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I am writing to express concerns with recent form changes to the revised DS-82. First, the 'biological truth' regarding a person's sex is that people are not exclusively male or female from birth but can be classified as intersex as well. Replacing the gender marker with a sex marker restricted to M or F to reflect the applicant's sex at birth excludes intersex people and this binary definition of sex was ruled arbitrary and capricious in *Zzyym v. Blinkin*. The new sex marker would also be inaccurate as an identifier for transgender people who in many cases do not reflect the commonly expected appearance for someone with the same marked birth sex on their forms. The changes are unnecessarily and unconstitutionally restrictive and do not serve the practical purpose that the gender marker is intended to serve as an identifier. If a person cannot renew and update their identification documents to reflect their own identity, be it a name change after marriage or a gender change after hormone treatments, the document no longer accurately identifies the right person.