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Thank you for the opportunity to comment on changes to form DS-11, the application for a new US Passport, as a result to Executive Order 14168.

The purpose of a passport, according to the US State Department is a ticket and identification card for international travel, indicating the traveler's identity and nationality. The identification information provided on the card includes the traveler's legal name as well as their residence, and the traveler's date of birth. All of these identification markers should be sufficient for identifying a traveler. The incorporation of the individual's gender does not add significant differentiation the way a date of birth or full name would.

If the intention and priority of the current administration is to streamline government and reduce spending, narrowing the definition of gender to include only M or F doesn't support this goal. It seems the most streamlined path would be to remove gender entirely.

Having to "confirm" a person's gender is a violation for transgender, cisgender, and intersex individuals alike. Any inclusion of gender markers on a passport may cause undue harm for a person who may not appear as their stated gender for various reasons and based solely on subjective markers, resulting in possible search of a person to ascertain whether their presentation and how they are perceived matches their body, which is not only a scarring breach of their privacy, but also a waste of time, effort, and money.

In 2018, the *Zzyym v. Blinken* court decision ruled that the State Department violated federal law in denying Dana Zzyym, one of nearly 6 million people nationally (and 136 million globally) that identify as intersex, a passport reflected their gender. While there can be and should be extensive conversation about gender and sex, it is a biological reality for Mx. Zzyym and millions of other Americans that they simply are not either F or M, and should not be subjected to simplifying their existence in order to fit a form.

The six million Americans who identify as intersex does not include the over three million who identify as transgender or non-binary—individuals whose felt experience of gender differs from the current medical interpretation of their sex as assigned at birth. The right of these individuals to self-identify is the target of Executive Order 14168, and this population will be harmed as a result of its impact, through the loss of privacy, autonomy and dignity, lack of access to accurate documentation, and restricted freedom of travel and movement (basic rights of all US citizens). The number of gender expansive people in the United States is small enough that it is illogical and wasteful to subject this population to this level of scrutiny and subjugation, while also being large enough to represent a tragic amount of suffering in our society in the wake of these changes.

In addition to the *Zzyym* ruling, the current case of *Orr v. Trump* is set to contest Executive Order 14168 and its impact on passport issuing processes. With multiple legal battles taking place, it seems that the most efficient and effective path forward happens to be the most humane, equitable, and caring path: to either allow for a non-binary framework of gender that does not leave out millions of Americans, or to remove gender as a relevant identifying marker and utilizing the multiple other pieces of identifying information already available in matters of documentation.

Thank you for your consideration.