



666 Broadway, 7th Floor
New York, New York 10012
212-614-6464
ccrjustice.org

May 27, 2025

U.S. Department of Health and Human Services
Office of the Secretary
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, DC 20201
FOIARequest@hhs.gov

Sent via Federal Express and electronic mail

Subject: Freedom of Information Act Request

Dear FOIA Officers:

Pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 *et seq.*, and applicable agency regulations, the Center for Constitutional Rights (“CCR”) (“Requester”) submits a request for records from the U.S. Department of Health and Human Services (“HHS” or the “Agency”) (the “Request”). Please direct this Request to all appropriate offices, field offices, departments, bureaus, missions, and officials within the Agency, including but not limited to the National Institutes of Health, National Institute of Child Health and Human Development and the Office of Extramural Research, National Science Foundation, Health Resources and Services Administration, and Centers for Medicare & Medicaid Services.

A. Background/Purpose of Request

This Request seeks records and communications pertaining to the May 1, 2025 report *Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices* ([Link](#)) (“Report”),¹ which was published by the Agency without the names nor descriptions of the expertise of its authors, any explanation about the process of developing the Report, or an account of the peer-review process that the Agency’s press release indicated took place.² The Request seeks these documents from the period starting January 20, 2025 and continuing through to the time this Request is reviewed.

¹ U.S. DEP’T HEALTH & HUM. SERVS., TREATMENT FOR PEDIATRIC GENDER DYSPHORIA: REVIEW OF EVIDENCE AND BEST PRACTICES (May 1, 2025), <https://opa.hhs.gov/sites/default/files/2025-05/gender-dysphoria-report.pdf>.

² Press Release, *HHS Releases Comprehensive Review of Medical Interventions for Children and Adolescents with Gender Dysphoria*, U.S. DEP’T HEALTH & HUM. SERVS. (May 1, 2025), <https://www.hhs.gov/press-room/gender-dysphoria-report-release.html> (“Chapters of this review were subject to peer review prior to this publication, and a post-publication peer review will begin in the coming days involving stakeholders with different perspectives. Names of the contributors to the review are not initially being made public, in order to help maintain the integrity of this process.”).

B. Definitions

- **Record(s).** In this Request, the term “Record(s)” includes, but is not limited to, all records or communications preserved in electronic (including metadata) or hardcopy form, such as correspondences, emails, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, talking points, technical manuals, technical specifications, training manuals, studies, or any other record of any kind.
- **Communication(s).** In this Request, the term “Communication” means the transmittal of information (in the forms of facts, ideas, inquiries, or otherwise), including but not limited to emails, texts, voicemails, faxes, letters, messages including Microsoft Teams/Zoom/Slack/Signal/WhatsApp messages, and/or any other type of electronic or non-electronic communication.
- **Data Compilations(s).** In this Request, the term “Data Compilation” means any aggregation, summary, table, list, spreadsheet, report, extract, or other assembled presentation of data—whether structured or unstructured—that reflects or is derived from one or more data systems, databases, tracking tools, forms, logs, case management software, or electronic records maintained or accessed by the agency.
- **Agency.** In this request, the term “Agency” means the Department of Health and Human Services and each of its divisions, departments, field offices, secretaries, directors, commissioners, employees, agents, representatives, consultants, contractors, personnel, and any other person authorized to act on its behalf.
- **Designated Custodians.** In this Request, unless otherwise specified for a respective Agency, this term means persons who have held the following positions since January 20, 2025 at the Department of Health and Human Services in an acting, interim, or Senate-confirmed capacity: Director, Chair, Secretary, Head (or equivalent employee level within the agency regardless of official title); the Vice Chair, Deputy Secretary, or Deputy Head; General Counsel, Deputy General Counsel; Inspector General(s); District Director(s); Human Capital Officers; Human Resource Officers; and all employees in positions classified as either Senior Executive Service officials and/or above General Schedule (GS) grade 15.
- **Designated Search Terms.** In this Request, “Designated Search Terms” means the following search terms (including plurals, hyphenations, and common variations): “Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices”; “conversion therapy”; “exploratory therapy”; “gender confirmation”; “gender affirming”; “gender dysphoria”; “hormones”; “hormone therapy”; “hormone replacement therapy”; “HRT”; “estradiol”; “estrogen”; “testosterone”; “spironolactone”; “intersex”; “sex reassignment”; “SRS”; “puberty blockers”; “Alex Byrne”; “John Koenig”; “Blake Sanchez”; and “WPATH”.

C. Limitations on Time and Scope, and Search Terms

The time period for this Request is from January 20, 2025 to Present (i.e., the date when the searches commence). In addition, all requests for Records and Communications are limited to Records and Communications in the possession of the Designated Custodians except where otherwise indicated.

To facilitate Communications searches, Requester proposes the Designated Search Terms above, as well as the following search terms (including plurals, hyphenations, and common variations): “trans”; “transgender”; “transsexual”; “intersex”; “nonbinary”; “gender identity”; “gender expression”; “sex change”; “affirming care”.

D. Request for Information

1. All Records related to the Agency’s commissioning, drafting, editing, review, and/or publication of the Report, including without limitation policies, memoranda, guidance, directives, legal or policy advisories, white papers, orders, or similar Records.
2. All Communications related to the Agency’s commissioning, drafting, editing, review, and/or publication of the Report.
3. All Records related to the Agency’s design, organization, and/or implementation of the pre-publication peer review process for the Report and post-publication peer review process for the Report.
4. All Communications related to the Agency’s design, organization, and/or implementation of the pre-publication peer review process for the Report and post-publication peer review process for the Report.
5. Records identifying the names, educational backgrounds, and professional qualifications of all contributors, authors, experts, consultants, and reviewers involved in the process of commissioning, drafting, editing, and/or reviewing the Report before publication, including but not limited to resumes or curricula vitae.
6. All contracts, retainers, and/or other signed agreements regarding the Report between the Agency and all contributors, authors, experts, consultants, and reviewers retained or contracted by the Agency to draft, edit, and/or review the Report before publication.
7. All Records or Communications related to assignments or requests from the Agency to all contributors, authors, experts, consultants, and reviewers involved in the process of commissioning, drafting, editing, and/or reviewing the Report before publication.
8. All Data Compilations, publications, studies, reference materials, evidence, clinical practice guidelines, clinical practice reviews, medical literature, systematic reviews, and/or other sources consulted and/or relied upon by the Agency in the process of commissioning, drafting, editing, reviewing, and/or publication of the Report.
9. All Data Compilations, publications, studies, reference materials, evidence, clinical practice guidelines, clinical practice reviews, medical literature, systematic reviews, and/or other sources consulted and/or relied upon by any/all contributors, authors, experts, consultants, and reviewers involved in the process of commissioning, drafting, editing, and/or reviewing the Report before publication.

10. Records identifying the names, educational backgrounds, and professional qualifications of all participants in the peer review process that took place prior to publication of the Report, including but not limited to resumes or curricula vitae.
11. Records identifying the names, educational backgrounds, and professional qualifications of all participants in the post-publication peer review process regarding the Report, including but not limited to resumes or curricula vitae.
12. All contracts, retainers, and/or other signed agreements regarding the Report between the Agency and all participants in the pre-publication peer review process for the Report and between the Agency and all participants in the post-publication peer review process for the Report.
13. All Records or Communications related to assignments or requests from the Agency to all participants in the pre-publication peer review process for the Report and from the Agency to all participants in the post-publication peer review process for the Report.
14. All Communications by and among the Designated Custodians with Alex Byrne, John Koenig, and Blake Sanchez that discuss, mention, or are otherwise related to the process of commissioning, drafting, editing, and/or reviewing the Report.³
15. All Communications by and among the Designated Custodians responsive to the Designated Search Terms.

E. The Requester

The Center for Constitutional Rights (“CCR”) is a non-profit, public-interest legal and advocacy organization that engages in the fields of civil and international human rights. CCR’s diverse issue areas include litigation and advocacy around gender and LGBTQIA+ justice. One of CCR’s primary activities is the publication of newsletters, know-your-rights handbooks, legal analysis of current gender justice and LGBTQIA+ rights law issues, and other similar materials for public dissemination. These and other materials are available through CCR’s Development, Communications, and Advocacy Departments. CCR operates a website, <http://ccrjustice.org>, which addresses the issues on which CCR works. CCR staff members often serve as sources for journalists and media outlets, including on issues related to gender and LGBTQIA+ justice, civil liberties, and access to healthcare and social services. In addition, CCR regularly issues press releases, has an active social media presence with tens of thousands of followers, and issues regular email updates to over 50,000 supporters about developments and news pertaining to CCR’s work.

F. Request for Fee Waiver

³ This Request seeks records related to their work on the Report, as their participation in the Report has been reported. *See, e.g.,* Mira Lazine, *Roundup: Experts Condemn Trump Pseudoscientific Anti-Trans “Report”*, ERIN IN THE MORNING (May 8, 2025), <https://www.erininthemorning.com/p/roundup-experts-condemn-trump-pseudoscientific> (noting that Byrne, Koenig, and Sanchez appear in the metadata of the Report, that “Byrne has a history of posting rabid anti-trans takes on his Twitter account,” and that Koenig and Sanchez’s qualifications relating to gender dysphoria are “unclear”).

Requester requests a waiver of all fees associated with this Request pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Requester is a nonprofit organization seeking the requested information in the public interest and not for commercial purposes. Requester meets the requirements for a fee waiver because the subject of the Request concerns the operations or activities of the government, the disclosure of the information is likely to contribute to a significant public understanding of government operations or activities, Requester's primary interest is in disclosure, and Requester has no commercial interest in the information. *See* 45 C.F.R. § 5.54.

Requester will make any information that it receives as a result of this FOIA Request available to the public, including the press, at no cost. Disclosure in this case, therefore, meets the statutory criteria, and a fee waiver would fulfill Congress' legislative intent in amending FOIA. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers of noncommercial requesters.'") (citing *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987)).

In the alternative, if no fee waiver is granted and the fees exceed \$250.00, please contact Requester's undersigned representative to obtain consent to incur additional fees. Processing fees should be limited pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) ("[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by . . . a representative of the news media").

G. Request for Expedited Processing

Requester requests expedited processing of this FOIA Request pursuant to 5 U.S.C. § 552(a)(6)(E) and 45 C.F.R. § 5.27, as the requested information concerns matters of widespread public interest and urgency related to federal policy changes impacting civil rights, healthcare access, and gender-related protections. Accordingly, Requester requests an expedited processing determination within 10 days of the receipt of this FOIA Request on the ground that there is an immediate and compelling need for the information.

There is an urgent need to inform the public of the policies and decision-making regarding the Report. In the few weeks that have elapsed since the Report's publication, the Report and the lack of clarity behind its production have already generated substantial and continuing news coverage. Nearly every major outlet is covering the Report and has flagged the lack of information regarding its failure to identify authors, to describe the Report's production

process, and/or to describe the peer-review process, including the New York Times,⁴ the Guardian,⁵ NBC News,⁶ the Washington Post,⁷ AP News,⁸ and NPR.⁹

H. Preferred Format and Delivery

Requester requests that Records be delivered via email to [REDACTED]. If the volume of responsive records is too large for email transmission, please provide them via a secure file-sharing service.

Please search for responsive records regardless of format, medium, or physical characteristics, and including electronic records. Please provide the requested documents in the following format:

- In PDF format wherever possible;
- Bates numbered in sequence for each agency;
- Without password protection;
- Electronically searchable wherever possible;

⁴ Azeen Ghorayshi & Amy Harmon, *Federal Report Denounces Gender Treatments for Adolescents*, N.Y. TIMES (May 1, 2025), <https://www.nytimes.com/2025/05/01/health/federal-report-denounces-gender-treatments-for-adolescents.html> (“In a remarkable departure from the standard for medical evidence reviews, the authors were not identified pending a post-publication review process that would begin in ‘the coming days.’ H.H.S. officials declined to answer questions about what the review process would entail.”).

⁵ Jessica Glenza, *US Health Agency’s ‘Review’ Advocates for Therapy for Youth Gender Dysphoria*, GUARDIAN (May 1, 2025), <https://www.theguardian.com/us-news/2025/may/01/gender-dysphoria-report-review-nih> (“Although the health secretary, Robert F Kennedy, Jr., pledged ‘radical transparency’ for the health department, authors of the report were not disclosed.”).

⁶ Jo Yurcaba, *HHS Breaks with Major U.S. Medical Groups in Review of Pediatric Gender Care*, NBC NEWS (May 1, 2025), <https://www.nbcnews.com/nbc-out/out-health-and-wellness/hhs-breaks-major-us-medical-groups-review-pediatric-gender-care-rcna204185> (“Most notably, HHS did not list any of the review’s authors in what appears to be a break with protocol, as the names of authors are generally required to be included on any scientific publication. . . . [A] scientific report of this kind generally also lists the names of the experts who peer-reviewed it, and this review does not.”).

⁷ Fenit Nirappil, *Youth Gender Transition Care Criticized in HHS Report That Conceals Authors*, WASH. POST (May 2, 2025), <https://www.washingtonpost.com/health/2025/05/01/trump-transition-care-trans-youth-hhs> (“In an unusual move, the government did not disclose who compiled the report, citing the need to protect the ‘integrity of the process.’ Scientific experts said this decision prevents the public from assessing the credibility, possible conflicts of interest and potential bias of the reviewers.”).

⁸ Geoff Mulvihill, Carla K. Johnson & Amanda Seitz, *Trump’s Health Agency Urges Therapy for Transgender Youth, Not Broader Gender-Affirming Health Care*, AP NEWS (May 1, 2025), <https://apnews.com/article/trump-hhs-rfk-transgender-therapy-53c20e8ba65b2d9e4750d5c3314492cc> (“While Health Secretary Robert F. Kennedy, Jr. has repeatedly pledged to practice ‘radical transparency,’ his department did not release any information about who authored the document.”).

⁹ Selena Simmons-Duffin, *Health Care for Transgender Children Questioned in 400-Page Trump Administration Report*, NPR (May 2, 2025), <https://www.npr.org/sections/shots-health-news/2025/05/01/nx-s1-5383599/transgender-gender-affirming-care-trump-hhs> (“The review’s authors are not being named by HHS. According to a press release, the names ‘are not initially being made public in order to help maintain the integrity’ of a post-publication peer review process. . . . HHS did not answer NPR’s question about how long its lengthy report had been in the works.”).

- “Parent-child” relationships maintained, meaning that the Requester must be able to identify the attachments with emails;
- Any data records in native format (i.e. Excel spreadsheets in Excel);
- Emails should include BCC and any other hidden fields; and
- With any other metadata preserved.

Conclusion

If this Request is denied in whole or in part, Requester asks that the Agency justify all its deletions by reference to specific exemptions of FOIA. Requester expects the Agency to release all segregable portions of otherwise exempt material. Additionally, Requester reserves the right to appeal a decision to withhold any records or a decision to deny this application for expedited processing and fee waiver.

Thank you for your prompt attention to this Request. We look forward to your response. If you require clarification or anticipate any delay, please contact us promptly at [REDACTED].

Sincerely,

A. Chinyere Ezie
Senior Staff Attorney
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
[REDACTED]