



UNITED STATES GOVERNMENT  
*MEMORANDUM*

FORM G-115f (1-92)  
RAILROAD RETIREMENT BOARD

L-2025-01  
January 31, 2025

**TO:** Randolph Hayden  
Director of Policy and Systems

**FROM:** Ana M. Kocur  
General Counsel

**SUBJECT:** Impact of Executive Order 14168  
Defending Women from Gender Ideology Extremism and Restoring  
Biological Truth to the Federal Government

This memorandum is in response to your request for a legal opinion dated January 30, 2025, regarding revisions to procedures, systems, and recordkeeping to comply with Executive Order 14168. You asked the following questions:

1. Should the RRB revise language in its policy and procedures from “gender” to “sex”, if applicable?

Yes. Section 3(c) of Executive Order 14168 requires agencies and all Federal employees to use the term “sex” and not “gender” when administering or enforcing sex-based distinctions. Section 3(e) of the executive order requires agency forms that request an individual’s sex to list “male” or “female” and shall not request gender identity.

2. Should the RRB revise language in its data systems from “gender” to “sex”, if applicable?

Yes. Section 3(c) of Executive Order 14168 requires agencies and all Federal employees to use the term “sex” and not “gender” when administering or enforcing sex-based distinctions. Section 3(e) of the executive order requires agency forms that request an individual’s sex to list “male” or “female” and shall not request gender identity.

3. When speaking to or calling an applicant or annuitant, should the RRB use the name and pronouns appropriate to the individual’s self-identified sex, even if the individual has not changed or updated his or her name or records?

No. Section 3(b) of Executive Order 14168 directs each agency and all Federal employees to give the terms “sex”, “male”, “female”, “men”, “women,” “boys” and “girls” the meaning set

forth in the executive order in all official agency business and communications as well as when applying statutes, regulations, or guidance. Those definitions restrict the use of those terms to refer to “immutable biological classification” as either male or female. Legal Opinion L-2013-31 is hereby rescinded and should not be relied upon.

4. If an applicant or annuitant requests to have his or her sex that was assigned at birth changed to reflect the individual’s self-identified sex, should the RRB change its records regardless if the applicant or annuitant has documentation reflecting a change of sex and/or a certification from a physician confirming that they had appropriate clinical treatment for sex transition from SSA as proof?

No. Section 3(b) of Executive Order 14168 directs each agency and all Federal employees to give the terms “sex”, “male”, “female”, “men”, “women,” “boys” and “girls” the meaning set forth in the executive order in all official agency business and communications as well as when applying statutes, regulations, or guidance. Those definitions restrict the use of those terms to refer to “immutable biological classification” as either male or female. Legal Opinion L-2013-31 is hereby rescinded and should not be relied upon.