, or would have, but for a developmental or ge-  
10          netic anomaly or historical accident, the reproductive  
11          system that at some point produces, transports, and  
12          utilizes sperm for fertilization;

13          “(4) ‘woman’ means an adult human female;

14          “(5) ‘girl’ means a minor human female;

15          “(6) ‘man’ means an adult human male;

16          “(7) ‘boy’ means a minor human male;

17          “(8) ‘mother’ means a female parent;

18          “(9) ‘father’ means a male parent;

19          “(10) ‘gender’—

20                 “(A) means—

21                         “(i) males, females, or the natural dif-  
22                         ferences between males and females, unless  
23                         such term is otherwise specified or used  
24                         alone (rather than with or as an adjective  
25                         modifying other words); and

1                   “(ii) a synonym for sex; and  
2                   “(B) does not mean a synonym for terms  
3                   or ideas such as gender identity, experienced  
4                   gender, gender expression, or gender roles; and  
5                   “(11) ‘gender identity’ does not mean sex or  
6                   gender.”.

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