United States Conference of Catholic Bishops
Office of the General Counsel
3211 Fourth Street, NE
Washington, DC 20017
202.541.3000
usccb.org

Filed electronically

March 27, 2026

Technology Transformation Services
General Services Administration
1800 F St. NW
Washington, D.C. 20006

Re: Information Collection; System for Award Management Registration Requirements for Financial Assistance Recipients; OMB Control No. 3090-0290

To Whom It May Concern:

The United States Conference of Catholic Bishops (USCCB) respectfully submits the following comments in response to the General Services Administration's (GSA) proposed revisions to the System for Award Management (SAM) entity registration information collection. Specifically, the proposal would add certifications about registrants' compliance with federal civil rights laws prohibiting race discrimination, certain components of the Immigration and Nationality Act, and a general prohibition against threats to public safety or national security.

Numerous Catholic organizations – charities, schools, health care providers, and more – further their religious missions and the common good by participating in federally funded programs, and therefore maintain active SAM registrations. USCCB has a longstanding interest in the effective and lawful administration of federal programs, including ensuring that such programs advance human dignity, meet the needs of vulnerable populations, and respect religious liberty.

USCCB supports the federal government's important work to prevent unlawful discrimination, justly enforce immigration laws, and protect national security and public safety. At the same time, the proposal appears to use the SAM registration process to impose or operationalize contested interpretations of federal civil rights and immigration law through a government-wide certification mechanism. That approach raises serious concerns regarding the proper use of the Paperwork Reduction Act (PRA) process and the scope of GSA's authority. Further, the substance of the proposed revisions is, at times, too vague to provide registrants with clear notice of their obligations, and at others, unsupported by the statutes at issue.

For the reasons set forth below, USCCB recommends that GSA withdraw or substantially revise the proposed changes. At a minimum, GSA should remove the proposed examples purporting to define compliance with Title VI and Title VII, revise the

immigration-related certification to track the text of the underlying statutes more closely, and either remove or define with precision the "public safety and national security" language.

I. Overview of Concerns

The proposed revisions appear to go beyond the traditional function of SAM as a centralized registration and certification system and beyond GSA's statutory authority. In particular, they:

- incorporate descriptions of conduct that may violate the INA, or, under current DOJ guidance, federal civil rights laws;
- apply those descriptions across all registrants, regardless of program context;
- create the prospect of liability under the False Claims Act for misrepresentations with regard to these new elements; and
- condition eligibility for federal funding on certification of compliance with them.

In short, GSA is proposing to use the SAM information collection to operationalize substantive statutory interpretations that no federal agency with rulemaking authority over those statutes has yet to even propose, much less adopt, through notice-and-comment rulemaking under the Administrative Procedure Act (APA). This would be a dramatic shift in the means and locus of regulatory power over federal programs. If GSA carries through with this proposal and prevails in the litigation that would ensue, future administrations would have this as precedent to circumvent a host of structural safeguards against government overreach.

II. Use of the PRA Information Collection

GSA issued this proposal as a notice of information collection under the PRA, which is a process best suited to gathering information necessary for program administration, rather than for articulating or refining substantive interpretations of federal law. Ventures of that nature are properly pursued through APA notice-and-comment rulemaking.

The distinction between the PRA process and APA rulemaking is not merely technical; it bears directly on the quality and legitimacy of agency action. The PRA focuses on the burden and utility of information collections, whereas rulemaking procedures are designed to ensure that agencies fully articulate the legal basis for their actions, consider the real-world consequences of their proposals, and respond in a reasoned manner to significant concerns raised by affected parties. By imposing substantive interpretations of federal civil rights and immigration statutes on participants in federal programs, the proposal appears to

operate in a manner more characteristic of rulemaking, without the corresponding procedural safeguards. This approach limits meaningful engagement with the regulated community and may result in standards that lack the clarity and deliberation typically associated with more formal processes.

III. Role of GSA in Interpreting Substantive Law

Even if GSA sought to implement the proposed changes through the APA notice-and-comment rulemaking, rather than via a PRA notice, GSA lacks statutory authority to do so on its own.

The Federal Property and Administrative Services Act grants GSA administrative coordination authority but does not authorize the imposition of substantive civil rights interpretation requirements. The part of the Code of Federal Regulations governing SAM reflects GSA's narrow statutory purpose in operating SAM: it focuses primarily on unique entity identifiers and basic compliance monitoring, emphasizing technical registration requirements rather than substantive policy agreements.[1]

Further, Congress has established specific frameworks for interpreting and enforcing the statutes referenced in the proposed revisions. Title VI is generally implemented and enforced by the agencies that administer federal financial assistance, with coordination by DOJ.[2] Title VII is enforced through the processes administered by the Equal Employment Opportunity Commission (EEOC) and the federal courts.[3] The Immigration and Nationality Act (INA) is administered by designated agencies with specific statutory responsibilities, including the Department of Homeland Security and the Department of Justice, which are charged with enforcing and interpreting the statute's provisions in defined contexts.[4]

The proposed revisions include examples of practices that may be viewed as inconsistent with Title VI, Title VII, or provisions of the INA. While these examples may be intended to provide guidance, their inclusion in a certification tied to eligibility for federal funding – and made in a context where inaccurate certifications may carry serious consequences, even including criminal prosecution – may pressure registrants to conform

[1] See generally 2 C.F.R. Part 25; see also 2 C.F.R. 25.100 ("This part provides guidance to Federal agencies that…[t]he System for Award Management (SAM.gov) is the repository for standard information about applicants and recipients.").
[2] 42 U.S.C. 2000d-1; 28 C.F.R. 42.401.
[3] 42 U.S.C. 2000e-5.
[4] *See* 8 U.S.C. § 1103(a), (g); 6 U.S.C. § 202.

their conduct to GSA's stated interpretations even where the underlying statutes do not clearly require that result.

In this light, the proposal appears to presume that GSA has a role in defining and operationalizing these statutes that is difficult to reconcile with the distinct regulatory and enforcement responsibilities Congress and the Executive Branch have assigned to other agencies. If additional clarification is needed regarding the application of Title VI, Title VII, or the INA in federally funded programs, that clarification should be developed by the agencies charged with administering those laws, in a manner tailored to the relevant programmatic context, rather than through a uniform certification imposed across all SAM registrants.

The SAM registration process has, of course, long required registrants to affirm compliance with various federal laws generally, and the USCCB recognizes this is a permissible function for GSA to perform. However, there is a distinction between, on the one hand, certifying compliance with existing laws, and, on the other, requiring affirmation of GSA's own gloss on the meaning of those laws.

IV. Provisions of the Proposal Governing Race Discrimination

The most significant revision to be made under the proposal, the new paragraph (6) of the SAM certifications, addresses discrimination on the basis of race. Catholic teaching condemns the evil of racism, and the USCCB has long supported federal efforts to combat it.[5] Catholic teaching also supports some efforts, traditionally countenanced under federal civil rights law, intended to remedy the harms of past discrimination.

Title VI applies to recipients of federal financial assistance, but it does not generally prohibit discrimination in employment.[6] While DOJ has issued relevant guidance relied upon by GSA in this proposal, DOJ has not revised its Title VI regulations accordingly, nor has any other federal agency.

---

[5] Catechism of the Catholic Church, nos. 1935, 1938; "Open Wide Our Hearts: The Enduring Call to Love - A Pastoral Letter Against Racism," U.S. Conference of Catholics Bishops (2018), *available at* https://www.usccb.org/resources/open-wide-our-hearts-enduring-call-love-pastoral-letter-against-racism.

[6] See DOJ Title VI Legal Manual, Section X, at 1 ("Title VI prohibits recipients, most of which are employers, from discriminating based on race, color, and national origin. Congress, however, did not intend Title VI to be the primary federal vehicle to prohibit employment discrimination. It does forbid recipients from discriminating in employment in certain situations. Specifically, if 'a primary objective' of the federal financial assistance to a recipient is to provide employment, then the recipient's employment practices are subject to Title VI. 42 U.S.C. § 2000d-3. In addition, a recipient's employment practices also are subject to Title VI where those practices negatively affect the delivery of services to ultimate beneficiaries.") (footnotes omitted).

DOJ's recent rulemaking to revise its Title VI regulations instead took a narrower approach, focusing on the removal of disparate-impact provisions rather than attempting to define specific practices as unlawful.[7] By contrast, the proposal here would incorporate specific interpretations of civil rights statutes into a government-wide certification mechanism, notwithstanding the absence of comparable regulatory action by the agency with primary responsibility for interpreting and coordinating enforcement of the statute in question.

Title VII does prohibit employment discrimination, but it applies based on the size of the employer, not on receipt of federal financial assistance. The EEOC has issued guidance on "DEI-related discrimination at work."[8] However, the proposal's text is not clearly traceable to that guidance, which, for example, does not mention "cultural competence" requirements, "overcoming obstacles" narratives, or "diversity statements" as practices that may violate Title VII, nor does the EEOC's separate guidance on race discrimination.[9]

The proposal's indiscriminate mix of references to programmatic discrimination and employment discrimination merges the separate legal regimes of Title VI and Title VII into one. In fact, the proposal's text seems to indicate that GSA incorrectly understands Title VII to apply based on receipt of federal financial assistance – paragraph (6) requires registrants to certify that they "[w]ill comply with…all Federal laws…prohibiting unlawful discrimination on the basis of race or color in the administration of federally funded programs (See Titles VI and VII of the Civil Rights Act of 1964[).]"

The proposal's treatment of Title VII raises distinct concerns. While it is common for federal programs to require certification of compliance with applicable law, including Title VII, such certifications are ordinarily understood to reflect the statutes' scope and limitations. The proposed revisions, however, identify particular employment practices as inconsistent with Title VII – at least by implication, since they are beyond the reach of Title VI – and incorporate those interpretations into a certification applicable to all registrants, even those not otherwise subject to Title VII. This approach risks transforming a general certification into a mechanism for imposing Title VII–derived standards on entities that may not be subject to the statute at all, thereby extending the statute's practical reach beyond the limits established by Congress.

---

[7] 90 Fed. Reg. 57141 (Dec. 10, 2025).
[8] https://www.eeoc.gov/wysk/what-you-should-know-about-dei-related-discrimination-work.
[9] https://www.eeoc.gov/laws/guidance/section-15-race-and-color-discrimination.

Some aspects of the proposal's paragraph (6) also fail to offer clear notice to registrants about what conduct is prohibited. For example, the proposal does not specify whether "diversity statements" refers to statements solicited from applicants as part of an employment decision, statements used as evaluative criteria, or statements issued by an organization to describe its beliefs, mission, or values. That ambiguity risks sweeping in protected expression and underscores the need for greater precision.

Other passages create ambiguity by diverging from the DOJ guidance on which GSA relies for the proposal. Subparagraph (6)(ii) warns that it may violate federal law to conduct "[t]raining programs that stereotype, exclude, or single out individuals based on protected characteristics *or* create a hostile environment" (emphasis added). But the corresponding passage in DOJ's guidance interprets federal law to prohibit "training that…[c]reates an *objectively* hostile environment *through severe or pervasive use* of presentations, videos, and other workplace training materials that single out, demean, or stereotype individuals based on protected characteristics" (emphasis added).

V. Immigration-Related Certification Language

Providing for the basic human needs of immigrants, whether documented or undocumented, is a core mission of the Catholic Church and her ministries. At the same time, the USCCB recognizes the legitimacy of ensuring that federal funds for social services are not used to unlawfully undermine the integrity of our nation's immigration system or border security. The problem is that the proposal would prohibit lawful conduct and uses language inconsistent with the underlying statute, particularly when referring to the legality of persons.

The proposal's paragraph (7) appears to summarize 8 U.S.C. 1324 and 1324a using broader or more general terms, at the cost of consistency with the statute. For example, the proposed text requires registrants to affirm that they "[w]ill not knowingly bring or attempt to bring to the United States…an illegal alien." This appears to be an effort to incorporate a component of 8 U.S.C. 1324(a)(1)(A)(i). However, the statute prohibits knowingly "bring[ing] to or attempt[ing] to bring to the United States [an alien] *at a place other than a designated port of entry or place other than as designated by the Commissioner* [of Immigration and Naturalization]" (emphasis added). The proposed text would thus prohibit acts that the statute permits.

Similarly, the proposal prohibits "transport[ing]…an illegal alien," but 8 U.S.C. 1324 criminalizes such transportation only when done "in furtherance of" the person's violation of immigration law. This omitted language is a crucial limitation on liability under § 1324. As written, the proposal would prohibit substantial swaths of activities that migrant-serving

charities carry out at the federal government's own direction. And finally, § 1324 prohibits concealing, harboring, or shielding an undocumented migrant *from detection* – another limiting phrase omitted from the proposal's text. The proposal's prohibition on harboring, when not coupled with "from detection," may be misunderstood to apply to simple provision of shelter to undocumented migrants – which, again, social service organizations do at the federal government's request every day.

Furthermore, in addition to undermining human dignity, the proposal's use of "illegal alien" and "illegal" to describe noncitizens is wholly untethered from the cited portion of the INA. At no point does the phrase "illegal alien" appear in the text of 8 U.S.C. 1324. This is for the simple reason that Congress did not intend to address the *legality of persons* but whether an individual *possesses a particular legal status or benefit* that makes him or her authorized to be present in the United States. This is especially important within the context of 8 U.S.C. 1324, which addresses the conduct of individuals deliberately furthering a noncitizen's unauthorized presence through acts that are not merely incidental to it. With no statutory or authoritative definition of "illegal alien" available anywhere in federal law, this phrase has no practical use here and should be avoided entirely.

To promote clarity and consistency, USCCB respectfully suggests that any certification requirement regarding compliance with immigration laws consist simply of an addition of a citation to the relevant sections of the U.S. Code in the SAM registration checklist's current list of applicable laws.

VI. "Public Safety or National Security" Provision

The inclusion of a general reference to "public safety or national security" requires clarification, at least in order to demonstrate how it is grounded in statutory authority. As currently phrased, it is not clear how this provision relates to specific statutory or regulatory requirements.

The expansiveness of the provision threatens to chill lawful conduct that, in some cases, is religiously motivated. Providing for the basic human needs of immigrants, without regard to their immigration status, is integral to the mission of the Catholic Church and her ministries. The current administration has characterized immigration as a threat to public safety, and various Congressional representatives have accused Catholic entities of facilitating illegal immigration.[10] Religious entities that provide food, shelter, or other

[10] See, e.g., statement of Rep. Elijah Crane, Hearing of the House Committee on Homeland Security, July 16, 2025 ("We are talking about the NGO's [sic] that they used as middlemen to carry out their operations, like the

humanitarian aid to immigrants, or transportation related to such aid, may reasonably fear that their ordinary ministries could be characterized as "facilitat[ing]… illegal activities that threaten public safety." The proposal may thus operate to chill religious exercise protected under the First Amendment and the Religious Freedom Restoration Act.

As with the certification regarding immigration laws, here too the USCCB recommends that the GSA instead simply add, in the current list of statutes applicable to SAM registrants, citations to any relevant statutory prohibitions against endangering public safety or national security.

VII. Conclusion

USCCB appreciates GSA's efforts to promote integrity and accountability in federal programs. However, the proposal would ultimately undermine that goal by introducing uncertainty into the SAM registration process and upending the legal architecture governing agency implementation of federal statutes. For the above reasons, USCCB respectfully recommends that GSA withdraw the proposal in its current form or substantially revise it to ensure that any SAM certification requirements remain within the proper scope of the registration system, track clearly established legal requirements, and provide registrants with fair and administrable notice of their obligations.

Thank you for your consideration of these comments.

Respectfully submitted,

William J. Quinn
General Counsel

Daniel Balserak
Assistant General Counsel

Catholic Charities they used to facilitate, normalize, and accelerate illegal immigration into this country."), *available at* https://www.congress.gov/event/119th-congress/house-event/LC75100/text