

118TH CONGRESS
1ST SESSION

H. RES. 815

Expressing support for the recognition of October 26, 2023, as “Intersex Awareness Day”, and supporting the goals and ideals of Intersex Awareness Day.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2023

Ms. BALINT (for herself, Mr. POCAN, Ms. BONAMICI, Ms. CROCKETT, Ms. DAVIDS of Kansas, Mr. ROBERT GARCIA of California, Mr. GRIJALVA, Ms. JACOBS, Ms. JAYAPAL, Ms. LEE of Pennsylvania, Mr. MULLIN, Ms. NORTON, Mr. PETERS, Mr. TAKANO, Ms. SÁNCHEZ, Mr. SCHIFF, Mr. TORRES of New York, Mrs. WATSON COLEMAN, and Mr. FROST) submitted the following resolution; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Expressing support for the recognition of October 26, 2023, as “Intersex Awareness Day”, and supporting the goals and ideals of Intersex Awareness Day.

Whereas Intersex Awareness Day honors the first public demonstration by intersex people in the United States, which took place at the annual conference of the American Academy of Pediatrics on October 26, 1996;

Whereas, since that historic demonstration in 1996, October 26 has become a day during which intersex people and

allies come together to celebrate and uplift the intersex community;

Whereas “intersex” refers to individuals with innate variations in their physical sex characteristics, including external anatomy, reproductive organs, hormonal function, and/or chromosomal patterns;

Whereas the most widely cited estimate of the frequency of intersex traits in the population is 1.7 percent, yet the true prevalence is likely higher;

Whereas health equity for intersex people is undermined by patterns of stigmatization and discrimination on the basis of variations in sex characteristics, intersex status, and perceived gender nonconformity;

Whereas babies and children with variations in their sex characteristics are often subjected, without their own informed consent or assent, to irreversible surgeries and other interventions to make their bodies conform to stereotypical expectations of what it means to appear, behave as, or be male or female;

Whereas instances in which variations in sex characteristics necessitate surgery on an urgent basis in infancy or early childhood are exceedingly rare, and decisions about such surgeries could therefore be safely postponed in the vast majority of cases until such time as an indication of medical necessity may arise;

Whereas there is evidence that performing these irreversible surgeries in the absence of individual consent can result in severe lasting physical and psychological harm including loss of bodily function, the destruction of reproductive capacity, and the imposition of a sex assignment with which the individual will not identify;

Whereas three former Surgeons General of the United States have agreed that early, nonconsensual surgeries on intersex children can cause “severe and irreversible physical harm and emotional distress” and “violate an individual’s right to personal autonomy over their own future”, “clearly infring[ing] on the child’s right to physical integrity, preservation of sexual and gender identity, and procreative freedom”;

Whereas the Department of State has commemorated Intersex Awareness Day by recognizing the harm of these surgeries, stating that “at a young age, intersex persons routinely face forced medical surgeries without free or informed consent. These interventions jeopardize their physical integrity and ability to live freely”;

Whereas the American Academy of Family Physicians (AAFP) “opposes medically-unnecessary genital surgeries performed on intersex children” and states that “Genital surgeries should only be recommended as medically necessary for intersex infants and children for the purpose of resolving significant functional impairment or reducing imminent and substantial risk of developing a health- or life-threatening condition”;

Whereas the World Professional Association for Transgender Health, in its Standards of Care Version 8, recommends that providers treating intersex children delay “genital surgery, gonadal surgery, or both, so as to optimize the children’s self-determination and ability to participate in the decision based on informed consent.”;

Whereas the American Bar Association in a 2023 resolution took a position “Oppos[ing] all . . . policy that attempts to impose medical or surgical intervention on minors with intersex traits (also known as variations in sex character-

istics) without the minor’s informed consent or assent, and urg[ing] licensed professionals not to conduct or propose medical or surgical intervention on minors with intersex traits until the minor requests the proposed care, understands the impact of the proposed care as well as alternatives, is provided with affirming psychosocial supports, and gives informed consent or assent, except when immediate life-threatening circumstances require emergency intervention”;

Whereas medical practices should respect the human rights and bodily autonomy of all people, and government institutions should implement policies that protect and support intersex people;

Whereas the Presidential Memorandum of February 4, 2021, on “Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World” makes it “the policy of the United States to pursue an end to violence and discrimination on the basis of sexual orientation, gender identity or expression, or sex characteristics”;

Whereas President Biden convened the first White House Roundtable on intersex issues on October 26, 2021, in celebration of Intersex Awareness Day, declaring that the Administration “is committed to advancing justice, opportunity, and safety for intersex Americans”;

Whereas Executive Order 14075 of June 15, 2022, states that it is the policy of the United States Government “to combat unlawful discrimination and eliminate disparities” affecting “lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) Americans,” including discrimination on the basis of sex characteristics, and directs Federal agencies to “advance the responsible and effective

collection and use of data on sexual orientation, gender identity, and sex characteristics”;

Whereas the House of Representatives has voted twice to explicitly codify nondiscrimination protections for people with intersex variations in its passage of the Equality Act, and various Federal agencies, including the Department of Justice, have recognized that, consistent with the legal reasoning of *Bostock v. Clayton County*, discrimination on the basis of a person’s sex characteristics is prohibited sex discrimination; and

Whereas intersex people are an important part of the diversity of our Nation to be celebrated and should be afforded respect, dignity, and the universal human right to bodily autonomy: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) supports the goals and ideals of Intersex
3 Awareness Day;

4 (2) encourages the Federal Government, States,
5 localities, nonprofit organizations, schools, and com-
6 munity organizations to observe the day with appro-
7 priate programs and activities, with the goal of in-
8 creasing public knowledge of the intersex community
9 and empowering individuals to celebrate and respect
10 their diversity;

11 (3) encourages health care providers to offer
12 culturally and clinically competent care to the
13 intersex community, and schools to support edu-
14 cation regarding the intersex community, and con-

1 nect individuals to resources for young people with
2 intersex variations and their families; and

3 (4) encourages the Federal Government, States,
4 international funding organizations, and United
5 States bilateral and multilateral aid efforts to
6 prioritize the health and human rights of intersex
7 people.

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