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RE: Document number 2025-02648, 90 FR 9652.

Title of Information Collection: Application for a U.S. Passport

OMB Control Number: 1405-0020

Form Number: DS-11

The proposed changes to DS-11 to replace the term "gender" with "sex," require applicants to designate "the applicant's biological sex at birth," and eliminate the "X" option for gender is not necessary for the proper functions of the Department, does not reflect valid methodology or assumptions, does not enhance the quality, utility, or clarity of the information to be collected, and does not minimize the reporting burden on those who are to respond. To the contrary, the proposed changes are arbitrary, capricious, unfounded, discriminatory, and harmful and do not advance any legitimate interests of the Department of State or the United States.

The executive order prompting the proposed changes reflects either profound ignorance of biology and psychology (see, for example, <https://my.clevelandclinic.org/health/articles/16324-intersex> stating that "[a]n estimated 1 in 100 Americans is intersex) or a willful decision to ignore science and reality and intentionally harm United States citizens who are transgender or intersex. Requiring applicants to list the sex assigned to them at birth on passport application does not serve any valid security or identity verification purpose. But it does expose transgender citizens to discrimination and harassment whenever they show the resulting passport (domestically or internationally) with a gender marker that does not match their appearance or identity. And regardless of whether they are harassed or discriminated against, carrying a passport with the wrong gender designation can cause the passport holder significant distress and harm.

Importantly, the proposed changes impose a Hobson's choice on intersex and transgender applicants because DS-11 requires them to "declare under penalty of perjury" that "2) the statements made on the application are true and correct;" and "3) I have not knowingly and willfully made false statements or included false documents in support of this application." Should the intersex or transgender citizen mark the box of the gender assigned to them at birth even though they know that designation is not correct, thereby subjecting them to penalties for perjury? Or should they mark their correct gender and worry that the Department of State will compare their current birth certificate showing that gender to an earlier birth certificate and accuse them of submitting a false document? There is no legitimate reason to force applicants to make this choice.

The United States government must protect all U.S. citizens. Far from doing that, the arbitrary, capricious, and unnecessary changes to DS-11 will only inflict harm and the Department should not implement them.