

118TH CONGRESS  
2D SESSION

# S. 5356

To establish clear and consistent biological definitions of male and female.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2024

Mr. MARSHALL (for himself, Mr. RISCH, Mr. CRAPO, and Mrs. HYDE-SMITH)  
introduced the following bill; which was read twice and referred to the  
Committee on the Judiciary

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## A BILL

To establish clear and consistent biological definitions 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  
10 body structures (phenotypes) that, in normal devel-

1        opment, correspond to one or the other gamete—  
2        sperm for males and ova for females.

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

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

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

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

10           (6) There is increasing confusion about the def-  
11        inition of sex as a biological truth, the implications  
12        of sex, and its relationship to concepts and terms in-  
13        cluding sex assigned at birth, gender, gender iden-  
14        tity, gender role, gender expression, and experienced  
15        gender.

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

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

23           (9) With respect to the two sexes—male and fe-  
24        male—separate facilities or sports leagues estab-  
25        lished because of or organized according to physical

1 differences between the sexes do not constitute un-  
 2 equal treatment under the law.

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

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

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

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

15 **“SEC. 9. DEFINITION OF ‘SEX’, ‘MALE’, ‘FEMALE’, AND RE-**  
 16 **LATED TERMS.**

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

21 “(1) ‘boy’ means a minor human male;

22 “(2) ‘father’ means a male parent;

23 “(3) ‘female’, when used to refer to a natural  
 24 person, means an individual who naturally has, had,  
 25 will have, or would have, but for a congenital anom-

1 aly or intentional or unintentional disruption, the re-  
2 productive system that at some point produces,  
3 transports, and utilizes eggs for fertilization;

4 “(4) ‘gender’, when used alone to refer to  
5 males, females, or the natural differences between  
6 males and females—

7 “(A) shall be considered a synonym for  
8 sex; and

9 “(B) shall not be considered a synonym or  
10 short-hand expression for gender identity, expe-  
11 rienced gender, gender expression, or gender  
12 role,

13 except that this definition shall not apply when the  
14 term ‘gender’ is used in conjunction with other  
15 words or as an adjective to modify other words, or  
16 when context or explicit definition in law indicates  
17 otherwise;

18 “(5) ‘gender identity’ does not mean sex or gen-  
19 der;

20 “(6) ‘girl’ means a minor human female;

21 “(7) ‘male’, when used to refer to a natural  
22 person, means an individual who naturally has, had,  
23 will have, or would have, but for a congenital anom-  
24 aly or intentional or unintentional disruption, the re-

1 productive system that at some point produces,  
2 transports, and utilizes sperm for fertilization;

3 “(8) ‘man’, except when used as a generic ref-  
4 erence to human beings, means an adult human  
5 male;

6 “(9) ‘mother’ means a female parent;

7 “(10) ‘sex’, when referring to an individual’s  
8 sex, shall be understood to refer to either male or fe-  
9 male, as biologically determined and defined by this  
10 section; and

11 “(11) ‘woman’ means an adult human female.”.

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