

March 20th, 2025

Amanda E. Smith,
Managing Director for Passport Support Operations, Bureau of Consular Affairs, Passport Services
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

RE: 30-Day Notice of Proposed Information Collection: U.S. Passport Renewal Application for Eligible Individuals (90 FR 9800)

Howard Brown Health is the largest LGBTQ+ health center in the Midwest, serving more than 40,000 patients across seven clinic locations in Chicago. Howard Brown serves adults and youth in its diverse health and social service delivery system focused around seven major programmatic divisions: primary medical care, behavioral health, research, HIV/STI prevention, youth services, elder services, and community initiatives. As a federally qualified health center, Howard Brown provides services regardless of a patient's ability to pay or insurance status. A majority (58.8%) of Howard Brown's patients identify as LGBTQIA, with 17.8% identifying as transgender or gender diverse.

We are providing comment on the U.S. State Department's Proposed Information Collection: U.S. Passport Renewal Application for Eligible Individuals. The information collection proposes that passport application forms (form DS-82) forms be updated to conform with E.O. 14168 by replacing the term "gender" with "sex" and requesting only an applicant's biological sex at birth (male or female). This will alter the process prior to January 23, 2025, that allowed individuals to update name information, request an X gender marker, or update the gender marker "male" or "female" based on an individual's current gender identity, not the gender assigned at birth. This form is essential for individuals who need to renew their passports, and this proposed rule will only add unnecessary barriers. This proposed rule would have a massive effect on trans, nonbinary, and intersex individuals. An estimated 1.3 million adults in the U.S. who identify as trans or gender nonconforming, and as many as 5 million Americans who may be intersex.¹ **We at Howard Brown oppose these proposed updates as they could substantially harm those who are transgender, non-binary, or intersex.**

Having government documents, such as a passport, accurately reflect an individual's gender identity is vital in preventing discrimination and harm for trans, nonbinary, and intersex individuals. This proposed rule would substantially impair the ability of trans, nonbinary, and intersex individuals to travel, access education, seek employment, collect social benefits, and access health care.² There could also be other dire consequences associated with an incongruent passport information, including increased harassment,

¹ "Impact of the Executive Order Redefining Sex on Transgender, Nonbinary, and Intersex People." *Williams Institute*, 27 Jan. 2025, williamsinstitute.law.ucla.edu/publications/impact-eo-redefine-sex-tbi/.

² Malta, Monica, et al. "Gender-Congruent Government Identification Is Crucial for Gender Affirmation." *The Lancet Public Health*, vol. 5, no. 4, Apr. 2020, pp. e178–e179, [https://doi.org/10.1016/s2468-2667\(20\)30054-2](https://doi.org/10.1016/s2468-2667(20)30054-2). Accessed 19 Apr. 2020.

discrimination, being forcibly outed, and social isolation. As health providers, we know that this can have direct negative impacts on health and quality of life.³

Gender-congruent government identification barriers

Implementing these proposed changes to passport application forms may lead to trans, nonbinary, and intersex individuals to have mismatched documents (different gender markers on state ID's or birth certificates) versus the gender marker on their passport. This can lead to a variety of issues. For example, trans people already often face unnecessary challenges when traveling. There have been numerous instances recorded of the Transportation Security Administration (TSA) engaging in inappropriate and humiliating searches of trans, nonbinary, and intersex individuals due to inconsistent and incongruent documentation.⁴ These proposed passport updates will only further expose trans, nonbinary, and intersex individuals to harassment and challenges while travelling.

Having incongruent government documents can also negatively affect access to employment, social services, and even healthcare. For example, having inconsistent identification documents may immediately disqualify someone from employment. It could also forcibly out someone as transgender and open them up to discrimination. In a national study of 92,329 transgender Americans, 30% of all respondents have experienced employment discrimination including being fired from their jobs or denied promotions because of their trans identity.⁵ Having inconsistent identification documents also may prevent individuals from seeking needed social services and medical care, especially those that require identification to access services. This is especially troubling as research shows that trans and nonbinary individuals already face greater obstacles in finding housing, obtaining public benefits, and accessing medical care.⁶ According to research by the Kaiser Family Foundation, LGBT adults are twice as likely as non-LGBT adults to report negative experiences while receiving health care in the last three years, including being treated unfairly or with disrespect (33% v. 15%).⁷ These experiences are only made more complicated and potentially traumatizing when trans, nonbinary, and intersex individuals are forcibly outed by having government documents that do not possess their proper name and gender marker.

In our own legal clinic, there has been an uptick in clients seeking advice on the best way to manage barriers to updating their passport. If this rule is implemented, they would be forced to use the gender identity or name assigned at birth if they renew their passport information. For many of our clients this would lead to mismatched documentation. Some clients have updated their social security information, or

³ *Ibid.*

⁴ Gleeson, Scott. "Mom Sues TSA over Request to Strip Search Her Transgender Teen at North Carolina Airport." *USA TODAY*, 27 Aug. 2021, www.usatoday.com/story/travel/flights/2021/08/27/tsa-asks-transgender-teen-strip-rdu-north-carolina-mom-sues/5614099001/. Accessed 17 Mar. 2025.

⁵ James, Sandy E., et al. "Early Insights: A Report of the 2022 U.S. Transgender Survey."

Transequality.org, Feb. 2024, transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf.

⁶ James, Sandy E., et al. *The Report of the 2015 U.S. Transgender Survey*. National Center for Transgender Equality, Dec. 2016. <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

⁷ Montero, Alex, et al. "LGBT Adults' Experiences with Discrimination and Health Care Disparities: Findings from the KFF Survey of Racism, Discrimination, and Health." *KFF*, 2 Apr. 2024, www.kff.org/racial-equity-and-health-policy/poll-finding/lgbt-adults-experiences-with-discrimination-and-health-care-disparities-findings-from-the-kff-survey-of-racism-discrimination-and-health/.

state-issued IDs to reflect their current gender identity. They are afraid being forced to use a passport with mismatched gender markers or name will leave them vulnerable to discrimination or being misgendered. Some clients are worried it will forcibly out them at their workplaces and complicate their current employment. Some are concerned the mismatched documents will create additional barriers to them accessing healthcare that aligns with their gender identity.

As health providers, we know that having incongruent government documents and being exposed to transphobic discrimination can take a devastating toll on mental and physical health. Being misgendered or forced to present as a different gender can increase stress, anxiety, depression and even suicidal ideation.⁸ Additionally, trans individuals—especially trans women of color—are experiencing an epidemic of violent victimization.⁹ In many situations, such as a police encounter, incongruent or outdated gender markers can expose trans individuals to harassment or violence due to misunderstanding or prejudice that can endanger the person’s physical safety. The provisions in this proposed rule will negatively impact trans, nonbinary, and intersex individuals need for gender-congruent identification. Providing the ability to provide proper gender identity information will only increase safety and improve overall well-being for all involved, while reducing confusion and administrative burden. We greatly appreciate the opportunity to provide comments on this proposed rule. Should you have any questions about our comments, please feel free to contact Timothy Wang, Director of Policy and Advocacy at timothyw@howardbrown.org

Sincerely,

Dr. Travis Gayles, CEO and President
Howard Brown Health

⁸ Kirakosian N, Stanton AM, McKetchnie SM, King D, Dolotina B, O’Cleirigh C, Grasso C, Potter J, Mayer KH, Batchelder AW. Suicidal Ideation Disparities Among Transgender and Gender Diverse Compared to Cisgender Community Health Patients. *J Gen Intern Med.* 2023 May;38(6):1357-1365. doi: 10.1007/s11606-022-07996-2. Epub 2023 Jan 17. PMID: 36650322; PMCID: PMC9844943.

⁹James, Sandy E., et al. “Early Insights: A Report of the 2022 U.S. Transgender Survey.” *Transequality.org*, Feb. 2024, transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf.

