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REGARDING: Application for a U.S. Passport - OMB Control Number: 1405-0004 - Form DS-11

I am writing today to comment on the above referenced proposed change. I am a US citizen and parent of a person who identifies as neither male nor female, and does not desire to disclose their identifying sex to anyone for matters relevant to the functioning of the Department. This proposed change will cause multiple undue burdens on people affected by the change, does not enhance the collected information, and consequently, is not necessary for the proper functioning of the Department

Currently, identification is based on external, publicly visual, subjective factors (e.g., hair color, eye color, height, weight, gender). Maybe I just dyed my hair. Maybe my eyes appear green or blue based on what I'm wearing. Maybe my shoes have extremely thick soles. Maybe I recently started a new medication and have lost 75 pounds. Maybe I'm a 16 year old female with a buzz cut, but someone mistakes me for a pre-pubescent 12 year old boy. These observations do not really assist the Department in making certain secure determinations of individual identity.

The argument asserted by this proposed change is that eliminating the gender field and replacing it with the sex field will improve the ability to securely ascertain an individual's identity. But if this proposed change was implemented, it would only, for example, tell a Border Control agent what kind of genitals the person presenting the document supposedly has under their clothes. That piece of information does not create any certainty that the individual matches the document. Even if, hypothetically, the genitals were assessed at that moment, it would tell the Border Control agent simply that – what kind of genitals that person has – and not prove in any way that they are the same person as in the document. (And, no one wants this.)

And if it were the case that eliminating the gender field and replacing it with the sex field would improve the certain identification of people's identities, then would it not be necessary to accurately identify all of the individuals bearing these documents? If so, then every US Passport would need to be updated, at no small cost. And so, if it does not improve secure individual identification, then there is no benefit to requiring it for a subset of the population (e.g., people renewing or acquiring new passports).

It may be argued that none of the visually identifying information currently provided provided on DS-11, nor providing the information under the proposed change actually addresses the need of the Department. Changing the DS-11 field from gender to sex does not fulfill the need of the Department to accomplish its purpose.

Maybe biometric identification data, already in use in many contexts, is the most effective way to objectively analyze the identities of unique individuals. Answering that question, however, is not the purpose of this Comment.

This Comment shows that implementing the proposed changes would not benefit the aims of the Department. Furthermore, it would cost the government as well as citizens in terms of both time and money. It would be wasting money and time to implement this change as it does not achieve any recognizable aim.