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I am commenting today because I'm deeply concerned with the proposed changes to the Application for a U. S. Passport for Eligible Individuals, specifically with the proposed change of the marker for gender to a marker for "biological sex assigned at birth" in an effort to comply with E.O. 14168.

My concerns are as follows. First, biological sex assigned at birth does not, as the proposed change implies, constitute a binary. Intersex individuals and individuals with different chromosomal makeups exist outside of this narrow definition of sex. Second, transgender individuals exist, and efforts to ignore state authorized gender marker and birth certificate changes can lead to a great deal of difficulty for transgender people traveling. Should a person who has physically and socially transitioned present a passport with a sex marker that seems contrary to the gender the immigration agent perceives, it can lead to difficulty and outright danger when traveling. These difficulties are not limited to transgender individuals, either. Even men and women whose gender matches the sex they were assigned at birth will find themselves in situations where it is left to the discretion of an immigration official as to whether or not they are "correctly" performing their sex and gender. Attempts to verify sex in cases of poor discretion would be invasive and humiliating for everyone involved.

Additionally, passports exist primarily to correctly identify individuals as they cross international borders. Markers for sex do very little to aid an immigration agent in identifying an individual-- with only the two proposed categories, each containing roughly half of the human race, in fact, they are far less helpful in identification than eye color, hair color, age, or, of course, a photograph.