

April 2, 2026

Submitted via www.reginfo.gov/public/do/PRAMain

Catherine Howard
Paperwork Reduction Act Reports Clearance Officer
Office of the Secretary
Department of Health and Human Services
Hubert Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

RE: HHS Notice, “Agency Information Collection Request; 30-Day Public Comment Request”; OMB Control Number 0945-0002; Civil Rights and Conscience Complaint and Health Information Privacy, Security, & Breach Notification Complaint

Dear Officer Howard:

We are scholars at the Ethics and Public Policy Center, and we write to offer brief comment on the Department of Health and Human Services’ (HHS) notice, “Agency Information Collection Request; 30-Day Public Comment Request,” which involves revisions of the previously approved collection 0945-0002 titled, “Civil Rights and Conscience Complaint and Health Information Privacy, Security and Breach Notification Complaint.”¹ HHS’s Office for Civil Rights (OCR) is requesting approval of the revisions from the Office of Management and Budget (OMB).

As HHS explains, the purpose of the complaint forms is to “allow OCR to continue to collect the minimum information needed from individuals filing complaints with OCR to form the basis for the initial processing of those complaints.”² OCR’s proposed revisions “omit certain questions to reduce the burden on the complainant, clarify terms, update statutory and regulatory authorities, and conform the forms” to Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,”³ and a federal court order in *Texas v. Becerra*,⁴ which stayed nationwide the Biden Section 1557 Final Rule’s definition of sex discrimination that included “sex characteristics, including intersex traits”; “pregnancy or related conditions”; “sexual orientation”; “gender identity”; and “sex stereotypes.”⁵

We applaud HHS for opposing gender ideology and recognizing biological truth in its complaint forms. There are two sexes—male and female. While “gender” historically was used synonymously with sex, the term is now often used to mean something other than binary, biological

¹ 91 Fed. Reg. 10810 (Mar. 5, 2026), <https://www.federalregister.gov/d/2026-04361>.

² 91 Fed. Reg. at 10810.

³ 90 Fed. Reg. 8615 (Jan. 20, 2025), <https://www.federalregister.gov/d/2025-02090>.

⁴ No. 6:24-CV-211-JDK, 2024 WL 4490621, at *2 (E.D. Tex. Aug. 30, 2024).

⁵ 91 Fed. Reg. at 3205.

sex. Biology is not bigotry. As Supreme Court Justice Ruth Bader Ginsburg recognized, “Physical differences between men and women ... are enduring,” “inherent,” and “remain cause for celebration”: “[T]he two sexes are not fungible.”⁶

EO 14168 recognized that there are “two sexes, male and female,” “these sexes are not changeable,” and the sexes are “grounded in fundamental and incontrovertible reality.”⁷ The order further directed agencies, like HHS, to “enforce all sex-protective laws to promote this reality” and to use the term “sex” and not “gender” in relevant polices, documents, and regulations.⁸

As Rachel Morrison told the *Washington Times*, “Using the term ‘sex’ instead of ‘gender’ provides clarity, improves the quality and utility of information collected, protects sex-based rights, and reflects biological reality, not subjective self-perception.”⁹ The revisions will likewise improve the complaint forms by enhancing the quality, utility, and clarity of the information collected and ensure that the forms reflect current regulatory obligations in light of *Texas v. Becerra*. We agree with OCR that the revisions will also reduce burdens on complainants.¹⁰

In short, the revisions to the complaint forms will help OCR better enforce civil rights, conscience protection, and health privacy laws and should be approved by OMB.

Sincerely,

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⁶ *United States v. Virginia*, 518 U.S. 515, 533 (1996) (second alteration in original) (quoting *Ballard v. United States*, 329 U.S. 187, 193 (1946)).

⁷ 90 Fed. Reg. 8615 (Jan. 20, 2025), <https://www.federalregister.gov/d/2025-02090> (defining “sex” for the purpose of Executive Branch interpretation and application of federal law as referring “to an individual’s immutable biological classification as either male or female”).

⁸ *Id.*

⁹ Stephen Dinan, *Trump’s First Year Has Changed the Way Government Speaks*, Wash. Times (Dec. 24, 2025), <https://www.washingtontimes.com/news/2025/dec/24/trumps-first-year-changed-way-government-speaks/>.

¹⁰ 91 Fed. Reg. at 10810.