



Written by [Dave Bohon](#) on October 23, 2018

Trump Administration Looks to Tighten Title IX's Wide Open Gender Definition

The Trump administration's Department of Health and Human Services (HHS) is exploring the possibility of narrowing the definition of gender with regard to federal government business to reflect the biological and immutable sex of a person as determined by that person's genitalia at birth.



The [New York Times](#) reported October 21 that it had obtained an HHS memo that proposes to reverse the Obama administration's policy that essentially allows an individual to choose his or her gender irrespective of biological considerations. "Now the Department of Health and Human Services is spearheading an effort to establish a legal definition of sex under Title IX, the federal civil rights law that bans gender discrimination in education programs that receive government financial assistance," reported the *Times*. "The department argued in its memo that key government agencies needed to adopt an explicit and uniform definition of gender as determined 'on a biological basis that is clear, grounded in science, objective and administrable.' The agency's proposed definition would define sex as either male or female, unchangeable, and determined by the genitals that a person is born with, according to a draft reviewed by the *Times*. Any dispute about one's sex would have to be clarified using genetic testing."

The HHS memo proposes that under the revised definition, sex would mean "a person's status as male or female based on immutable biological traits identifiable by or before birth. The sex listed on a person's birth certificate, as originally issued, shall constitute definitive proof of a person's sex unless rebutted by reliable genetic evidence."

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According to the *Times*, HHS "has called on the 'Big Four' agencies that enforce some part of Title IX —



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the Departments of Education, Justice, Health and Human Services, and Labor — to adopt its definition in regulations that will establish uniformity in the government and increase the likelihood that courts will accept it.”

The paper warned that the revised definition “would essentially eradicate federal recognition of the estimated 1.4 million Americans who have opted to recognize themselves — surgically or otherwise — as a gender other than the one they were born into.”

Not surprisingly, individuals and groups that are vested in the concept of gender “fluidity” have expressed their deep concerns over the proposal. “Transgender people are frightened,” said Sarah Warbelow of the Human Rights Campaign (HRC), a high-profile homosexual rights organization. “At every step where the administration has had the choice, they’ve opted to turn their back on transgender people.”

HRC’s president, Chad Griffin, complained that “defining ‘sex’ in this narrow language tailored to the talking points of anti-equality extremists is part of a deliberate strategy to eliminate federal protections for LGBTQ people. This is a direct attack on the fundamental equality of LGBTQ people and, if this administration refuses to reverse course, Congress must immediately take action by advancing the Equality Act to ensure that LGBTQ people are explicitly protected by our nation’s civil rights laws.”

Similarly, LGBTQ advocacy group Lambda Legal said in a [Twitter](#) post: “Transgender folks: You are valid. You matter. You are loved. We will not stop fighting for your rights and you #WontBeErased by this heartless administration.”

Socialist presidential hopeful Bernie Sanders quickly weighed in with a bit of sincerity-challenged rhetoric, [tweeting](#): “The cruelty and bigotry of this administration truly has no limit. We should be doing everything we can to protect our transgender brothers and sisters.”

By contrast, Dr. Quentin Van Meter, president of the American College of Pediatricians, applauded the proposed move, saying that “it is high time that governmental agencies at the national and local levels return to valid science which reveals that there are two biological sexes, and only two: male and female.”

Likewise, Jane Robbins of the [American Principles Project](#) called the proposed definition change a welcome move. “Not only does government affirmation of gender dysphoria hurt the very people it claims to help, but there is no serious argument that Congress intended the word ‘sex’ to include ‘gender identity’ when it passed Title IX,” Robbins said. “It is constitutionally inappropriate for federal bureaucrats to interpret the term in a way not intended by Congress.”

And longtime pro-family activist Peter LaBarbera, president of [Americans for Truth About Homosexuality](#), pointed out to *The New American* that despite the hysteria of the Left, the Trump administration is merely attempting to restore common sense and biological reality to how the government addresses the issue of gender. “The left accuses Trump of ‘redefining gender,’ but it is the LGBTQ movement that is constantly redefining reality to fit their latest ideological crusade,” said LaBarbera, who has launched a new group called Center for Morality. “It started with creating a special ‘gay’ minority based on sexual deviancy and turning it into a ‘civil right.’ Now it is transgenderism, with its celebration of a growing array of perverse and increasingly bizarre ‘gender identities.’”

LaBarbera commended those advising the president, “who understand that there is no end to the chaos caused by this ongoing ‘queer’ revolution, which tragically is deceiving and corrupting children and destroying their healthy bodies. We must not allow the government to undermine real civil rights by encouraging kids in the idea that rebelling against the God-given design for their bodies is a good and



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normal thing.”

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