

As a transgender American, I am writing to express my strong opposition to the proposed changes to passport forms DS-11, DS-82, and DS-5504, which would eliminate the 'X' gender marker and require that passports reflect only the sex assigned at birth. This change would negatively impact me and several of my communities, violates prior court decisions, and is contradictory to professional medical boards' determinations. Furthermore, the premature change by the State Department violates the standard procedure for such amendments, as the forms available online have been updated before the public comment period has concluded.

The purpose of a passport is to verify the identity and citizenship of the holder. A citizen's legal name, their birthplace (state in the USA), their date of birth, and a photograph provide sufficient identification markers to accurately identify a traveler. Each passport is also issued a unique Passport number by the State Department, which once issued, provides yet another differentiated identifier (much like a state-issued driver's license number). There is no documented problem with the existing gender marker policy that justifies this revision. Passports exist to facilitate international travel and verify identity, not to enforce ideological positions. Countries across the globe currently issue passports with the 'X' gender marker, including Australia, Austria, Bangladesh, Canada, Germany, Iceland, the Netherlands, and India. Nationals from those countries and more are traveling all over the world with their passports, and there have been no issues. The gender marker on a passport does not create security risks, nor does it impact the document's validity for international use. Furthermore, the incorporation of an individual's sex or gender does not add to the differentiation between individuals the way that other identifying information does.

Restrictions and amendments to the gender of citizens is an unnecessary change that will cost taxpayers money to implement. Not only is this policy shift costly and unnecessary, it will also endanger and unduly burden some citizens of the USA. Making these amendments to the Passport information, related to "an applicant's biological sex at birth" will actively harm many citizens and cost taxpayers' additional money to implement. Additional administrative burdens for the State Department will be created by this change, as Passport agencies will now have to navigate the legal and logistical challenges of revoking or denying identity documents that were already lawfully issued under the existing system. This means additional staffing, training, and resources spent on a non-issue, when those resources could be used to address real concerns, like improving processing times for all applicants.

Furthermore, restricting passport biographical information related to "an applicant's biological sex at birth, male 'M' or female 'F,'" erases intersex citizens, as they will have no way to fill out a gender marker that applies to their sex if their only options are M or F. Rolling back these rights will inevitably lead to new and expensive lawsuits that the government is likely to lose. These changes are in violation of the injunction put on the State Department by the U.S. District Court for the District of Colorado in the *Zzyym v. Blinken* case (formerly *Zzyym v. Pompeo*, *Zzyym v. Tillerson*, and *Zzyym v. Kerry*). Just as previous attempts to restrict identity documentation for transgender and non-binary people have failed in court, these new amendments will be challenged and fail. This means taxpayer money will be spent defending a legally weak, politically motivated change that accomplishes nothing for the majority of Americans. This change only reduces choice and freedom for American citizens, and it will deprive transgender Americans of their rights to life and liberty under the 14th Amendment, denying them both the due process of law and equal protection of the laws. Ultimately, E.O. 14168, "Defending Women from Gender Ideology Extremism and

Restoring Biological Truth to the Federal Government” is unconstitutional, and restricting American citizens’ rights by complying with it will waste resources and cost taxpayers money.

E.O. 14168 indicates a desire to return to the fallacy of a gender binary restricted to male and female assigned at birth based on a single doctor’s visual interpretation of the baby’s external genitalia. It does not reflect modern scientific understanding of genetics, chromosomes, and internal sense of gender nor does it align with the professional practice and ethical standards of multiple well-respected and scientifically-informed organizations: The American Medical Association (the ethical and professional governing body for medical professionals); the American Psychiatric Association (which is responsible for the creation and maintenance of the Diagnostic and Statistical Manual of Mental Health Disorders); the American Psychological Association (the ethical and professional governing body for psychologists), the National Association of Social Workers (the ethical and professional governing body for social workers); the American Counseling Association (the ethical and professional governing body for mental health counselors); and others. The above named organizations are in unanimous agreement about the scientific and psychological basis of intersex and transgender identities. Scientific and evidence-based practitioners agree that transgender identity is real and that denying the existence of trans- or expansive gender identity is life-threatening to individuals. To this point, labeling sex as limited to male and female excludes individual Americans who do not identify with the gender binary and whose sex cannot be categorized specifically according to their biological or genetic reality (e.g., intersex, sterile, or those who have transitioned through medical assistance). The president holds no intellectual, executive or professional authority to override standards established by practitioners and medical boards to declare gender as no different than sex. Furthermore, he holds no authority over the English language at large to declare the two words interchangeable.

The sole purpose of this proposed change, as well as the executive order it claims to comply with, is to create fear among transgender, nonbinary and gender non-conforming Americans, who make up less than 1% of the population and a tiny fraction of passport holders. Project 2025, which has been influential in forming the President’s agenda for his second term, seeks to define “being trans in public as a sex offense.” By adding the requirement of a statement affirming that the applicant is not a registered sex offender, combined with the potential of transgender Americans being automatically considered sex offenders for their very existence, the state department is painting a target on transgender, nonbinary and gender non-conforming Americans.

This policy change is also an infringement on states’ rights by the executive branch, as many states have enacted Real ID issuance guidance with their own established processes for changing gender markers. Some states even allow for “x” gender on their state-issued identification. When an individual follows their state’s procedure for changing their gender marker on state-issued identification, the State Department must recognize the state’s decision and adjust the individual’s passport accordingly. Otherwise, citizens may have conflicting information on their identity documents, creating discord between their federal documents (passport) and state identification documents that may also be used for travel between the states. This mismatch will cause delays in airports and will require additional operational procedures, trainings, and protocols for resolving potential conflicts or issues. The potential inefficiencies will make it more difficult for citizens to legally travel domestically in the US.

This is a dangerous proposal that will expose many Americans, including those assigned female at birth, to potentially inappropriate screenings, possible (sexual) assault, and slower and more invasive airport security lines. A transgender man like myself, with full facial hair and otherwise masculine appearance who presents a passport with an F gender marker will raise questions and require additional screenings. Although this EO claims to protect women, I believe it will do quite the opposite. Other women who are not transgender but don't fit stereotypical definitions of femininity will be exposed to undue harm in the form of harassment and invasive policing. If an agent reviewing her passport decides that a cisgender woman doesn't appear "female enough," they may demand a search of her person to ascertain whether or not her presentation, the way she is perceived, and the gender on her passport matches her body's visible anatomy, which is a violation of her privacy. I was assigned female at birth, and during my teenage years, long before I transitioned, I often dealt with people policing my gender presentation, yelling at me to leave women's rooms, despite my gender marker saying F at the time. If the executive branch or State Department is truly worried about the use of language in a way they do not like, it would be more appropriate to remove the gender marker entirely from passports.

This change is a waste of time, money, and legal resources. Instead of pursuing petty restrictions that affect a small percentage of Americans in a way that does not improve security or efficiency, the administration should focus on actual priorities. This is not governance—it's posturing. I trust the State Department will seriously consider public comment and sentiment, not to mention the scientific community, and refrain from amending the current form to comply with an unfounded, ill-informed, and squarely discriminatory executive order. I urge the Department of State to reject these changes and either maintain the gender marker policy as it was under the former administration or to eliminate the inclusion of any gender markers on passports.