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The rule prohibiting trans people from changing our gender markers is discriminatory and, quite frankly, dangerous. Because of this rule, every time we travel, we will have to disclose our transgender status. Even when all of our other documents have our correct genders on them, including but not limited to: birth certificates, driver's licenses, and social security cards.

One of the things that sticks out to me most is that this move is actually unconstitutional. This is for two reasons. The first is because of two recent Supreme Court rulings, *Bostock v. Clayton County*, which defined protection on sex to include gender identity and sexual orientation, and *Loper Bright Enterprises v. Raimondo*. Under the *Loper Bright* ruling, federal agencies can no longer choose their own definitions for terms left ambiguous in legislation and must refer to the courts. The courts have already spoken on the meaning of the word sex. Its meaning cannot be changed by the new administration without a new, superceding ruling from the Supreme Court. That has not happened, and therefore this new rule change goes against the law.

The second reason is because of the 10th amendment, the federal government cannot determine the genders of its citizens. That is not a right enumerated to it. That is reserved to the states, in the form of birth certificates, and to the people, in allowing us to choose happiness.

I beg this administration to reconsider its rule change. Leaving a record of our sex assigned at birth can be dangerous to us in many situations, especially in such turbulent times, politically speaking. If this administration wants to make it harder to amend the gender marker (such as requiring a birth certificate amendment first), that would be much more reasonable. But to ban it all together is wrong. The gender marker on a passport affects nobody.