

September 4, 2026

Ms. Arianne Perkins
Freedom of Information Act Officer
U.S. Department of Health and Human Services
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Re: Request Under the Freedom of Information Act Concerning the Restructuring of the U.S. Department of Health and Human Services' Office for Civil Rights

Dear Ms. Perkins:

Pursuant to the Freedom of Information Act (“FOIA”)¹ and implementing regulations of the U.S. Department of Health and Human Services (“HHS”),² the Center for Reproductive Rights (“CRR”) and the National Women’s Law Center (“NWLC”) (together, “Requesting Parties”) request records pertaining to the Trump-Vance administration’s restructuring of HHS’s Office for Civil Rights (“OCR”).

In May 2026, HHS announced a restructuring of the Department’s OCR, reestablishing a Conscience and Religious Freedom Division (“CRFD”), first created during the first Trump administration and subsequently dissolved by the Biden administration.³ HHS leadership claims that the new Division will improve OCR’s ability to “advance the protection of conscience rights.”⁴

The restructuring was pushed by outside actors before the Trump administration even took office. The Trump campaign received significant external pressure to once again prioritize robust enforcement of “conscience rights,” as it did during its first term. Project 2025—a federal policy agenda published by the Heritage Foundation and 109 other organizations as a “playbook” for the second Trump administration⁵—recommended that “OCR should return to [the first] Trump Administration policies that initiated robust enforcement of ... conscience laws.”⁶ Specifically, Project 2025 called on OCR to “restore and fully fund” the CRFD;⁷ it also laid out how this restructuring would then be weaponized, in conjunction with new regulations, to ensure that all federal funding recipients comply with the administration’s interpretation of “federal

¹ 5 U.S.C. § 552.

² 45 C.F.R. Part 5.

³ Press Release, U.S. Dep’t of Health & Hum. Servs., HHS Announces Restructuring of Its Office for Civil Rights (May 18, 2026), <https://www.hhs.gov/press-room/hhs-announces-restructuring-of-its-office-for-civil-rights.html>.

⁴ *Id.*

⁵ Paul Dans & Steven Groves eds., *Mandate for Leadership: The Conservative Promise*, at xiv (2023).

⁶ *Id.* at 494.

⁷ *Id.*

health care conscience laws.”⁸ The administration appears to be adopting this recommendation even though there is no demonstrated need, and despite the fact that reallocation of resources to this effort will likely undermine OCR’s ability to investigate actual instances of discrimination in health care; indeed, HHS itself recently acknowledged that complaints under the “federal health care conscience statutes” constitute a “smaller portion” of the overall number of complaints that OCR receives.⁹

Two months after announcing its re-establishment of the CRFD, HHS confirmed its intent to promulgate a new regulation to “address the scope and meaning of the federal health care conscience statutes.”¹⁰ Specifically, HHS asserted that this new regulation is “needed to clarify” the scope and meaning of these federal laws.¹¹ And, concerning, among the regulatory options it will consider, HHS included “promulgating a rule substantially similar ... to the 2019 Final Conscience Rule.” But multiple federal courts found that the 2019 Rule illegally and improperly attempted to expand the reach of these federal laws, to allow virtually any entity or individual, even those tangentially involved in patient care, to deny patients health services.¹²

A broad interpretation of these federal laws—also known as federal refusal of care laws—poses significant challenges to equitable health care access. Ideologically-motivated actors have relied on overexpansive interpretations of these laws to defend their discriminatory practices—particularly against individuals seeking pregnancy-related care, including abortion, as well as LGBTQI+ individuals. Further, denials of care defended under federal refusal of care laws may exacerbate existing health disparities. When health care providers are emboldened by a misinterpretation of the federal refusal law to refuse to offer care, information, or referrals based on their personal beliefs, they may worsen health outcomes, while also violating federal laws protecting against discrimination in health care and creating confusion regarding providers’ responsibilities in urgent situations.

The Requesting Parties seek information that is vital to the public’s interest in understanding HHS’s decision to restructure OCR and, specifically, to re-establish the CRFD, as well as the extent to which that decision was informed by outside pressure and the administration’s intent to promulgate and enforce an expansive new “conscience rule.” Patients must be assured that their medical needs—and not the personal beliefs of their medical provider nor the ideology of interest groups and elected officials—will inform the health care they receive. The public also has a right to understand why HHS now appears to be prioritizing enforcement actions under federal refusal of care laws over other public health concerns, even

⁸ *Id.*

⁹ 91 Fed. Reg. 52792, 52837 (Aug. 14, 2026).

¹⁰ 91 Fed. Reg. 52792, 52837 (Aug. 14, 2026).

¹¹ *Id.*

¹² See *New York v. U.S. Dep’t of Health & Human Servs.*, 414 F. Supp. 3d 475, 577 (S.D.N.Y. 2019) (vacating the 2019 Rule because it contained “numerous, fundamental, and far-reaching” violations of the Administrative Procedure Act); accord *Washington v. Azar*, 426 F. Supp. 3d 704, 721–22 (E.D. Wash. 2019); *City & Cnty. of San Francisco v. Azar*, 411 F. Supp. 3d 1001, 1025 (N.D. Cal. 2019).

though a federal district court found that the Department had previously overstated the number of complaints under such laws¹³ and the Department more recently has acknowledged that such complaints account for only a “small[] portion” of the complaints that OCR receives.¹⁴ Moreover, the requested information is needed to alleviate concerns that the agency will once again misuse its rulemaking power in ways that would undermine patients’ rights to access health care free from discrimination.

I. Records Requested

Please release all responsive records¹⁵ from HHS and any of its components¹⁶ for the period from January 20, 2025, through the date the search is conducted. We request the following to be produced within twenty business days:

1. All records sent to or received from any HHS employee regarding the establishment of the CRFD.
2. All records regarding the decision to establish the CRFD, including but not limited to communications sent to or received by:
 - a. Robert F. Kennedy, Jr., HHS Secretary;
 - b. Gary Andres, HHS, Assistant Secretary for Legislation;
 - c. Matt Buckham, HHS, Senior Counselor for Operations and Personnel;

¹³ *New York v. U.S. Dep’t of Health & Human Servs.*, 414 F. Supp. 3d at 545; *see also id.* at 577 (vacating the 2019 Rule because it contained “numerous, fundamental, and far-reaching” violations of the Administrative Procedure Act); *accord Washington v. Azar*, 426 F. Supp. 3d at 721–22; *City & Cnty. of San Francisco v. Azar*, 411 F. Supp. 3d at 1025.

¹⁴ 91 Fed. Reg. at 52837; *see also* Press Release, U.S. Dep’t of Health & Hum. Servs., HHS Announces New Divisions Within the Office for Civil Rights to Better Address Growing Need of Enforcement in Recent Years (Feb. 27, 2023), <https://www.hhs.gov/about/news/2023/02/27/hhs-announces-new-divisions-within-office-civil-rights-better-address-growing-need-enforcement-recent-years.html> (stating that in 2022, only 7 percent of OCR complaints alleged violations of conscience/religious freedom).

¹⁵ FOIA defines “records” to include “any information” in “any format, including an electronic format.” 5 U.S.C. § 552(f)(2); *see also* 22 C.F.R. § 171.1(b). As used herein, the term “records” includes all records, writings, and communications preserved in electronic or hard copy form, including, but not limited to, correspondence, letters, draft documents, data files, metadata, spreadsheets, video and/or audio recordings, CDs, DVDs, notes, meeting records, calendar entries, reports, instructions, guidance, guidelines, talking points, briefing materials, memoranda, agreements, contracts, memoranda of understanding and/or communications, analyses, orders, directives, notices, statements of policy, procedures, protocols, rules, or training manuals. “Communications” includes, but is not limited to, letters, notices, guidance, memoranda, instructions, e-mails (and attachments thereto), calendar invitations (and attachments thereto), and text and/or audio messages on encrypted and non-encrypted applications (including, but not limited to, those sent through the Payment Management System or other platforms, such as iMessage, Signal, WhatsApp, Microsoft Teams, GChat, Google Hangout, Lync, Skype, Zoom, Slack, Telegram, Parler, Facebook, X (formerly Twitter), Instagram, or Truth Social), and communications and relevant materials that may have been distributed via personal phones or devices.

¹⁶ As used herein, any reference to HHS encompasses all regional offices (both current and past) as well as the central offices located in Washington, D.C.

- d. Robert Foster, HHS, Acting General Counsel (robert.foster@hhs.gov¹⁷);
 - e. Liesl Fowler, HHS, Executive Secretary to the Department;
 - f. David Hyams, HHS, Acting Deputy Director, Policy Division, OCR (david.hyams@hhs.gov);
 - g. David Christensen, Supervisory Policy Advisor, OCR;
 - h. Chris Klomp, HHS, Chief Counselor;
 - i. Eric Osterhues, HHS, Performing the Duties of Deputy General Counsel (eric.osterhues@hhs.gov);
 - j. Stefanie Spear, HHS, Principal Deputy Chief of Staff/Senior Counselor to the Secretary (stefanie.spear@hhs.gov); and
 - k. Paula Stannard, HHS, Director, OCR (paula.stannard@hhs.gov).
3. All records, including informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents, sent to, received by, or exchanged with any HHS employee (temporary or permanent), official, appointee, or contractor, regarding the decision to restructure OCR, including, but not limited to, the decision to establish the CRFD and the allocation of funds to establish the CRFD.
 4. All records that refer or relate to the CRFD and/or OCR's planned restructuring, sent between HHS employees, agents, or contractors acting on behalf of HHS, and:
 - a. The Heritage Foundation (including but not limited to any individual members of staff);
 - b. Alliance Defending Freedom (including but not limited to any individual members of staff);
 - c. Americans United for Life (including but not limited to any individual members of staff);
 - d. The Family Research Council (including but not limited to any individual members of staff);
 - e. National Right to Life (including but not limited to any individual members of staff);
 - f. Students for Life (including but not limited to any individual members of staff);
 - g. Susan B. Anthony Pro-Life America (including but not limited to any individual members of staff);
 - h. The Charlotte Lozier Institute (including but not limited to any individual members of staff); and
 - i. The Ethics and Public Policy Center (including but not limited to any individual members of staff).
 5. Records sufficient to identify all employee positions allocated either in full or in part to the CRFD, or otherwise tasked with conducting the work of that division, including records sufficient to show:
 - a. The title and classification for each position;
 - b. The job description and required qualifications;

¹⁷ For ease of search, we have included e-mail addresses for individuals whose e-mail addresses are publicly available; however, a lack of e-mail address availability should not hinder the agency's ability to conduct searches based on individual names or keywords.

- c. The salary range for each position;
 - d. Whether the position is full- or part-time;
 - e. The location of each position;
 - f. Whether the position shares responsibilities with any other OCR division;
 - g. When and whether each position was filled or vacant during the relevant period; and
 - h. Justifications for increasing, decreasing, or maintaining the number of positions allocated.
6. For each position identified in response to request #5 as having been filled:
- a. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or, if that is not available, any recent resume contained within the agency's records;
 - b. Any conflicts or ethics waivers or authorizations for the individual employee;
 - c. Records reflecting any recusal determination made or issued for the individual; and
 - d. Copies of any SF-50 forms for the individual reflecting any change in position or title, including when the employee enters or leaves a position. We have no objection to the redaction of home addresses, telephone numbers, or social security numbers from the SF-50s.
7. Records sufficient to identify any independent contractors working with the CRFD, including records sufficient to show:
- a. The number of contractors;
 - b. The employers of each individual and the identity of each entity;
 - c. The location of each contractor;
 - d. The role and responsibilities of each contractor;
 - e. The payment terms for each contractor; and
 - f. The process for recruiting and selecting said contractors.
8. Records sufficient to show with specificity the amount and sources of funding received or used by the CRFD, including records identifying monthly and annual allocation and use of personnel and non-personnel funds from the following sources:
- a. Funds allocated to OCR generally;
 - b. Funds allocated to CRFD specifically; and
 - c. Funds originating from enforcement actions or settlement agreements conducted by any division or agency.
9. Records sufficient to identify all persons, whether or not employed directly by HHS, tasked with conducting reviews of complaints under the "federal health care conscience statutes,"¹⁸ including, but not limited to, records to show the title and classification for each individual.

¹⁸ Herein, this phrase refers to the same statutes as those referenced when this phrase was used in the Unified Agenda, 91 Fed. Reg. 52792, 52837 (Aug. 14, 2026).

The Requesting Parties seek all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Requesting Parties also request records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Requesting Parties have a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016,¹⁹ it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including the HHS Office of the Assistant Secretary for Health, that have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

Accordingly, the Requesting Parties request that HHS use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Requesting Parties are available to work with you to craft appropriate search terms. However, custodian searches are still required because agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for

¹⁹ Managing Government Records Directive, M-12-18, at 2 (Office of Mgmt. & Budget & Nat’l Archives & Recs. Admin. Aug. 24, 2012).

possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail, and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”²⁰ If it is your position that any portion of the requested records is exempt from disclosure, the Requesting Parties request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”²¹ Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”²² Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”²³

You should institute a preservation hold on information responsive to this request. The Requesting Parties intend to pursue all legal avenues to enforce their right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Requesting Parties welcome an opportunity to discuss their request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Requesting Parties and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Waiver or Limitation of Fees

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public

²⁰ FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 (2016).

²¹ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

²² *King v. U.S. Dep’t of Just.*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

²³ *Id.* at 224.

understanding of the current administration's interpretation of the "federal health care conscience statutes" and the need for the new regulation contemplated in the Unified Agenda.

The Requesting Parties are "primarily engaged in disseminating information" within the meaning of the FOIA statute.²⁴

- Founded in 1992, CRR uses information gathered, and our analysis of information gathered, to educate the public through reports, briefing papers, fact sheets, periodicals, articles, blog posts, and other educational materials. CRR also makes the materials gathered available on our public website and promotes their availability on our social media channels. CRR has a supporter base of over 780,040 followers across our social media channels, including Instagram (over 223,000 followers), Facebook (over 288,000 followers) and LinkedIn (over 122,000 followers). CRR receives hundreds of thousands of website page views monthly at www.reproductiverights.org, and publishes newsletters for public dissemination.
- NWLC has a supporter base of over 663,856 followers across our social media channels, including Instagram (over 76,000 followers) and Bluesky (over 31,000 followers), as well as over 778,000 subscribers to our email list. In August 2026, the NWLC's website, www.nwlc.org, had 152,859 page views, of which 86,850 were unique visitors. NWLC regularly issues press releases and statements regarding government activity and related impacts on gender justice and issues that impact women, LGBTQIA+ people, children, and families. In addition, NWLC regularly publishes reports about government conduct and gender justice issues based on its analysis of information and materials from various sources, including government documents and data sets. Accordingly, NWLC is primarily engaged in disseminating information.

Thus, obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the Requesting Parties' work and are among their primary activities.²⁵

The Requesting Parties do not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As 501(c)(3) nonprofit organizations, the Requesting Parties do not have a commercial purpose and the release of the information requested is not in the organizations' financial interest. Accordingly, the Requesting Parties qualify for a fee waiver and fee benefit.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees will exceed \$200 so that we can discuss arrangements.

²⁴ 5 U.S.C. § 552(a)(6)(E)(v)(II).

²⁵ See, e.g., *Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *Elec. Privacy Info. Ctr. v. Dep't of Defense*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

Conclusion

The Requesting Parties look forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production,²⁶ the Requesting Parties request that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Vidhi Bamzai
Center for Reproductive Rights
1600 K Street, NW, 7th Floor
Washington, DC 20006
T: 202.524.5534
E: vbamzai@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Vidhi Bamzai. Thank you for your assistance.

Respectfully submitted,

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²⁶ See 5 U.S.C. § 552(a)(3)(B).