

**THE
NEW ENGLAND
COUNCIL**

March 30, 2026

GSA-GSA-2026-0001-0001 submitted via <http://www.regulations.gov>

Federal Register Number 2026-01676

OMB Control No. 3090-0290

U.S. General Services Administration

1800 F St NW

Washington, DC 20405

To whom it may concern,

I write on behalf of the New England Council to express our concerns with the proposed rule “Agency Information Collection Activities; Proposals, Submissions, and Approvals: System for Award Management Registration Requirements for Financial Assistance Recipients.”

The New England Council is a non-partisan alliance of businesses, academic and health institutions, and public and private organizations throughout New England formed to promote economic growth and a high quality of life in the New England region. The nation’s oldest regional business association, we count among our members a wide array of institutions who receive federal grants, including dozens of colleges and universities, as well as a variety of other medical and research institutions.

This proposed rule states that organizations receiving federal grants “will 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.” It goes on to say that “federal antidiscrimination laws apply to programs or initiatives that involve discriminatory practices, including those labeled as Diversity, Equity, and Inclusion (DEI) or “diversity, equity, inclusion, and accessibility” (DEIA) programs.”

While the current System for Award Management already requires grantees to comply with federal law, the proposed rule would have them certify compliance with legal interpretations and guidance that are unresolved and under consideration by federal courts. The proposed certifications are both redundant and burdensome, as current standards already mandate legal compliance. Yet these new requirements would force institutions to divert significant time and resources toward ensuring conformity with changing interpretations of the law.

The New England Council

98 North Washington Street, Suite 303 • Boston, Massachusetts 02114 • (617) 723-4009

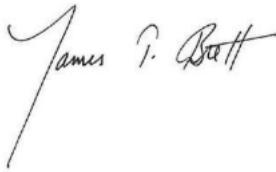
1411 K Street, NW, Suite 700 • Washington, DC 20005 • (202) 547-0048

www.newenglandcouncil.com

Beyond the administrative strain, as this rule would apply to colleges and universities specifically, these measures arguably exceed the federal government's regulatory authority, violating federal prohibitions against government control over school curricula or administration. By attempting to tie specific ideologies that are not in statute to federal funding, these requirements threaten to eliminate institutional autonomy and academic and scientific freedom by injecting politics into the grant process. Furthermore, the certifications likely present an unconstitutional impediment to free speech for students and faculty alike; their inherent vagueness risks creating a "chilling effect" on campus discourse and inviting arbitrary enforcement that may ultimately violate the Spending Clause.

We appreciate your consideration of these concerns as you proceed in the rulemaking process. Please contact Mariah Healy, Director of Federal Affairs, at mhealy@newenglandcouncil.com with any questions.

Sincerely,

A handwritten signature in cursive script that reads "James T. Brett". The signature is written in black ink and is positioned above the typed name and title.

James T. Brett
President and CEO

The New England Council

98 North Washington Street, Suite 303 • Boston, Massachusetts 02114 • (617) 723-4009
1411 K Street, NW, Suite 700 • Washington, DC 20005 • (202) 547-0048
www.newenglandcouncil.com