

**Author Full Name :** Miriam Edelstein**Received Date :** 02/26/2025 09:05 AM**Comments Received :**

I submit this comment to oppose the changes of the word “gender” to “sex” as well to oppose the requirement that applicants identify their sex assigned at birth as either “M” (male) or “F” on passport applications.

First, these changes would frustrate, rather than enhance, each of the four stated purposes of the Department of State as described in the Public Notice ((1) necessary to proper functioning of the Department; (2) supports accuracy and burden of information collected and validity of methodology and assumptions; (3) supports quality, utility and clarity of information collected; and (4) minimizes burden on respondents in providing information). The primary function of the Department with regard to furnishing U.S. Passports is to ensure a reliable government identification method for eligible applicants to use in verifying their identity in a variety of vital contexts, but chiefly as required for international travel. By making these changes, the Department will make it more difficult to verify the identity of a wide range of eligible U.S. Passports holders (otherwise known as U.S. citizens) whose actual identities, appearances and, in many cases, other government identification documents, do not match either the “male” or “female” sex, as well as those who were never assigned such designation at birth (intersex individuals whose genetic and other characteristics did and do not align consistently with those associated with the “male” or “female” sex). These changes would therefore harm security interests by causing unnecessary confusion and chaos as well as unconstitutionally interfering with eligible U.S. Passports applicants’ right to travel, as well as increase risk for such applicants when traveling abroad. The inflexibility of these changes would therefore result in tremendously increased and unnecessary burden and cost for both federal resources as well as imposing unnecessary and harmful burden on an already marginalized group of citizens who are not, and in many cases were never even assigned before, as “male” or “female.”

Second, as has been noted in several Article III judicial opinions enjoining, in whole or in part, the Executive Orders attempting to erase the true identity or existence of anyone who is not and in many cases never were assigned “male” or “female,” and/or were incorrectly assigned “male” or “female” at birth, the motivation behind these Executive Orders appears to be chiefly one of animus because of sex, specifically bias against transgender and/or intersex individuals, such that these measures are all “fruit from the poisoned tree” that are likely to violate the Equal Protection clause and fail even on a rational review basis.

Third, the current Form DS-11 has been in place and achieving all the necessary and legitimate goals of the Department with respect to the issuance of U.S. Passports and requires no fixing. These proposed changes are not solving any problem, because none exists, rather, they will cause substantial problems that are unnecessary and easy to avoid by abandoning this misguided effort.

Finally, the harm to affected applicants in subjecting them to intentional misgendering is substantial and irreparable. Negative mental health outcomes, including high correlation to suicide attempts, have been well documented in studies of those suffering from gender dysmorphia.

Please abandon this misguided, cruel and likely unconstitutional effort.