



**E.O. 12866 Meeting  
Nondiscrimination on the Basis of Sex in Education Programs or Activities  
Receiving Federal Financial Assistance  
Rulemaking RIN: 1870-AA16**

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Good afternoon. Thank you for meeting with me today. As you know, I am the president of the U.S. [chapter](#) of Women's Declaration International, a global nonpartisan organization dedicated to protecting women's sex-based rights. The Declaration on Women's Sex-Based Rights (which I'll call The [Declaration](#)) was created to lobby nations to protect women and girls on the basis of sex rather than "gender" or "gender identity." By sex we mean the biological differences between males and females. The Declaration has been signed by over 30,000 individuals in over 150 countries and by more than 400 independent organizations.

I am also the author of the recent [book](#) *The Abolition of Sex: How the 'Transgender' Agenda Harms Women and Girls*. A copy of this book has been sent to every Member of Congress.

WDI USA's position is that Title IX and its implementing regulations are fine as they are, with one exception: They need a definition of sex. In 1972 and 1973, this was not necessary because everyone knew what the word sex meant. But today, the Title IX implementing regulations need a definition of sex because that question appears to be up for debate.

We think that the most efficient approach to this rulemaking process would be to make a single rule change by amending the Title IX implementing regulations as follows:

Subpart A – Introduction, Section 106.2 should be amended by adding a subsection (t), to read as follows:

“Sex means the distinction between male and female, or the property or character by which an animal is male or female; a classification of male or female based on anatomic and chromosomal characteristics; determined by gametes, which are sex cells containing only one set of dissimilar chromosomes, or half the genetic material necessary to form a complete organism.”

These definitions are taken from Black’s Law Dictionary, Mosby’s Dictionary of Medicine, Nursing & Health Professions, and Encyclopedia Britannica, respectively. These are reputable and credible sources on which to rely in providing a regulatory definition of sex for the purpose of protecting the rights, privacy, and safety of women and girls as a sex class under Title IX.

We propose that the Administration not waste taxpayer dollars by amending the Title IX implementing regulations beyond this. Every section and subsection of the existing regulations has proven perfectly suitable for carrying out Title IX’s purpose of protecting women and girls in the educational arena.

Any additional amendments to the existing regulations would be inefficient, a waste of taxpayer dollars, and costly to every single school that receives funding under Title IX. We would encourage the Office of Management and Budget to assess the costs that would accrue to individual schools, school districts, and state athletic associations that will inevitably face lawsuits from women and girls that do not want to share sports teams and intimate spaces like locker rooms with men and boys. The existing regulations permit schools to maintain sex-specific sports and spaces, and we encourage the Administration to maintain that status quo.

Title IX was enacted to protect women and girls from discrimination based on sex, not “gender identity,” and redefining sex to include so-called “gender identity” would be extremely costly to women and girls all over the country. Article 7 of The Declaration, consistent with the existing Title IX language and implementing regulations, affirms women’s rights to participate actively in sports on a single-sex basis to ensure fairness and safety for women and girls.

We Americans love sports, and we want them to be fair. A [survey](#) by MMA athlete Jake Shields with 5000 responses found 86 percent opposed men in women’s sports. In a TMZ [poll](#), out of 51,000 responses, 77 percent opposed men in women’s sports. The 80 percent majority is not wrong. They’re not keeping an oppressed minority from having

full civil rights out of blind hatred or fear. Men can participate in sports on the basis of their sex. Men are not women. And everybody knows that.

As a law and policy matter, President Biden's Executive Order 13988 completely misconstrued the Supreme Court's decision in *Bostock v. Clayton County* and expanded wildly out of proportion to its intended context. The Court's ruling in that matter did *not* state that sex is to be redefined to include "gender identity" for any purpose, let alone for purposes outside of the Title VII context. The Court *explicitly* limited its ruling to Title VII and stated outright that it did not intend for its ruling or reasoning to be extended outside of that context. In addition, the Court not only did not require sex to be redefined to include "gender identity," it stated simply that discrimination on the basis of so-called "transgender status" constituted unlawful sex discrimination in the employment context. Unhelpfully, it did not tell us what it thought "transgender status" referred to.

The Executive Order on which this rulemaking is based misconstrued the *Bostock* decision wildly out of proportion. This is an opportunity to reign in that process and make clear that *Bostock* was narrow in its holding. Amending the Title IX implementing regulations beyond what we suggest here would simply waste resources by implementing an Executive order that inappropriately expands a Supreme Court decision far beyond its stated intention.

In addition, contrary to the Editor's [Note](#) on the Justice Department's Title IX website, the *Bostock* ruling had nothing to do with people with intersex conditions. According to the Intersex Society of North America, the word "[intersex](#)" is "a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male." These refer to extremely rare chromosomal anomalies, but every single intersex person is still either female or male. That is not what this is about. If Executive Order 13988 were about protecting the rights of people with these conditions, WDI USA would support it. Instead, this is about completely redefining the word sex – its intention is to eradicate women and girls as a protected sex class. Do not let that happen.

Title IX has proven to do wonders for women and girls in the United States. [According](#) to the American Association of University Women, since Title IX's enactment and the promulgation of its implementing regulations,

- Women now make up over 56% of [America's college students](#).
- Women hold nearly half (48%) of [tenure-track positions](#).
- Since Title IX's passage, the number of female athletes climbed more than 10 times: female athletes now make up [42% of all high school athletes](#).

- In 1972, [only 700 girls](#) played soccer on high school teams. In 2018, [there were 390,000](#).

This is all due to Title IX and its original intention and commitment to protecting women and girls as a sex class. In short, Title IX and its implementing regulations, *as they currently exist*, has proven to be of tremendous benefit to the economic well-being of women and girls. Please do not take that away by redefining sex to include the nebulous, vague, undefinable, harmful, and insulting concept of so-called “gender identity.”

In addition, for girls to have an equal shot at education, abuse of girls by boys must bear consequences. And reports of abuse must be investigated seriously and not dismissed or discouraged or dealt with privately or otherwise covered up. For that reason, WDI USA supports the current Administration’s efforts to reverse the prior Administration’s policy weakening protections for survivors of campus sexual assault.

In conclusion, I would ask you to take 17 and a half minutes to listen to the voice of the mother of a young woman who competes on the women’s swimming team at an Ivy League university. Her daughter recently competed against, and lost to, Lia Thomas in the Ivy League swimming championships. I will provide a [link](#) to her public talk in my written submission. She and other parents watched, in heartbreak, as their daughters lost to a male swimmer who was there to humiliate them. She also knows that Thomas has been permitted to be naked in the women’s locker room with her daughter. The entire Ivy League, of which I am an alum, is complicit in ordering the young women and their families to stay silent about their objections.

Thank you so much for your time. I would be happy to answer any questions.