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This change to choices in the replacement application for Passports is both unnecessary and based on inaccurate assumptions. Stating that there are only two sexes is medically incorrect, and ignores the statistically more than 76,000 American citizens who are intersex (see the attached Consensus Statement and Disorders of Sex Development documents, sourced from the National Library of Medicine, maintained by the NIH). Reducing the choices on the application to male and female will hinder attempts to confirm the identity of such individuals, both drastically inconveniencing them and other travelers, as well as hindering law enforcement.

In addition, this action to change the available choices on the passport replacement application is in conflict with federal rulings from the UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO, in the case of Zzyym v. Blinken (formerly Zzyym v. Pompeo, Zzyym v. Tillerson, and Zzyym v. Kerry), where it was ruled that a requirement (of choosing only "male" or "female" on a passport) was "arbitrary and capricious" and not in accordance with the law established by Congress (see attached Zzyym decision document).

There is no reason to believe that this very similar requirement change on the passport application is not also out of accordance with existing law. If the Federal government wishes to make this change, then they should prove their case in court, or work with Congress to change the existing law. Otherwise, they should follow the law and precedent already established.