

EXHIBIT K



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JAN 31 2025

MEMORANDUM FOR ALL DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES

SUBJECT: Department of Defense Implementation of Executive Order 14168, "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government"

- References:** (a) Executive Order 14168, "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," January 20, 2025 (copy attached)
- (b) Secretary of Defense Memorandum, "Restoring America's Fighting Force," January 29, 2025 (copy attached)
- (c) Acting Director, U.S. Office of Personnel Management Memorandum, "Initial Guidance Regarding President Trump's Executive Order *Defending Women*," January 29, 2025 (copy attached)

Reference (a) directs the Federal Government to take steps to defend women from the harmful effects of gender ideology. In accordance with this directive, the Department of Defense will take prompt action to ensure that all programs and activities align with these principles.

Our Secretary of Defense is committed to ensuring our men and women serve under the best leadership we can provide them. As part of our commitment to upholding the values of merit-based leadership and ensuring the readiness and effectiveness of our military, we will end all Department programs that promote or reflect gender ideology. The Office of Personnel Management issued supplemental guidance outlining specific steps to be taken by Federal Agencies, which will inform the Department's implementation efforts. By taking these steps, we will uphold the trust placed in us to lead and manage the Department in a manner that prioritizes the well-being and safety of our personnel, while also ensuring that our leadership and personnel practices are grounded in biological reality and merit-based principles.

A handwritten signature in black ink, reading "Darin S. Selnick".

Darin S. Selnick

Performing the Duties of the Under Secretary of
Defense for Personnel and Readiness

Attachments:
As stated

Reference (a)

Presidential Documents

Executive Order 14168 of January 20, 2025

Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7301 of title 5, United States Code, it is hereby ordered:

Section 1. Purpose. Across the country, ideologues who deny the biological reality of sex have increasingly used legal and other socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women’s domestic abuse shelters to women’s workplace showers. This is wrong. Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being. The erasure of sex in language and policy has a corrosive impact not just on women but on the validity of the entire American system. Basing Federal policy on truth is critical to scientific inquiry, public safety, morale, and trust in government itself.

This unhealthy road is paved by an ongoing and purposeful attack against the ordinary and longstanding use and understanding of biological and scientific terms, replacing the immutable biological reality of sex with an internal, fluid, and subjective sense of self unmoored from biological facts. Invalidating the true and biological category of “woman” improperly transforms laws and policies designed to protect sex-based opportunities into laws and policies that undermine them, replacing longstanding, cherished legal rights and values with an identity-based, inchoate social concept.

Accordingly, my Administration will defend women’s rights and protect freedom of conscience by using clear and accurate language and policies that recognize women are biologically female, and men are biologically male.

Sec. 2. Policy and Definitions. It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy:

(a) “Sex” shall refer to an individual’s immutable biological classification as either male or female. “Sex” is not a synonym for and does not include the concept of “gender identity.”

(b) “Women” or “woman” and “girls” or “girl” shall mean adult and juvenile human females, respectively.

(c) “Men” or “man” and “boys” or “boy” shall mean adult and juvenile human males, respectively.

(d) “Female” means a person belonging, at conception, to the sex that produces the large reproductive cell.

(e) “Male” means a person belonging, at conception, to the sex that produces the small reproductive cell.

(f) “Gender ideology” replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true.

Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

(g) "Gender identity" reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

Sec. 3. *Recognizing Women Are Biologically Distinct From Men.* (a) Within 30 days of the date of this order, the Secretary of Health and Human Services shall provide to the U.S. Government, external partners, and the public clear guidance expanding on the sex-based definitions set forth in this order.

(b) Each agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect men and women as biologically distinct sexes. Each agency should therefore give the terms "sex", "male", "female", "men", "women", "boys" and "girls" the meanings set forth in section 2 of this order when interpreting or applying statutes, regulations, or guidance and in all other official agency business, documents, and communications.

(c) When administering or enforcing sex-based distinctions, every agency and all Federal employees acting in an official capacity on behalf of their agency shall use the term "sex" and not "gender" in all applicable Federal policies and documents.

(d) The Secretaries of State and Homeland Security, and the Director of the Office of Personnel Management, shall implement changes to require that government-issued identification documents, including passports, visas, and Global Entry cards, accurately reflect the holder's sex, as defined under section 2 of this order; and the Director of the Office of Personnel Management shall ensure that applicable personnel records accurately report Federal employees' sex, as defined by section 2 of this order.

(e) Agencies shall remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology, and shall cease issuing such statements, policies, regulations, forms, communications or other messages. Agency forms that require an individual's sex shall list male or female, and shall not request gender identity. Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.

(f) The prior Administration argued that the Supreme Court's decision in *Bostock v. Clayton County* (2020), which addressed Title VII of the Civil Rights Act of 1964, requires gender identity-based access to single-sex spaces under, for example, Title IX of the Educational Amendments Act. This position is legally untenable and has harmed women. The Attorney General shall therefore immediately issue guidance to agencies to correct the misapplication of the Supreme Court's decision in *Bostock v. Clayton County* (2020) to sex-based distinctions in agency activities. In addition, the Attorney General shall issue guidance and assist agencies in protecting sex-based distinctions, which are explicitly permitted under Constitutional and statutory precedent.

(g) Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.

Sec. 4. *Privacy in Intimate Spaces.* (a) The Attorney General and Secretary of Homeland Security shall ensure that males are not detained in women's prisons or housed in women's detention centers, including through amendment, as necessary, of Part 115.41 of title 28, Code of Federal Regulations and interpretation guidance regarding the Americans with Disabilities Act.

(b) The Secretary of Housing and Urban Development shall prepare and submit for notice and comment rulemaking a policy to rescind the final rule entitled “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs” of September 21, 2016, 81 FR 64763, and shall submit for public comment a policy protecting women seeking single-sex rape shelters.

(c) The Attorney General shall ensure that the Bureau of Prisons revises its policies concerning medical care to be consistent with this order, and shall ensure that no Federal funds are expended for any medical procedure, treatment, or drug for the purpose of conforming an inmate’s appearance to that of the opposite sex.

(d) Agencies shall effectuate this policy by taking appropriate action to ensure that intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by sex and not identity.

Sec. 5. *Protecting Rights.* The Attorney General shall issue guidance to ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities covered by the Civil Rights Act of 1964. In accordance with that guidance, the Attorney General, the Secretary of Labor, the General Counsel and Chair of the Equal Employment Opportunity Commission, and each other agency head with enforcement responsibilities under the Civil Rights Act shall prioritize investigations and litigation to enforce the rights and freedoms identified.

Sec. 6. *Bill Text.* Within 30 days of the date of this order, the Assistant to the President for Legislative Affairs shall present to the President proposed bill text to codify the definitions in this order.

Sec. 7. *Agency Implementation and Reporting.* (a) Within 120 days of the date of this order, each agency head shall submit an update on implementation of this order to the President, through the Director of the Office of Management and Budget. That update shall address:

- (i) changes to agency documents, including regulations, guidance, forms, and communications, made to comply with this order; and
- (ii) agency-imposed requirements on federally funded entities, including contractors, to achieve the policy of this order.

(b) The requirements of this order supersede conflicting provisions in any previous Executive Orders or Presidential Memoranda, including but not limited to Executive Orders 13988 of January 20, 2021, 14004 of January 25, 2021, 14020 and 14021 of March 8, 2021, and 14075 of June 15, 2022. These Executive Orders are hereby rescinded, and the White House Gender Policy Council established by Executive Order 14020 is dissolved.

(c) Each agency head shall promptly rescind all guidance documents inconsistent with the requirements of this order or the Attorney General’s guidance issued pursuant to this order, or rescind such parts of such documents that are inconsistent in such manner. Such documents include, but are not limited to:

- (i) “The White House Toolkit on Transgender Equality”;
- (ii) the Department of Education’s guidance documents including:
 - (A) “2024 Title IX Regulations: Pointers for Implementation” (July 2024);
 - (B) “U.S. Department of Education Toolkit: Creating Inclusive and Non-discriminatory School Environments for LGBTQI+ Students”;
 - (C) “U.S. Department of Education Supporting LGBTQI+ Youth and Families in School” (June 21, 2023);
 - (D) “Departamento de Educación de EE.UU. Apoyar a los jóvenes y familias LGBTQI+ en la escuela” (June 21, 2023);
 - (E) “Supporting Intersex Students: A Resource for Students, Families, and Educators” (October 2021);
 - (F) “Supporting Transgender Youth in School” (June 2021);

(G) “Letter to Educators on Title IX’s 49th Anniversary” (June 23, 2021);

(H) “Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families” (June 2021);

(I) “Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*” (June 22, 2021);

(J) “Education in a Pandemic: The Disparate Impacts of COVID–19 on America’s Students” (June 9, 2021); and

(K) “Back-to-School Message for Transgender Students from the U.S. Depts of Justice, Education, and HHS” (Aug. 17, 2021);

(iii) the Attorney General’s Memorandum of March 26, 2021 entitled “Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972”; and

(iv) the Equal Employment Opportunity Commission’s “Enforcement Guidance on Harassment in the Workplace” (April 29, 2024).

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

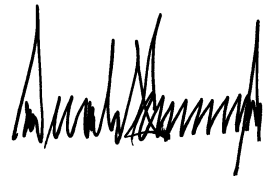
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.



THE WHITE HOUSE,
January 20, 2025.

Reference (b)



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JAN 29 2025

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Restoring America's Fighting Force

The Department of Defense (DoD) has an obligation to the American public to ensure their sons and daughters serve under the best leadership we can provide them. Doing so is a national security imperative. A foundational tenet of the DoD must always be that the most qualified individuals are placed in positions of responsibility in accordance with **merit-based, color-blind policies**.

The DoD mission is to win the Nation's wars. To do this, we must have a lethal fighting force that rewards individual initiative, excellence, and hard work based on merit. In the Executive Order of January 27, 2025 (Restoring America's Fighting Force), the President and Commander in Chief prohibited any preference or disadvantage for an individual or a group within the Armed Forces on the basis of sex, race, or ethnicity.

Diversity, equity, and inclusion (DEI) policies, as defined in the January 27, 2025, Executive Order, are incompatible with the values of DoD. The DoD will strive to provide merit-based, color-blind, equal opportunities to Service members but will not guarantee or strive for equal outcomes.

To ensure DoD focuses on its core mission of providing the military forces needed to deter war and ensure our nation's security, the Department will ensure all decisions related to hiring, promotion, and selection of personnel for assignments are based on merit, the needs of the Department, and lastly, the individual's desires.

Restoring America's Fighting Force Task Force. To ensure compliance with the principles above, I direct the establishment of a multi-functional "Restoring America's Fighting Force" Task Force charged with overseeing the Department's efforts to abolish DEI offices and any vestiges of such offices that subvert meritocracy, perpetuate unconstitutional discrimination, and promote radical ideologies related to systemic racism and gender fluidity.

The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) will establish a Task Force to oversee the elimination of any program, element, or initiative that was established to promote divisive concepts as defined in Executive Order 13950 of September 22, 2020 (Combating Race and Sex Stereotyping), or gender ideology as defined in Executive Order of January 20, 2025 (Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government). The Task Force will provide an initial report to the USD(P&R) of actions taken by DoD to terminate DEI initiatives by March 1, 2025, and a final report no later than June 1, 2025. The Task Force has the authority to task the Military



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Departments and DoD Components for necessary information for the report and establish deadlines for compliance.

Promotion and Selection Reform. The DoD will not consider sex, race, or ethnicity when considering individuals for promotion, command, or special duty. DoD Components and the Secretaries of Military Departments, may designate categories of assignment that require exceptions to this policy due to clear operational need.

Elimination of Quotas, Objectives, and Goals. No DoD Component will establish sex-based, race-based, or ethnicity-based goals for organizational composition, academic admission, or career fields.

Prohibition on Instruction on Critical Race Theory, Gender Ideology, and DEI. No element within DoD will provide instruction on Critical Race Theory (CRT), DEI, or gender ideology as part of a curriculum or for purposes of workforce training.

Instruction to Promote a Lethal Force. The U.S. Service Academies and other defense academic institutions shall teach that America and its founding documents remain the most powerful force for good in human history.

Boards and Councils. All advisory boards, councils, and working groups will cease operations related to gender ideology, DEI, and CRT.

The USD(P&R) will oversee the implementation of this memorandum, in coordination with the Secretaries of the Military Departments. The Department will continue to monitor the progress of these efforts through the Restoring America's Fighting Force Task Force.

The strength of the DoD comes from our unity and our shared purpose. We will focus on lethality, meritocracy, accountability, standards, and readiness. Providing Service members an equal opportunity to excel will help us remain the strongest and most lethal fighting force the world has ever known.

A handwritten signature in black ink, appearing to be 'FBK', with a large, stylized flourish extending from the end. To the right of the signature, the text 'SD29' is written in a bold, sans-serif font.

Reference (c)



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

MEMORANDUM

TO: Heads and Acting Heads of Departments and Agencies

FROM: Charles Ezell, Acting Director, U.S. Office of Personnel Management

DATE: January 29, 2025

RE: Initial Guidance Regarding President Trump's Executive Order *Defending Women*.

Pursuant to its authority under 5 U.S.C. § 1103(a)(1) and (a)(5), the U.S. Office of Personnel Management (OPM) is providing the following initial guidance to agencies regarding the President's Executive Order entitled *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (Defending Women)*.

Steps to End Federal Funding of Gender Ideology: In light of *Defending Women*, each agency should take prompt actions to end all agency programs that use taxpayer money to promote or reflect gender ideology as defined in Section 2(f) of *Defending Women*. Specifically, agency heads should take the following steps:

1. No later than **5:00 p.m. EST on Friday, January 31, 2025**
 - a. Send an email to all agency employees announcing that the agency will be complying with *Defending Women* and this guidance.
 - b. Review all agency programs, contracts, and grants, and terminate any that promote or inculcate gender ideology.
 - c. Review all agency position descriptions and send a notification to all employees whose position description involves inculcating or promoting gender ideology that they are being placed on paid administrative leave effective immediately as the agency takes steps to close/end all initiatives, offices, and programs that inculcate or promote gender ideology.
 - d. Take down all outward facing media (websites, social media accounts, etc.) that inculcate or promote gender ideology.
 - e. Review agency email systems such as Outlook and turn off features that prompt users for their pronouns.

- f. Withdraw any final or pending documents, directives, orders, regulations, materials, forms, communications, statements, and plans that inculcate or promote gender ideology.
 - g. Cancel any trainings that inculcate or promote gender ideology or have done so in the past.
 - h. Disband or cancel any employee resource groups or special emphasis programs that inculcate or promote gender ideology or have done so in the past.
 - i. Review all agency forms that require entry of an individual's sex and ensure that all list male or female only, and not gender identity. Remove requests for "gender" and substitute requests for "sex."
 - j. Ensure that all applicable agency policies and documents, including forms, use the term "sex" and not "gender."
 - k. Ensure that intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by biological sex and not gender identity.
2. No later than **12:00 p.m. EST on Friday, February 7, 2025**, report to OPM on all steps taken to implement this guidance, including:
- a. a complete list of actions taken in response to this guidance and *Defending Women*; and
 - b. any agency plans to fully comply with this guidance and *Defending Women*.

Please contact OPM at defendingwomen@opm.gov if you have any questions regarding this guidance. Please send any reports requested by this guidance to defendingwomen@opm.gov.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, and Chiefs of Staff