



DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0945-0008]

Agency Information Collection Request; 30-day Public Comment Request

AGENCY: Office of the Secretary, Office for Civil Rights, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Office for Civil Rights (OCR), Department of Health and Human Services (HHS), announces that it has submitted the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. The proposed information collection is summarized below and describes the nature of the information collection and its expected burden. Public comments on the ICR are invited. OMB will accept comments from the public during this review and approval period.

DATES: Comments on the ICR must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Comments for the proposed information collection should be submitted electronically to the Office of Information and Regulatory Affairs (OIRA), OMB, via <https://www.reginfo.gov/public/do/PRAMain> within 30 days of publication of this notice. You can find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: You can see copies of supporting material for the proposed collection summarized in this notice by using the RegInfo.Gov search function under “Information Collection Review” and using either the “IC List” tab or “View Supporting Statement and Other Documents.”

You may also request copies of the supporting material by emailing Harold Henderson at OCRassuranceofcomplianceform@hhs.gov or by regular mail at:

Department of Health and Human Services
Office of the Secretary/Office for Civil Rights
Harold Henderson
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Office for Civil Rights
Office: (202) 868-9407
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Washington, DC 20201

Please include the document identifier OS-0945-0008 and project title for reference.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. The revised information collection described below has been submitted to OMB for review.

Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects:

- (1) the necessity and utility of the proposed information collection for the proper performance of the agency’s functions;
- (2) the accuracy of the estimated burden;
- (3) ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Assurance of Compliance, Form HHS–690.

Type of Collection: Revision of a currently approved collection.

OMB Control Number: 0945–0008.

Abstract: This Information Collection Request is to revise a previously approved collection 0945-0008 that will expire on April 30, 2026, titled: Assurance of Compliance, Form HHS-690.

One method the Federal Government uses to ensure civil rights compliance is to require covered entities to submit written assurances of compliance when applying for and receiving financial assistance. The assurances ensure covered entities are aware of their obligations under civil rights laws, conscience, and religious nondiscrimination laws enforced by OCR and certify that they will comply with them. A recipient’s assurance and certification can provide an independent contractual basis for enforcement of nondiscrimination requirements and can also give rise to a False Claims Act violation.

The proposed revisions:

1. modify the parenthetical definitions of sex for Title IX and Section 1557 to hew closely to the statutory text. This revision also conforms to E.O. 14168 on “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” and the court order in *Texas v. Becerra*, No. 6:24-CV-211-JDK, 2024 WL 4490621, at *2 (E.D. Tex. Aug. 30, 2024) (staying nationwide the Section 1557 Final Rule definition of sex discrimination as including “sex characteristics, including intersex traits”; “pregnancy or related conditions”; “sexual orientation”; “gender identity”; and “sex stereotypes”);
2. update statutory citations where needed and include pinpoint citations to religious nondiscrimination authorities;
3. add a definition of “program or activity” consistent with the Civil Rights Restoration Act;

4. include a specific reference to the False Claims Act in light of compliance constituting a material condition of receipt of federal funds; and
5. make clear the form applies to both applicants and recipients.

Respondents: Entities applying for or receiving federal financial assistance from the Department of Health and Human Services.

Estimated Annualized Burden Hours:

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Type of respondent	Form name	Number of respondents	Number responses per respondent	Avg. burden/response (in hours)	Total burden hours
States, certain health care providers, other persons, and entities	Form HHS-690	8,486	1	4	33,944
Total		8,486			33,944

Estimated Annual Burden Costs

The labor cost reflects the time a lawyer and a chief executive spend reviewing and signing Form HHS-690. Base hourly wages are from the Bureau of Labor Statistics (BLS) May 2023 Occupational Employment and Wage Statistics (OEWS):

- Lawyer (SOC 23-1011): \$84.84/hr
- Chief Executive (SOC 11-1011): \$124.47/hr

Weighted average hourly wage (75% lawyer, 25% chief executive): \$94.75/hr

Fully loaded wage rate with 31% benefits: \$124.12/hr

Per-respondent labor cost (4 hours × \$124.12): \$496.48

Total annualized cost across 8,486 respondents: \$4,213,379.28

Cost Component	Rate/Value
Loaded wage rate	\$124.12/hr
Hours per respondent	4 hrs
Labor cost per respondent	\$496.48
Total respondents	8,486
Total annual labor cost	\$4,213,379.28

Frequency: The Applicant/Recipient provides this Assurance of Compliance when it applies for or receives new HHS funds.

Catherine Howard,
Paperwork Reduction Act Reports Clearance Officer
Office of the Secretary

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