

118TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on _____

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 term—

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 when the term ‘gender’ is used in conjunction
14 with other words or as an adjective to modify other
15 words, or when context or explicit definition in law
16 indicates otherwise;

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

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

20 “(7) ‘male’, when used to refer to a natural
21 person, means an individual who naturally has, had,
22 will have, or would have, but for a congenital anom-
23 aly or intentional or unintentional disruption, the re-
24 productive system that at some point produces,
25 transports, and utilizes sperm for fertilization;

1 “(8) ‘man’ means an adult human male;

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

3 “(10) ‘sex’, when referring to an individual’s

4 sex, shall be understood to refer to either male or fe-

5 male, as biologically determined and defined by this

6 section; and

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