

March 23, 2026

General Services Administration
Technology Transformation Services
1800 F Street NW
Washington, DC 20006

RE: Information Collection 3090-0290, System for Award Management Registration Requirements for Financial Assistance Recipients

To Whom it May Concern:

The American Council on Education (ACE) and the undersigned higher education associations submit these comments in response to the General Services Administration's (GSA) proposed amendments to the certification requirements for applicants and recipients of federal financial assistance. The proposal would require all entities that receive federal grants, cooperative agreements, and federal financial assistance to certify that they "[w]ill comply with the U.S. Constitution, all Federal laws, and relevant executive orders prohibiting unlawful discrimination on the basis of race or color in the administration of federally funded programs."¹ According to the Federal Register Notice announcing the proposal, the purpose of the change is to align certification requirements with new executive branch guidance, including Executive Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, as well as the Department of Justice's (DOJ's) *Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination*.²

Institutions of higher education are committed to upholding our nation's civil rights laws, including Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. These statutes, as well as their implementing regulations, outline the non-discrimination requirements that all recipients of federal funds must meet. Recipients of federal funds, including colleges and universities, already must certify through the System for Award Management that they follow these and other federal laws.

However, this proposal goes further, newly seeking to require that recipients of federal funds certify they are in compliance with legal interpretations of non-discrimination laws that have been advanced through executive orders and sub-regulatory guidance. As the DOJ's *Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination* states, "[t]he recommended best practices provided in this guidance are non-binding suggestions to assist entities in avoiding legal

¹ General Services Administration. (2026, Feb 18). **Supporting Statement:** 3090-0290—System for Award Management Registration Requirements for Financial Assistance Recipients—DRAFT (Docket No. GSA-GSA-2026-0001). <https://www.regulations.gov/document/GSA-GSA-2026-0001-0007>.

² General Services Administration. (2026, Jan 28). Information Collection; System for Award Management Registration Requirements for Financial Assistance Recipients. *Federal Register* 91(18), 3726-3727. <https://www.federalregister.gov/documents/2026/01/28/2026-01676/information-collection-system-for-award-management-registration-requirements-for-financial>.

pitfalls and upholding equal opportunity for all.”³ Requiring recipients of federal funds to certify they are in compliance with recommended best practices included in DOJ and other sub-regulatory guidance effectively turns “non-binding suggestions” into mandatory requirements for the receipt of federal funds. Further, the proposed certification goes well beyond settled law, requiring endorsement of legal interpretations that are the subject of current federal litigation and have not yet been resolved by the courts.

Finally, colleges and universities are subject to an array of state and local non-discrimination laws and must ensure that their institutional practices adhere to these legal requirements, as well. As previously noted, many of the examples and practices described in the guidance remain legally contested and can vary significantly across states. While executive orders and sub-regulatory guidance help provide context and understanding for how the federal government may interpret the requirements of federal law, they do not supersede state and local law.

As a result, from a legal standpoint as well as an operational reality, institutions or any other entities should not be required to provide an additional certification that they are in compliance with an *interpretation* of federal law and may, in fact, contradict state and local law. Making this a requirement for the receipt of federal financial assistance would create significant uncertainty and insecurity for colleges and universities and their efforts to comply with federal law. As separate public comment letters from the Association of American Universities and the Association of Public and Land-grant Universities also underscore, these concerns are shared broadly across the higher education community.

For these reasons, we respectfully request that the GSA does not advance its amendments to the certification requirements for federal financial assistance.

Sincerely,



Ted Mitchell
President

On behalf of:

AACTE: American Association of Colleges for Teacher Education
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Council of Learned Societies
American Council on Education
Association of American Universities
Association of Community College Trustees
Association of Governing Boards

³ Department of Justice. (2025, July 29). *Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination*. <https://www.justice.gov/ag/media/1409486/dl>.

Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
COGR
Complete College America
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council for Opportunity in Education
Council of Graduate Schools
EDUCAUSE
Hispanic Association of Colleges and Universities
NASPA-Student Affairs Administrators in Higher Education
National Association for College Admission Counseling
National Association of Independent Colleges and Universities
UPCEA-The Online and Professional Education Association