

June 1, 2021

Dear President Biden,

The undersigned civil and human rights organizations urge you to issue an Executive Order during LGBTQI+ Pride Month to ensure that transgender, non-binary, and intersex people can obtain accurate identification and official records. During the campaign and as President you have promised to ensure access to proper identification for our communities, recognizing that many “continue to face harassment or are denied access to services because their identifications documents don’t affirm their identity.” As we are in solidarity with families across the country fighting the cruel attacks on our youth in state legislatures—attacks so dangerous that some are already leaving their home states—you assured us you have our backs. We are so grateful for your leadership. This Pride season we celebrate our communities’ resilience in the face of adversity, and we ask you to celebrate and recognize us: enact this order to ensure every trans, non-binary and intersex person has access to an accurate ID so we can participate in everyday life safely and with dignity.

Federal agencies issue well over a dozen major types of identification that list gender to millions of people each year. These include passports and birth records for citizens born abroad; work permits and green cards; Trusted Traveler cards; and travel documents for visitors and refugees. All sorts of people, including trans, intersex, and non-binary people, rely on these documents to safely travel, enter public spaces, apply for jobs or essential services, or enter the US for business, family, or to seek safety on our shores. As many of us plan long-delayed travel and other matters; many still struggle to get back to work; and as the nation recommits itself to welcoming visitors, asylum-seekers and refugees and other immigrants, now is the time to act to ensure they all have access to accurate identification.

Currently, because of burdensome medical documentation requirements, many transgender, non-binary and intersex people are forced to carry ID that misrepresents and humiliates them and puts them at risk of discrimination or abuse. Similar barriers in Social Security and other official records cause confusion, embarrassment, and delays in benefits. Often individuals must schedule out-of-pocket medical visits solely to meet agency requirements, and submit fees and documents to multiple federal agencies with a patchwork of differing requirements. Many cannot meet these requirements or obtain accurate identification at all. These unequal burdens have led several federal courts to declare such policies arbitrary, capricious, and unconstitutional. The federal government should follow the recommendations of the American Medical Association and the lead of twenty states that have moved to ensure individuals can simply select an M, F, or X designation on IDs and records.

This government-wide issue requires a timely and consistent whole-of-government approach across all federal agencies that only Presidential action can ensure. We urge you to take action during Pride Month directing all relevant federal agencies to ensure that, wherever federal ID documents or administrative records list gender, individuals can simply check a box for M, F, or X. We further urge you to remind all agencies of their obligation under federal laws to regularly review their use of personal gender data to ensure it is only displayed or disseminated when necessary. While many other actions are needed, or currently underway, to ensure safety, health, and equity for LGBTQI+ people—especially trans and intersex youth—this is an issue where you, Mr. President, can act decisively and immediately to improve people’s daily lives.

Thank you for your consideration, and we look forward to continuing to work with you to improve the lives of LGBTQI+ people.

Sincerely,

American Association of University Women (AAUW)
American Atheists
American Civil Liberties Union
Arrowood Law (New York)
Athlete Ally
Autistic Self Advocacy Network
BiNet USA
Callen-Lorde Community Health Center (New York)
Center for American Progress
Center for LGBTQ Economic Advancement & Research (CLEAR)
CenterLink: The Community of LGBT Centers
Chicago House and Social Service Agency
Council for Global Equality
Equality Federation
Fairness Campaign (Kentucky)
Fenway Health (Massachusetts)
FORGE, Inc.
Gender Justice (Minnesota)
Gender Spectrum
GLMA: Health Professionals Advancing LGBTQ Equality
GLSEN
HealthHIV
Howard Brown Health (Illinois)
Human Rights Campaign
interACT: Advocates for Intersex Youth
Intersex Campaign for Equality
Lambda Legal Defense and Education Fund, Inc.
Law and Policy In Action Clinic (Iowa)
Legal Aid at Work (California)
Legal Voice (Washington)
Los Angeles LGBT Center
Lyon-Martin Health Services (California)
Mazzoni Center (Pennsylvania)
Mid-Minnesota Legal Aid
Modern Military Association of America
Movement Advancement Project
NARAL Pro-Choice America
National Association of Social Workers
National Black Justice Coalition
National Black Trans Advocacy Coalition
National Council of Jewish Women
National Employment Law Project
National Equality Action Team (NEAT)
National Health Law Program
National LGBT Cancer Network
National LGBTQ Task Force
National Organization for Women

National Partnership for Women and Families
National Resource Center on Domestic Violence
National Trans Bar Association
National Women's Law Center
Oasis Legal Services (California)
OCTOPUS LLC (Organizing Communities Transgender Outreach Promoting United Support)
Office of Transgender Initiatives (City and County of San Francisco)
One Colorado
Out & Equal Workplace Advocates
OutNebraska
People For the American Way
Physicians for Reproductive Health
Positive Women's Network-USA
PowerOn, a program of LGBT Technology Institute
Rainbow Health Minnesota
Silver State Equality (Nevada)
SPLC Action
The Center for HIV Law and Policy
The Leadership Conference on Civil and Human Rights
The National LGBTQ Institute, a project of the National Resource Center on Domestic Violence
The Sex Workers Project of the Urban Justice Center
The Trevor Project
TRACTION: trans | community | action (Washington)
Trans Legal Aid Clinic Houston
Trans Lifeline
Trans Maryland
Transgender Allies Group (Nevada)
Transgender Law Center
Transgender Legal Defense and Education Fund
Transgender Resource Center of New Mexico
Transhealth Northampton (Massachusetts)
True Colors United
Union for Reform Judaism
Whitman-Walker Institute
Women of Reform Judaism
Women's Law Project (Pennsylvania)