

**Justification for Non-material or Non-substantive Change to Currently Approved Collection**

**AGENCY:** Employee Benefits Security Administration (EBSA)  
**TITLE:** EBSA Participant Assistance Program Customer Survey  
**STATUS:** OMB Control Number: 1210-0161 Exp. Date: 12/31/2027

Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, was issued in January 2025. This Executive Order requires the use of the term “sex” rather than “gender.”

The EBSA’s Participant Assistance Program Customer Survey currently has two demographic questions related to “gender.” As a non-material/non-substantive change request, the Department of Labor is changing the term “gender” to “sex” in one question and removing the other question.

OMB Control Number 1210-0161 is scheduled to expire on December 31, 2027. The Department is not making any other changes to the survey.

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D1  
QID:30962 **GENDER Sex:**  
(Interviewer: Code only; Do NOT ask)

- 1 Male
- 2 Female

~~D8~~  
~~QID:713958 — Do you think of yourself as~~  
~~-~~

- ~~1 Straight or heterosexual~~
- ~~2 Lesbian~~
- ~~3 Gay~~
- ~~4 Bisexual~~
- ~~5 Transgender, or~~
- ~~6 Other LGBTQ+ (Queer, Same-sex-loving, Pansexual)~~
- ~~8 (DK)~~
- ~~9 (Refused)~~