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Under our Constitutional System and the principles of Federalism and Subsidiarity, identifying someone's gender or sex is a State government responsibility, not a Federal government responsibility. There is no way for the State Department to consistently determine

"biological sex as determined at birth" or to document this proposed status. All Federal authorities can reasonably do is rely on identification documents issued by State, County, and Municipal governments to determine the sex or gender information to include on Federal ID such as a US Passport. For example, the State of Illinois issues birth certificates, but makes it very easy to change the gender, name, etc. on this document if a citizen so chooses. In such cases the relevant authorities will quickly issue an updated birth certificate. Thus, State-issued documentation doesn't document "sex as determined at birth" but rather current status. If the State Department is not going to rely on this State-issued documentation to determine what to show on a Passport, based on what is the Department to make this determination? There is no clear standard or reasonable procedure to make this determination if State and locally issued documentation is to be set aside. Furthermore, if State Department employees are not able to rely on State-issued identification to make this determination, this situation will place an unacceptable paperwork burden on the public and State Department staff (are they expected to subpoena hospital records every time a citizen applies for a passport?). Since the proposed rule is confusing and impossible to implement, this rule should be withdrawn, and the Federal Government should rely on documentation issued by the several States to determine sex or gender wherever such a determination must be made.