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The proposed changes run counter to the function of the state department, to the law, and to science.

The existence of intersex people is a scientific and biological fact. These are people for whom "biological sex at birth" is poorly or incorrectly defined. The simple fact is, in implementing this order, you harm natural born American citizens who were simply born with inconclusive "biological sex". The State department has already been successfully sued on these grounds, in the Zzyym v. Blinkin case. It is apparent and obvious that this new proposal runs counter to the law, and so this will lead to another lawsuit, and a waste of U.S. funds defending such an obviously illegal order.

Additionally, the purpose of the passport is simply to identify American citizens. Forcing those who appear and identify as a gender inconsistent with their "biological sex at birth" to have mismatched documents makes the passport less useful as a document for it's stated purpose.