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First and second, the Administration's whole array of anti-trans executive orders defy biological reality, and are so clearly motivated by animus against a small group that they violate the constitutional rule of equal protection. Both of these points are being argued extensively in litigation so I need not expand on them here.

Third, a passport applicant's (putative) "biological sex at birth" is no more relevant to the operations of the State Department, or to the foreign government officials who inspect passports, than the applicant's weight or hair color at birth.

Fourth, the State Department could retain the option of "X" sex markers on passports without even violating the Administration's (irrational and unconstitutional) dictates regarding "biological sex." In the relevant international standard (ICAO 9303, p. 14), an "X" represents "unspecified" sex, and therefore is a valid choice for both "biological male" and "biological female" passport holders.