

Congress of the United States
Washington, DC 20515

May 18, 2021

The Honorable Joseph R. Biden
President of the United States
White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear President Biden,

We write with appreciation for the actions your Administration has already taken to address discrimination against LGBTQ+ communities. Today, we write in hopes that you will take another important step towards equality for transgender, intersex, and nonbinary Americans. We believe that a gender-neutral marker (“X”) should be available on all federal IDs, and that accurate gender markers should be accessible using a self-attestation standard. An executive order to this effect will ensure transgender, non-binary, and intersex individuals can obtain accurate and affirming documents without navigating discriminatory barriers.

The federal government currently requires gender markers on a variety of identity documents, including US passports. On many of these documents, however, only an “F” or “M” designation is available, and current policies meant to update gender markers make the process of obtaining a gender-neutral marker unnecessarily difficult. For example, agencies often require individuals to produce documents such as medical records to update their IDs. Obtaining these documents typically requires out-of-pocket medical expenses, thereby limiting access to those who merely want to have their information accurately displayed on identifying documents.

In recognition of the need for gender-inclusive ID policies, nearly 20 states have taken action to ensure individuals can simply select an M, F, or X marker on state-level IDs, and a gender-neutral passport with an X gender marker is available in Argentina, Canada, Iceland, India, Malta, Nepal, New Zealand, Pakistan, Uruguay, and most of Australia. Despite this, as of 2015 only 11% of trans people nationwide had an accurate name and gender marker on all IDs and records.^[3] Stream-lined policies are necessary to ensure that individuals of all genders have access to accurate and honest documentation. We believe that an executive order with the following stipulations could effectively address this issue:

- Require all federal agencies that collect and/or display gender markers to include an undesignated or neutral X option.
- Require these agencies to mandate a self-attestation standard, allowing all individuals to indicate M, F, or X as their gender marker and preventing agencies from imposing discriminatory requirements such as medical records.

Thank you again for your ongoing work to address systemic discrimination against LGBTQ+ individuals and thank you for your prompt consideration of this important issue.

Sincerely,



Ro Khanna
Member of Congress



Kirsten Gillibrand
Senator



Tammy Baldwin
Senator

^[1] Yurcaba, J. (2021, January 29). Alabama's trans ID law requiring proof of surgery is unconstitutional, court rules. Retrieved February 23, 2021, from <https://www.nbcnews.com/feature/nbc-out/alabama-s-trans-id-law-requiring-proof-surgery-unconstitutional-court-n1256076>

^[2] 2015 U.S. Trans Survey. (n.d.). Retrieved February 23, 2021, from <http://www.ustranssurvey.org/>

^[3] 2015 U.S. Trans Survey. (n.d.). Retrieved February 23, 2021, from <http://www.ustranssurvey.org/>

Ed Markey
Senator

Bob Menendez
Senator

Jeff Merkley
Senator

Alex Padilla
Senator

Elizabeth Warren
Senator

Ron Wyden
Senator

Earl Blumenauer
Member of Congress

Jahana Hayes
Member of Congress

Eleanor Holmes Norton
Member of Congress

Pramila Jayapal
Member of Congress

Dan Kildee
Member of Congress

Alan Lowenthal
Member of Congress

Seth Moulton
Member of Congress

Mark Pocan
Member of Congress

Ayanna Pressley
Member of Congress

Mary Gay Scanlon
Member of Congress

Jan Schakowsky
Member of Congress

Darren Soto
Member of Congress

Ritchie Torres
Member of Congress

Bonnie Watson-Coleman
Member of Congress

Peter Welch
Member of Congress