

**Requests for OMB Review and Approval Under the Paperwork Reduction Act and
5 CFR 1320**

Supporting Statement for HHS Office for Civil Rights
FORM HHS-690 (Assurance of Compliance)

Department of Health and Human Services

Document Identifier: OS-0945-0008

Background: The Office for Civil Rights (OCR) in the Office of the Secretary, U.S. Department of Health and Human Services (HHS), is requesting a revision of the previously approved collection 0945-0008 titled: Assurance of Compliance, Form HHS-690. This request extends the current Assurance of Compliance Form HHS-690 with updates to provide additional clarity on obligations, update citations, and comport with legal requirements and Executive Orders.

A. Justification

1. Need and Use of the Information

Form HHS-690 collects an Assurance of Compliance from Applicants/Recipients of federal financial assistance from HHS. It affirms adherence to Title VI, Section 504, Title IX, the Age Discrimination Act, Section 1557 of the ACA, federal conscience and religious non-discrimination laws, and other applicable statutes.

The assurance is provided in consideration of and for the purpose of obtaining federal grants, loans, contracts, property, discounts, or other federal financial assistance from HHS.

Through the HHS-690, the Applicant/Recipient assures it complies with:

1. Title VI of the Civil Rights Act of 1964, as amended (codified at 42 U.S.C. § 2000d *et seq.*), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 80), to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin (including limited English proficiency) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity for which the Applicant/Recipient receives federal financial assistance from the Department.
2. Section 504 of the Rehabilitation Act of 1973, as amended (codified at 29 U.S.C. § 794), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 84), to the end that, in accordance with Section 504 of that

Act and the Regulation, no otherwise qualified individual with a disability in the United States shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the Applicant/Recipient receives federal financial assistance from the Department.

3. Title IX of the Education Amendments of 1972, as amended (codified at 20 U.S.C. § 1681 *et seq.*), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 86), to the end that, in accordance with Title IX and the Regulation, no person in the United States shall, on the basis of sex (including pregnancy), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any education program or activity for which the Applicant/Recipient receives federal financial assistance from the Department.
4. The Age Discrimination Act of 1975, as amended (codified at 42 U.S.C. § 6101 *et seq.*), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 91), to the end that, in accordance with the Act and the Regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under, any program or activity for which the Applicant/Recipient receives federal financial assistance from the Department.
5. Section 1557 of the Patient Protection and Affordable Care Act, as amended (codified at 42 U.S.C. § 18116), and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 92), to the end that, in accordance with Section 1557 and the Regulation, no person in the United States shall, on the ground of race, color, national origin (including limited English proficiency), age, disability, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity for which the Applicant/Recipient receives federal financial assistance from the Department.
6. The [Conscience Protection Statutes](#), including the Church Amendments, as amended (codified at 42 U.S.C. § 300a-7), the Coats-Snowe Amendment (codified at 42 U.S.C. § 238n), the Weldon Amendment (Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, div. B, tit. V, § 507(d) 140 Stat. 173, 317 (Feb. 3, 2026)), Section 1553 of the Patient Protection and Affordable Care Act, as amended (codified at 42 U.S.C. § 18113), and Section 1303(b)(4) of the Patient Protection and Affordable Care Act, as amended (codified at 42 U.S.C. § 18023(b)(4)), among others, and 45 C.F.R. Part 88, to the extent that the rights of conscience are protected and associated discrimination and coercion are prohibited, in any program or activity for which the Applicant/Recipient receives certain federal financial assistance.
7. The [Religious Nondiscrimination authorities](#) including block or formula grant funds, such as Projects for Assistance in Transition from Homelessness (PATH), (42 U.S.C. 290cc-21, 33); Preventative Health and Services Block Grants (42 U.S.C. 300w), Maternal and Child Health Services Block Grant (42 U.S.C. 701, 708), Family Violence Prevention and Services (42 U.S.C. 10401, 10406); the Charitable Choice Provisions, which includes the Community Services Block Grant (42 U.S.C. 8621, 8625), Temporary Assistance for Needy Families (TANF) (42 U.S.C. 601, 604a), SAMHSA Grants (42 U.S.C. 290aa, 290kk-290kk-3, 300x-

57, 65); other laws prohibiting discrimination based on religion such as The Head Start Act (42 U.S.C. 9831, 9849), Programs for All-Inclusive Care for the Elderly Services (42 U.S.C. 1395eee), (42 C.F.R. 460.112), the Equal Treatment Rule (45 C.F.R. Part 87), among others.

2. Purpose and Use of the Information Collection

The Form HHS-690 requires an Authorized Official, as determined by the entity applying for or receiving funds, to sign the Form and commit the entity to the above provisions in the Form. It enables the Department to ensure that grant Applicants/Recipients are aware of and attest that they will comply with federal nondiscrimination requirements and conscience protections if they receive HHS funds.

3. Use of Improved Information Technology and Burden Reduction

Respondents may complete and submit the form electronically via <https://ocrportal.hhs.gov/ocr/aoc/instruction.jsf>, which reduces administrative burden.

4. Efforts to Identify Duplication and Use of Similar Information

Form HHS-690 is a unique form to ensure awareness of and compliance with nondiscrimination and conscience laws by HHS Applicants/Recipients.

OCR is actively surveying HHS Divisions to identify funding sources and methods of notification and working with internal partners to streamline and improve efficiency and effectiveness. Presently, the Form HHS-690 serves as the main source of such assurances of compliance within the Department.

5. Efforts to Minimize Burden on Small Entities

The Form is short, written in plain language, and available electronically to reduce burden.

6. Consequences of Collecting Information Less Frequently

Form HHS-690 is a long-standing requirement that is based on program requirements to ensure awareness of and compliance with nondiscrimination and conscience laws by all HHS recipients.

7. Special Circumstances

There are no special circumstances. This collection is consistent with the guidelines in 5 C.F.R. §1320.5. The information being collected is not duplicative of another information collection.

8. Federal Register Notice/Outside Consultation

The Department published notice of the proposed revisions to the complaint forms in the [Federal Register on January 26, 2026](#) to give the public an opportunity for 60 days to review and comment on the proposed revisions. The public will have an additional opportunity to comment on the proposed revisions for 30 days during the Office of Management and Budget's review of the revisions.

The Department received seven comments on this revised proposed information collection during the 60-day comment period. While some were supportive of the revisions, others expressed concern about several substantive and procedural issues. The following summary contains the Department's description of public comments received, the Department's responses to the comments, and the changes the Department made in response to certain comments.

Comment: The Department received comments supporting proposed changes relative to sex-based terminology in Form HHS-690, noting they provide clarity, improve the quality and utility of information collected, protect sex-based rights, and support federal law and policy regarding the binary classification of sex as objectively and genetically determined. Other comments challenged revisions to the parenthetical descriptors of specific types of sex discrimination from the paragraphs in the current Form addressing Section 1557 of the Affordable Care Act and Title IX.

Response: The Department appreciates hearing from the public with regard to these changes but declines to adopt commenters' suggestions to retain the parentheticals for discrimination on the basis of sex from the version of the Form HHS-690 that is currently in effect. The Department agrees with the commenters who support removal of the existing parentheticals; the Department has chosen language that hews closely to the statutory text as the best approach for effectuating the goals of the Form HHS-690. This is a particularly sound approach as both a legal matter and a practical matter: attempts to expand the definition beyond statutory text have generally been unsuccessful in court. The Department's approach ensures that this version of Form HHS-690 will remain viable and avoid confusing recipients of federal financial assistance, regardless of how courts interpret the statute. OCR complies with all relevant court orders in enforcing its civil rights authorities.

Comment: The Department received comments challenging the inclusion of religious and conscience authorities in Form HHS-690. Some commenters expressed confusion about the inclusion of these authorities in light of the 2019 Rule, *Protecting Statutory Conscience Rights in Health Care*, and the basis for including these authorities in this Form.

Response: The Department appreciates the public's questions around the inclusion of these authorities but declines to adopt commenters' suggestion to remove reference to religious non-discrimination and conscience authorities from this Form. The inclusion of these authorities is well-established. To ensure the Form includes the precise provision for certain religious non-discrimination requirements in HHS block grants, the Department is adding the pinpoint provision to the citation for the Assistance in Transition from Homelessness and the Preventative Health and SAMHSA statutory citations.

The conscience authorities in Paragraph 6 were included in prior iterations of this Form HHS-690 finalized in 2019 and the current one, finalized in 2022. Their inclusion was then -- and still is -- intended to provide notice to entities covered by those authorities of their responsibility to

ensure compliance with them. The religious nondiscrimination authorities in Paragraph 7 are pre-existing and already apply to entities receiving funds under the listed grants. Their inclusion in this Form HHS-690 provides notice and clarity to those entities regarding OCR's enforcement authority and their preexisting responsibilities to ensure compliance with those authorities.

While the 2019 Rule did contain provisions requiring assurances and certification of compliance to be signed by covered entities, as two commenters noted, the rule was vacated. The revision of the 2019 Form HHS-690 form, however, did not rely on the rule (which had been vacated) to add these authorities. In 2019 and in 2022, the Department relied on separate regulatory authorities, including 45 C.F.R. 75.300(a) (now 2 C.F.R. 300.300(a)), to include the religious and conscience authorities in those versions of the Form HHS-690. The Department has authority, including under 2 C.F.R. Parts 200 and 300 to maintain these authorities in Form HHS-690. As the Form notes, these authorities are all listed at <https://www.hhs.gov/conscience/your-protections-against-discrimination-based-on-conscience-and-religion/index.html>.

Comment: The Department received a comment objecting to new language explaining the breadth of the term “program or activity.”

Response: The new paragraph states that the Applicant/Recipient acknowledges that the term “program or activity” is defined expansively. The Department recognizes that the definition of “program or activity” set forth in the Civil Rights Restoration Act (“CRRA”), Pub. L. 100-259, only directly applies to the nondiscrimination statutes that the CRRA amended. At the same time, the Department recognizes that conscience and religious nondiscrimination authorities set forth in paragraphs 6 and 7 use the same or similar phrasing, i.e., they apply to a recipient’s “program” and/or “activity” that is supported by federal funding. Ultimately, it is the recipient’s obligation to ensure that its operations under programs and activities subject to conscience and religious nondiscrimination mandates do, in fact, comply with those mandates. Given the variety of sizes, organizational structures, functions, etc. of funding recipients under the authorities covered by the Form HHS-690, it would be infeasible and counterproductive to attempt to precisely define—in advance and in the abstract—the scope of coverage of “program” or “activity” for each of those authorities in all situations. Nevertheless, the paragraph serves as a reminder to recipients that they cannot take an unduly narrow view of what parts of their operations are subject to the assurances that the recipients are executing.

Comment: The Department received comments objecting to the inclusion of the language surrounding the False Claims Act.

Response: While the Department appreciates commenters’ concerns surrounding the new language, the Department notes that this aspect of the Form HHS-690 is not substantively new. The version currently in effect already states that “compliance with this assurance constitutes a material condition of continued receipt of federal financial assistance.” The new version continues to use that language and simply makes it clearer that such language is connected to the False Claims Act. Compliance with the laws set forth in this Form HHS-690 has long been a

“material condition of continued receipt of federal financial assistance”. By adding a reference to the False Claims Act, the updated Form HHS-690 provides clarity to recipients about the significance of that language. Thus, the Department declines to remove the language at issue.

Comment: The Department received comments that OCR has failed to provide the public with adequate notice and meaningful opportunity to comment.

Response: OCR appreciates the comments but disagrees that the notice was procedurally deficient. The Federal Register Notice provided a summary of the proposed revisions sufficient to inform the public of the nature and scope of the changes under consideration. Agencies are not required to provide the full text of proposed revisions in information collections under the Paperwork Reduction Act (PRA), provided that the notice reasonably describes the collection and its intended purpose. All underlying material was available on request and OCR promptly provided the material when requested. The Federal Register Notice for the supplemental 30-day comment period during OMB consideration of revisions to Form HHS-690 notes the reference to the False Claims Act, along with other proposed revisions. The Notice also provides instructions on how to access all supporting material on [RegInfo.Gov](https://www.reginfo.gov).

Comment: The Department received comments that OCR provided insufficient Federal Register notice and lack of transparency on processing the Form HHS-690 including direction on who needs to sign the Form.

Response: OCR appreciates the request for additional clarity. The Form HHS-690 is required to be submitted by Applicants/Recipients of federal financial assistance from the Department, consistent with longstanding program requirements. The frequency of the submission depends on the nature of the funding relationship, program-specific requirements, and the Department’s grant-making agencies. In general, Recipients are required to submit an assurance at the time of application or award, and existing assurances remain in effect unless otherwise specified by program guidance. To make it clear that the Form is applicable to both Applicants and Recipients, it is being revised to state “Applicant/Recipient.” The Form HHS-690 specifies that the signatory must be an official authorized to sign and commit the Applicant/Recipient.

Comment: The Department received comments that burden hours and wages are underestimated, especially due to legal review.

Response: OCR acknowledges commenters’ concern regarding burden estimates but disagrees that the estimates are unsupported or materially inaccurate. The burden estimates reflect OCR’s assessment of the time required for a typical respondent to review and complete the Form, based on prior experience with similar collections. OCR notes that the Paperwork Reduction Act burden estimates are intended to capture the time required to complete the information collection itself, not ancillary activities to ensure compliance. With respect to the

inclusion of updated statutory citations, OCR has determined that these updates do not materially increase the time required for completion of the Form.

HHS estimates that respondents will require approximately 4 hours to complete Form HHS-690 Assurance of Compliance. The estimate reflects the time needed to review the certification language, consult internally with legal and compliance personnel, review referenced statutory requirements and obtain authorized signature. The estimate is based on programmatic experience with similar federal certification forms and the expected level of review required for organizational compliance.

Comment: The Department received comments that HHS underestimated burden costs by using wage rates that exclude benefits and overhead, rather than a fully loaded labor rate.

Response: HHS appreciates this comment. The 60-day Supporting Statement presented base wage rates derived from Bureau of Labor Statistics (BLS) data that did not explicitly include benefits and overhead. In response to this comment, HHS revised the methodology in the 30-day Supporting Statement and Federal Register Notice to apply a loading factor to account for fringe benefits, overhead, and wage adjustments, consistent with BLS Employer Cost for Employee Compensation Data.

The updated analysis uses a fully loaded hourly wage rate and revises the total annualized respondent cost accordingly. This change improves the accuracy and transparency of the burden estimate but does not affect the estimated time burden. The revised estimates increase the total annualized cost from approximately \$2.95 million to \$4.21 million.

9. Payment/Gift to Respondent: Explain any decisions to provide payments or gifts to the respondents.

No payments or gifts will be given to respondents.

10. Confidentiality

To the extent that the information covered by the proposed information collection is provided to OCR, the confidentiality provisions of the Privacy Act of 1974, as amended (5 U.S.C. § 552a) and the Freedom of Information Act (5 C.F.R. § 552) would apply.

11. Sensitive Questions: Provide justification for any sensitive questions in this information collection.

This information collection does not seek information of a sensitive nature. The collection of information requires the name and signature of an authorized official of the entity seeking funding, the entity's address, and the date.

12. A. Estimate of Respondent Burden

Respondent Type: Recipients of federal financial assistance

Number of Respondents: 8,486

Time per Response: 4 hours

Total Estimated Burden: 33,944 hours

Type of Respondent	Form Name	Average Annual No. of Respondents through OCR website	No. Responses Per Resp.	Avg. Burden / Response (in hours)	Total Burden Hours
States, certain health care providers, other persons, and entities	Form HHS-690	8486	1	4	33,944
Total		8486	1	4	33,944

12.B. 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),

To account for total compensation, HHS applies a 31 percent loading factor to the base wage rates, consistent with BLS Employer Costs for Employer Compensation (ECEC) data. The adjustment reflects fringe benefits and overhead.

- 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

13. Estimates of Other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs:

None

14. Annualized Cost to the Federal Government:

There is no additional cost to the federal government to review and verify that the form HHS-690 has been completed. This is inclusive in the routine hourly cost of government employees performing their duties related to records management, grant administration, and enforcement.

15. Changes since the 60-Day Notice:

As noted above, technical changes were made to the annualized cost calculation to reflect current information that takes into account the benefits and overhead consistent with BLS Employer Cost for Employee Compensation data. In addition, the following revisions were made to the text of the Form:

- a. modified 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”);
- b. updated statutory citations where needed and included pinpoint citations to religious nondiscrimination authorities;
- c. added a definition of “program or activity” consistent with the Civil Rights Restoration Act; and
- d. included a specific reference to the False Claims Act in light of compliance constituting a material condition of receipt of federal funds.

16. Plans for Tabulation and Publication and Project Time Schedule

There are no plans to publish the results of this collection.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

The OMB expiration date will be displayed on the instrument.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.

Additional Information

OCR requests public comments regarding necessity, accuracy of burden estimates, clarity, and ways to minimize burden.

Submission Information

OMB Control Number: 0945-0008

Expiration Date: 04/30/2026

Comments will be accepted for 30 days following publication in the Federal Register.

Public Comments

HHS invites public comments on: (1) whether the proposed collection of information is necessary for the proper performance of the agency's functions and has practical utility; (2) the accuracy of the agency's estimate of burden, including validity of the methodology; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) ways to minimize the burden, including through the use of automated or electronic submission techniques; and (5) cost considerations associated with the information collection.

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

ADDRESSES: Comments should be submitted electronically via <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

Contacts

FOR FURTHER INFORMATION CONTACT: To obtain copies of supporting material for the proposed collection(s) summarized in this notice, please email Harold Henderson at

OCRassuranceofcomplianceform@hhs.gov.

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