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In response to the proposed revision to DS-82 with regards to E.O. 14168, I strongly urge the form not be revised as proposed.

The solicitation of information regarding "the applicant's biological sex at birth, male "M" or female "F"" requests information that is both subject to objective error and undermines the authority of the States.

Objective errors may arise from the misidentification of ambiguous genitalia, XX male syndrome (also known as de la Chapelle syndrome, 46,XX testicular difference of sex development, and 46,XX DSD), XY complete gonadal dysgenesis (also known as Swyer syndrome), mixed gonadal dysgenesis (also known as 45,X/46,XY mosaicism and X0/XY mosaicism), and other disorders of sex development. As many of these syndromes are not diagnosed until dysfunction in puberty is identified, there is a high probability that "the applicant's biological sex at birth" is objectively incorrect.

Furthermore, each State has the right to issue documents for the establishment of citizenship and identity, including but not limited to birth certificates, REAL ID drivers licenses and REAL ID identification cards. By soliciting information regarding "the applicant's biological sex at birth," this undermines State rights as each State may permit the modification of sex or gender markers on documents that establish citizenship and identity, in accordance with objective truth.

Accordingly, I strongly urge the form not be revised as proposed.