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I am commenting today to express my opposition to the proposed change in regulation. The change is illegal, unconstitutional, and constitutes a moral injury on the part of this administration. It violates the Administrative Procedures Act because it is unconstitutional and arbitrary and capricious, and because it failed to comply with requirements to provide notice and comment for changes to government forms. The previous policy on sex markers in DS-5504 had been in effect for over a decade before this current proposal, which was implemented without the opportunity for public comment. It is clear to me that sowing fear in and making travel more dangerous for gender minorities was the solitary goal of this change in policy.

Additionally the State Department's actions violate transgender, intersex, and nonbinary people's rights under the Due Process Clause of the U.S. Constitution by unlawfully restricting their freedom of movement, as well as their rights under the Equal Protection Clause by unjustifiably discriminating against them on the basis of their sex. An identity document that does not correctly identify the individual using is worse than useless and de facto restricts travel for many Americans. The policy violates the 14th Amendment of the United States constitution as, presumably, sex marker corrections will still be available to those who are correct their document to an "applicant's biological sex at birth". The discrimination readily apparent in this policy echoes that of *Bostock v. Clayton County*, where Justice Gorsuch's majority opinion expressed that a homosexual or transgender person could not be discriminated against for actions that were allowed to those of an opposite sex.

I know that starting a new job can be difficult, there are many things to learn and demands from new bosses. But Secretary Rubio should take a moment to read the United States Constitution; he might learn some interesting things about what he is and is not allowed to direct the State Department to do. This new policy is illegal, unconstitutional, impeding government efficiency, and already wasting many taxpayer dollars. The State Department should immediately move to rescind this policy and consider better uses for government resources than bullying less than 1% of Americans.