

# Congress of the United States

Washington, DC 20510

September 27, 2022

The Honorable Antony Blinken, Secretary  
Department of State  
2201 C St. NW  
Washington, D.C. 20520

The Honorable Alejandro Mayorkas, Secretary  
Department of Homeland Security  
300 7<sup>th</sup> St. SW  
Washington, D.C. 20024

Dear Secretary Blinken and Secretary Mayorkas,

We write today to urge the Department of State and the Department of Homeland Security (DHS) to take swift action to affirm and protect the rights of transgender, intersex, nonbinary, and gender nonconforming passport applicants and international travelers.

We appreciate the historic progress your departments have made thus far in implementing measures to respect and better serve all Americans, regardless of their gender identity. However, while U.S. citizens are currently able to select “unspecified or another gender identity” (X) as their gender marker during routine applications for U.S. passports and on applications for the TSA PreCheck program, we encourage the U.S. Department of State and U.S. Customs and Border Protection (CBP) to solidify and accelerate the implementation of the “X” gender marker option for passport cards, emergency passports printed at embassies and consulates, Consular Reports of Birth Abroad (CRBAs), and on Trusted Traveler Programs forms.

Additionally, as DHS and CBP consider updating the Trusted Travel Programs to add the “X” gender marker for applicants, we strongly urge your department to fully implement updating the Trusted Travel Programs to align with the U.S. Department of State’s Passport Options by adding a third gender marker, “X”, for applicants. And as the Department of State prepares to make the “X” gender marker option available in late 2023, we respectfully request that your department swiftly make publicly available the date in which the “X” gender marker will be available for applicants for all passport services and application forms.

According to TripIt from Concur, about 13 percent of the adult U.S. population traveled internationally this summer, while the U.S. Travel Association forecasts that spending on international travel in 2022 will more than triple its total from 2021. As the nation’s economy continues to recover from the COVID-19 pandemic, the State Department’s lack of inclusive gender markers for those in need of immediate passport assistance denies transgender, intersex, and non-binary Americans’ rights to reunite with their families, study abroad, and perform overseas business operations with full dignity and respect.

According to research from the Williams Institute of the UCLA School of Law, an estimated 1.2 million American adults identify as non-binary. As long as the Department of State fails to provide non-routine services to individuals seeking an X as their gender marker, non-binary applicants will continue to face an undue and unjust burden when pursuing international travel. The State Department’s current timeline to provide these services by late 2023, with no clear date released to the public, would deny these travelers equal access for far too long. Moreover, DHS’s current policy limitations force non-binary travelers to choose a gender that does not reflect their gender identity.

We urge you to pursue all available means to provide all Americans with equal access to inclusive and accurate gender markers as soon as possible. Should you require any additional authority from Congress to address these concerns, we urge you to notify us as soon as possible. We thank you for your consideration and look forward to working with you to address this important issue to affirm and respect members of the LGBTQI+ community.

Sincerely,



Adam B. Schiff  
Member of Congress



Ayanna Pressley  
Member of Congress



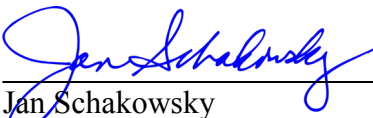
Pramila Jayapal  
Member of Congress



James P. McGovern  
Member of Congress



Donald M. Payne, Jr.  
Member of Congress



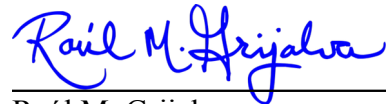
Jan Schakowsky  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



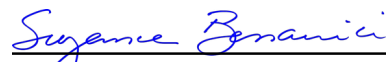
Mike Quigley  
Member of Congress



Raúl M. Grijalva  
Member of Congress



Dean Phillips  
Member of Congress



Suzanne Bonamici  
Member of Congress



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Bonnie Watson Coleman  
Member of Congress



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Earl Blumenauer  
Member of Congress



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Katie Porter  
Member of Congress



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Mark Pocan  
Member of Congress



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Dwight Evans  
Member of Congress



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Dina Titus  
Member of Congress



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Rashida Tlaib  
Member of Congress



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Lisa Blunt Rochester  
Member of Congress

CC: U.S. Customs and Border Protection