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The idea that there are only two sexes is incorrect, as intersex people exist and as such, they should be able to put the correct marker on their passport. This form is also in violation of the injunction put on State by the U.S. District Court for the District of Colorado in the Zzyym v. Blinken case (formerly Zzyym v. Pompeo, Zzyym v. Tillerson, and Zzyym v. Kerry).

Additionally, this places many women at risk of having to endure inappropriate screenings because they do not adhere to what is considered traditionally feminine. I have never once been asked to show my genitals when using my passport for identification at customs and considering that birthday, citizenship, name, and place of birth are already used as verification. A marker to signify what genitals someone has seems rather irrelevant and should simply be eliminated on passports if the current executive branch feels so strongly about conflating sex and gender.

Furthermore, this goes against the processes in many states with their own procedures on how to handle transgender people changing their gender markers. Many states require court orders or physician verification to allow changing a gender marker. If that is good enough for individual states, then the acknowledgment of the states should be good enough for the state department.