EPN and L4GG Joint Comments on Information Collection; System for Award Management Registration Requirements for Financial Assistance Recipients

OMB Control No. 3090-0290; Docket No. 2026-0001; Sequence No. 2

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The Environmental Protection Network (EPN) harnesses the expertise of more than 750 former Environmental Protection Agency (EPA) career staff and confirmation-level appointees from Democratic and Republican administrations to provide the unique perspective of former regulators and scientists with decades of historical knowledge and subject matter expertise. Lawyers for Good Government (L4GG) is a 501(c)(3) non-profit organization that utilizes a network of over 125,000 pro bono attorneys to provide 1:1 legal assistance to communities, community-based organizations, NGOs, and state, tribal, and local governments. L4GG works on a variety of issues, including immigration, gender justice, health equity, and climate and environmental justice. Above all, L4GG wants to ensure that the law - and the government implementing those laws - works for the people, instead of for the individual and corporate interests that already have too much power. L4GG has specific interest in this rule because it works with hundreds of federal funding grantees who would be directly harmed by this new requirement.

EPN, L4GG, and their members vigorously oppose illegal discrimination forbidden by a proper interpretation of our nation's civil rights laws, and also recognize the importance of remedying historic environmental injustices that have disproportionately impacted certain communities. Those remedies must include addressing disparities in environmental decision-making stemming from decades of racial discrimination.

EPN and L4GG object to the General Services Administration's (GSA) proposed modifications to the Financial Assistance General Representations and Certifications for the SAM.gov registration system in the Federal Register Notice dated January 28, 2026, published at 91 FR 3726 and 3727 (hereinafter "the GSA DEIA Certification"). The proposed modifications would require all applicants for and recipients of federal financial assistance (hereinafter "recipients") to certify compliance with federal anti-discrimination laws, as well as with policies stated in the Department of Justice's (DOJ) July 25, 2025, memo, "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination" and Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity." The certifications threaten recipients with criminal or civil liability for intentional or knowing false representations.

GSA seeks to amend its SAM.gov certification requirements in consequential ways, including by adding three new provisions implying that all Diversity, Equity, Inclusion, and Accessibility (DEIA) or DEIA practices are illegal, amending an existing provision to expand the scope of the certification, and highlighting the potential for liability under a fraud statute in a manner that is at odds with the requirements in the statute for knowingly or recklessly making a false certification. As a threshold matter, GSA lacks the authority to make these proposed changes, both because they are contrary to the Paperwork Reduction Act (PRA) and because Congress has not authorized GSA to condition funds on the proposed certifications. Even if GSA had the appropriate authorization to proceed with additional certifications, the text of the proposed changes is both vague and overbroad, is inconsistent with the Constitution and federal law, and, as

such, would create confusion about the obligations GSA seeks to impose on roughly 222,000 SAM-registered recipients.

We object to the GSA DEIA Certification on four specific grounds, although additional bases for preventing enforcement of the certification may be raised in the inevitable litigation. As such, we request that GSA withdraw this unworkable proposal.

First, the GSA DEIA Certification does not meet the "practical utility" requirement in PRA, 44 U.S.C. 3506(c)(3)(A), as implemented in Office of Management and Budget regulations at 5 CFR 1320(d)(iii). Compliance with this requirement is a prerequisite to collecting information on DEIA from recipients.

Second, GSA does not have the authority to require that recipients certify compliance with Executive Branch policies when conducting activities that are not federally funded through a contractual device. Such a requirement relies on vague and unenforceable contract terms that violate applicants' and recipients' First Amendment rights and cannot establish a basis for criminal or civil liability.

Third, the GSA DEIA Certification is based on a misinterpretation of the civil rights laws as well as of the Supreme Court's decision in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023), including the flawed presumption that DEIA is per se illegal. The Supreme Court's precedent reaches a contrary conclusion.

Finally, we believe that the GSA DEIA Certification is detrimental to the federal financial assistance system.

Our objections to the GSA DEIA certification are driven by, among others, concerns that it will further undermine our nation's commitment to remedying historic environmental injustice by promoting the false narrative that Environmental Justice is a racist DEIA policy. That false narrative is reflected in Section 3 of Executive Order 1473, itself which characterizes Executive Order 12898 of February 11, 1994, ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") as illegal discrimination. In fact, Environmental Justice encompasses "...the **fair treatment of people of all races, income, and cultures** with respect to the development, implementation and enforcement of environmental laws, regulations, and policies, and their meaningful involvement in the decision-making processes of the government"[1] (emphasis added). A crucial component of Environmental Justice is compliance "with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and agency regulations, [that] ensure that all programs or activities receiving Federal financial assistance that potentially affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, policies, practices, or methods of administration that discriminate on the basis of race, color, or national origin..." [2]

The U.S. Department of Health and Human Services recognizes that discrimination adversely impacts health at individual, family, community, and population levels.[3] Environmental justice programs respond to evidence of discrimination and support equitable delivery of government services consistent with the letter and spirit of federal civil rights law. This evidence includes environmental health information collected by

[1] https://www.usccr.gov/files/pubs/envjust/ch2.htm
[2] Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All (April 21, 2023) https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all The Trump Administration's revocation of E. O. 14096 does not break the linkage between compliance with federal civil rights laws and Environmental Justice.
[3] https://www.nimhd.nih.gov/resources/research-framework/nimhd-research-framework-details

EPA to carry out its mission consistent with anti-discrimination law, in areas including blood lead levels, fine particulate matter pollution levels, age-adjusted hypertension, underweight and pre-term birth, childhood asthma, and life expectancy.[4] EPA's abandonment of this data collection does not alter the fact that reducing such disparate impacts would advance EPA's mission of protecting human health and the environment, or that such actions could be taken without violating civil rights law. Rather, it conveys EPA's choice to "turn[] a blind eye toward … discriminatory practices," a practice that contradicts the Department of Justice's guidance.[5]

Failure to Comply with the PRA

In order to collect the information contained in the GSA DEIA Certification, GSA must establish the practical utility of that information in the performance of a function of the federal government.[6] GSA has not adequately demonstrated that the GSA DEIA Certification meets this requirement. Practical utility refers to, among other things, the usefulness of the information the federal agency collects for performing its functions.[7] The GSA DEIA Certification is not useful to GSA in managing SAM.gov because it goes beyond inquiring how recipients will use federal funds in compliance with federal civil rights laws. Rather, it is a tool that the Trump Administration is improperly using to intimidate organizations that do not share the administration's policy perspective on DEIA.

With regard to EPA, the information required by GSA's revised certification would not be useful because it improperly duplicates requirements in EPA's general grant terms and conditions and its Pre-Compliance Review Form 4700-4. Form 4700-4 already requires all recipients of federal financial assistance funding to disclose any past or ongoing civil rights complaints against the recipient, to describe affirmative civil rights compliance, and to certify compliance with all applicable civil rights statutes and implementing EPA regulations and other applicable laws. The GSA's proposed certification requirement would needlessly duplicate this certification, adding no practical utility, while adding significant civil and criminal liability and risk to recipients as well as significant collection and reporting burdens. This is inconsistent with the PRA's purpose of improving "the productivity, efficiency, and effectiveness of Government programs" and to "improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society."[8]

The GSA DEIA Certification also fails the practical utility requirement because it is likely unlawful. The PRA merely provides a process by which the federal government may collect information consistent with recipients' existing legal obligations. It does not authorize the federal government to create significant new substantive obligations on recipients, make major policy changes without congressional authority, or interpret laws in ways that are inconsistent with Congress or the courts. "[T]he PRA does not authorize what information an agency may collect, but rather governs the process authorizing how any agency collects information that suits its objectives. It prescribes a framework to ensure oversight, not to expand substantive power."[9] GSA, therefore, cannot use an information collection under the PRA to prohibit lawful

[4] https://eelp.law.harvard.edu/tracker/epa-released-indicators-of-environmental-health-disparities/
[5] July 2025 DOJ Guidance at p. 1
[6] 44 U.S.C. 3506(c)(3)(A) as implemented in Office of Management and Budget regulations at 5 CFR Part 1320
[7] 44 U.S.C. 3502(11); 5 CFR 1320.3(l)
[8] 44 U.S.C. 3501 (3) and (4)
[9] *Steele v. United States,* No. 24-5076 (D.C. Circuit, 2025)

conduct by recipients without express congressional authorization. As further explained below, the proposed changes do not meet this standard.

The policies to which federal funding applicants and recipients must certify compliance do not differentiate between non-discriminatory DEIA practices that legally promote the achievement of diversity goals and those that violate federal non-discrimination laws based on an evidentiary record establishing discriminatory action. To the extent that the proposal requires compliance with administration policies beyond federal anti-discrimination laws, the proposal is unconstitutionally vague, overbroad, and chilling of protected speech.

Indeed, it is fallacious to suggest that DEIA initiatives are de facto contrary to federal anti-discrimination laws. In so doing, the federal government is conflating DEIA with affirmative action. While it is correct to say that affirmative action was determined to be unconstitutional by the U.S. Supreme Court in *Students for Fair Admissions v. Harvard*, 600 U.S. 181, 230-31 (2023), DEIA programs are not equivalent. Rather than providing preference to individuals based on protected characteristics, as affirmative action is designed to do, DEIA initiatives are meant to provide equal opportunity access to a diverse workforce or student body — which is not discrimination under any normal interpretation.

As a condition of establishing or maintaining eligibility to apply for federal funding, federal funding applicants and recipients agree not to engage in DEIA practices as described vaguely in DOJ's July 2025 memo and Executive Order 14173. Because "DEIA" is not defined, many organizations will be discouraged from engaging in practices that are not only consistent with applicable federal anti-discrimination but are also important to the organization's effective performance. To the extent that the proposal requires compliance with administration policies beyond federal anti-discrimination laws, the proposal is likely unconstitutionally vague, overbroad, and chilling of protected speech. Indeed, Executive Order 14173, as applied to terms and conditions, has been enjoined across the country in ongoing litigation.[10]

GSA's proposed action exceeds its regulatory authority and contractual discretion

GSA lacks authority to require recipients to provide the type of certification detailed in this notice of proposed modification, which would essentially impose compliance with Executive Branch policy directives in Executive Order 14173 on entities outside of the Executive Branch. GSA has not cited any federal law, including appropriation statutes authorizing specific grant programs, that require recipients to comply with federal Executive Orders generally or that preclude DEIA activities identified in EO 14173 specifically. Indeed, GSA could not identify such federal laws, because none exists. This action, therefore, is arbitrary and capricious because "the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that

[10] *See, e.g. Cnty. of Santa Clara v. Noem*, No. 25-CV-08330-WHO, 2025 WL 3251660 (N.D. Cal. Nov. 21, 2025) (preliminarily enjoining DHS terms and conditions relating to general compliance with all EOs and Anti-DEIA EOs specifically, under APA 706(A-C), Separation of Powers, and Spending Clause); *City of Chicago v. United States Dep't of Just.*, No. 25 C 13863, 2026 WL 114294 (N.D. Ill. Jan. 15, 2026) (preliminarily enjoining enforcement of EO 14173 conditions in DOJ COPS grants, as violative of APA 706(A-C), separation of powers and Spending Clause); *Nat'l Ass'n of Diversity Officers in Higher Educ. v. Trump*, 767 F. Supp. 3d 243 (D. Md.), opinion clarified, 769 F. Supp. 3d 465 (D. Md. 2025) (nationwide preliminary injunction (pre-CASA) of enforcement of EOs 14151 and 14173 across multiple federal agencies, on First Amendment and due process void-for-vagueness grounds), vacated and remanded, No. 25-1189, ECF 29, (4th Cir. Feb. 6, 2026).

runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise."[11]

Further, even if the underlying EO was not legally and factually flawed, GSA lacks any regulatory authority to support its proposed actions. Sections 200.300 and 200.303 of Title 2 of the CFR do not contain any language requiring recipients to "follow agency policy or Executive Orders," but focus on ensuring compliance with binding legal requirements contained in our Constitution, federal civil rights laws, and implementing regulations. A federal awarding agency is authorized to require non-federal entities to submit pre-award representations and certifications that are required by Federal statutes or regulations. OMB guidelines at 2 CFR 200.209 (which are adopted by each Federal agency in order to be given regulatory effect) are not independent authority for representations and certifications, but provide that these representations and certifications can be collected annually unless prohibited by the U.S. Constitution, federal statutes, or regulations.

The OMB guidelines were updated in 2024 to ensure that federal agencies administer federal awards in full accordance with the U.S. Constitution, applicable federal statutes and regulations, and the guidelines themselves. Instead, GSA attempts to make non-regulatory guidance binding on regulated parties. Such action contravenes federal law and the Trump Administration's Executive Order 13891 ("Promoting the Rule of Law Through Improved Agency Guidance Documents, October 9, 2019; EO 13891). Section 4 of EO 13891 states that "(i) a requirement that each guidance document clearly state that it does not bind the public, except as authorized by law or as incorporated into a contract."

Enforcing policy positions on federal funding applicants and recipients as a matter of law exceeds the constitutional authority of the Executive Branch. The Executive Branch may require federal funding recipients to comply with the U.S. Constitution, applicable federal states, and regulations.[12] However, Executive Orders and agency memos are not law or regulation. Each Executive Order contains a provision stating that it does not "create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person." Executive Order 14173 does not, and indeed legally cannot, render DEIA practices illegal simply because the Trump Administration doesn't like them.

Nothing in the draft GSA DEIA Certification acknowledges that the July 2025 DOJ guidance is not legally binding. Among the examples of practices that "may" be illegal according to the GSA DEIA Certification are those that consider race and ethnicity in the organization's programs and activities that involve "cultural competence" requirements for hiring staff; those that consider whether a prospective employee has "overcome obstacles" in his or her career; or those that accept "diversity statements" that reflect an organization's values. These practices are highlighted in the July 2025 DOJ Guidance, which apparently forms the legal underpinning of the GSA DEIA Certification. However, the July 2025 DOJ Guidance, by its express terms, provides "non-binding suggestions" that are not "mandatory requirements" – meaning these programs may be consistent with federal law if opportunities remain open to all qualified individuals, regardless of race, sex, or other protected characteristics.

[11] *SEC v. Chenery Corp.*, 332 U. S. 194, 196 (1947)
[12] 2 CFR 200.300

Failing to clear the regulatory hurdle associated with GSA DEIA Certification, GSA appears to rely on a contract theory. GSA adopts language from EO 14173 that the administration has failed to define, thereby preventing there from ever being a "meeting of the mind," which is a fundamental element of a valid contract. The certifications of compliance, therefore, are impermissibly vague in that recipients are being required to attest to compliance with opaque or undefined terms and with contested legal positions that are not factually supported rather than to objective factual matters. Such an approach cannot be the proper subject of a certification that purports to be enforceable through criminal or civil liability for false statements.

The vagueness of the terms in this contract, such as "DEIA," "diversity slate," etc., also has the impermissible effect of chilling the freedom of speech of applicants and recipients. That is, "even though individuals might want to engage in constitutionally protected speech, a requirement that is vague, overbroad, or creates significant barriers to speech could cause them to 'curtail their expression.'"[13]

Additionally, as the U.S. District Court for the District of Oregon recently held, recipients have protected First Amendment rights to follow DEIA practices that are inconsistent with the policies of the Trump Administration when engaging in activities that are not supported by federal funds.[14] The District Court's ruling was firmly rooted in the Supreme Court's decisions in *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 214-215 (2013) and *Nat'l Endowment for the Arts v. Finley,* 524 U.S. 569, 587-88 (1998) as well as 9th Circuit precedent in *Koala v. Khosla*, 931 F.3d 887, 898 (9th Cir. 2019) and *Youth71Five Ministries v. Williams*, 160 F.4th 964 (9th Cir. 2025), which held that the First Amendment precluded the government from constraining recipients' exercise of their rights outside the contours of the programs for which the government awarded the funding. The GSA DEIA certification runs afoul of these precedents because it does not limit recipients' agreements not to engage in certain DEIA practices disfavored by the Trump Administration to their federally funded activities.

In other words, any effort by the federal government to enforce the GSA DEIA certification as a matter of contract is an unconstitutional violation of the First Amendment under standards that apply to statutory requirements that stand on a firmer legal footing. As stated in the Freedom of Speech: Overview Report published by the Congressional Research Service: "[t]he Free Speech Clause applies not only to laws that restrict speech, but also to laws that compel speech by requiring private persons to convey a particular message. *E.g.*, *Nat'l Inst. of Fam. & Life Advocs. v. Becerra*, 138 S. Ct. 2361, 2371 (2018); *Wooley v. Maynard*, 430 U.S. 705, 714 (1977). In addition to such direct regulations of speech, laws that burden speech or condition government funding or benefits on undertaking or forgoing speech activity may also implicate the First Amendment. Cong. Rsch. Serv., *Overview of Unconstitutional Conditions Doctrine*, Constitution Annotated https://constitution.congress.gov/browse/essay/amdt1-7-13-1/ALDE_00000771/"[15].

Given the content of the GSA DEIA Certification, there is no question that it does not satisfy the legal restraints imposed when the federal government attempts to restrict free speech under the First

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[13] *See* Congressional Research Service Report-Freedom of Speech, (September 13, 2024) https://www.congress.gov/crs-product/R47986#fn27, (citing *United States v. Nat'l Treasury Emps. Union*, 513 U.S. 454, 469 (1995); *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967)("'[f]or standards of permissible statutory vagueness are strict in the area of free expression. . . . Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity.'")

[14] *Institute for Applied Technology et. al. v. Burgman et. al.* Case No. 6:25-cv-02364-MC (March 12, 2026)

[15] https://www.congress.gov/crs-product/R47986#fn27

Amendment. For instance, the proposal specifies that enforcement action will be taken based on applicants or recipients' exercise of free speech, if such speech is found to be associated with a DEIA policy, even if such policy is consistent with federal nondiscrimination laws. Such viewpoint discrimination because a non-federal entity uses language disfavored by the Trump Administration, although the actions comply with a commonsense interpretation of federal nondiscrimination statutes grounded in the legislative and historic record, is the very action that was found by the Supreme Court to violate the Constitution.[16] (holding "restrict[ion]" of "expression because of its message, its ideas, its subject matter, or its content.")

DEIA is not illegal

The anti-DEIA provision explicitly states that federal nondiscrimination laws apply to "programs or initiatives that involve discriminatory practices, including those labeled as "DEI or DEIA" programs. Recipients could reasonably read the placement of "including" in this statement to suggest that all programs labeled as DEI and DEIA are within the category of "programs or initiatives that involve discriminatory practices." That is simply untrue. Indeed, many efforts to advance diversity, equity, inclusion, and accessibility—including some listed by GSA as examples of possible discrimination in the anti-DEIA provision—are legitimate, lawful, and in some instances even required under the law to address civil rights concerns.

As Chief Justice Roberts observed in *Students for Fair Admissions v. Harvard*, 600 U.S. 181, 214 (2023) (hereinafter "*SFFA*"), diversity is a "commendable goal[],." and even questions about the impact of race on a person's life can reveal qualities such as courage, determination, and leadership that are essential to identifying a strong candidate.[17] The majority opinion in *SFFA* indicates that the Supreme Court's decision should not be construed as prohibiting organizations from following employee or program beneficiary selection practices which consider how "race affected his or her life, be it through discrimination, inspiration, or otherwise." [18]The Court majority also acknowledged that considering how an individual's heritage or culture motivated leadership or stimulated the achievement of a particular goal is legally permissible.[19] Further, as the July 2025 DOJ Guidance cautions, neutral DEIA criteria such as cultural competence, lived experience or geographic preferences only ". . . violate federal law if designed or applied with the intention of advantaging or disadvantaging individuals based on protected characteristics" such as race or sex.[20]

While the proposal aims to uphold federal anti-discrimination laws, the examples of what may constitute "illegal DEIA" contradict established judicial precedents. The examples do not import the July 2025 DOJ Guidance's guardrails for identifying unlawful proxy discrimination or, more importantly, the views of the federal courts.

The administration's policy assertion that race-neutral means may be unlawful as "proxies for discrimination" is inconsistent with well-established law interpreting constitutional principles permitting diversity-related goals through race-neutral means under which no student is treated differently based on

[16] *Police Department of Chicago v. Mosley,* 408 U.S. 92 (1972)
[17] 600 U.S. 181 at 230-31
[18] *Id.* at 230
[19] *See* 600 U.S. 181 at 239-240.
[20] July 2025 DOJ Guidance at p. 2.

race. As recently as 2013, in *Fisher v. University of Texas,* a seven-Justice majority of the U.S. Supreme Court set forth rigorous race-neutral procedures and protocols to guide college and university efforts advancing their mission-related diversity goals. The Supreme Court's decision in *SFFA* did not affect this ruling. The GSA DEIA Certification does not take into account the holdings of recent decisions addressing the use of race-neutral practices, racial balance, and racial diversity would be helpful to schools in understanding their obligations and responsibilities.[21]DOJ's Guidance only warns against "implicit segregation through program eligibility" and "resources based on race or ethnicity, including through the use of 'cultural competence' requirements, 'overcoming obstacles' narratives, or 'diversity statements.'" Although the July 2025 DOJ Guidance acknowledges that not all initiatives characterized as "DEIA" are unlawful, the inclusion of these examples in the GSA DEIA Certification signals heightened federal scrutiny of practices that differentiate or allocate opportunities based on protected characteristics - even if they are not discriminatory under federal civil rights laws. Indeed, by embedding these examples within the certification itself, GSA would *seemingly* elevate what has been advisory guidance into a categorical determination of non-compliance with anti-discrimination laws and potential liability for false claims without the benefit of an analysis of the factual and legal basis for such a finding. GSA's proposed modifications simply carry the legal defects of the July 2025 DOJ Guidance to new ground. Thus they are "more likely to chill lawful conduct than to prevent unlawful discrimination."[22]

Conclusion

GSA's proposal is bad for recipients and bad for our nation and all of its communities, regardless of race, color, or national origin. The GSA DEIA Certification creates significant legal and financial risks to applicants and recipients that discourage efforts to seek federal funding, jeopardizing community access to critical services. Certification requirements are vague and complex, making it nearly impossible for recipients to know whether they are in compliance. Because the GSA DEIA Certification exposes recipients to significant liability and coercion, the requirement has the effect of forcing them to spend time and resources defending themselves in audits, investigations, and court. These coercive requirements may even force some recipients to betray their organizational mission and values at the threat of losing federal assistance. In light of that, recipients may decide that it is not worth the risk and may forgo applying for federal resources. In turn, that would lead to fewer and/or disrupted services in communities nationwide, impacting critical environmental protection services, disaster recovery and relief, housing, health, education, community services, and more. Ultimately, the proposed changes will harm the very people and communities that are the intended beneficiaries of federal financial assistance.

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[21] *See, e.g., Boston Parent Coalition for Academic Excellence v. School Committee of the City of Boston*, 89 F. 4th 46 (1st Cir. 2023), *cert. denied* 604 U.S. _ (U.S. 2024) (holding that an intent to reduce racial disparities is not by itself enough to show an Equal Protection violation without there also being a disproportionate racial result, with the latter requiring more than awareness of consequences); *Coalition for TJ v. Fairfax Cnty. Sch. Bd.*, 68 F.4th 864 (4th Cir. 2023), *cert. denied* 218 L.Ed. 2d 71 (U.S. 2024) ("To the extent the Board may have adopted the challenged admissions policy out of a desire to increase the rates of Black and Hispanic student enrollment at TJ — that is, to improve racial diversity and inclusion by way of race-neutral measures — it was utilizing a practice that the Supreme Court has consistently declined to find constitutionally suspect").

[22] EducationCounsel "Analyzing the U.S. Department of Justice's 7/29/25 Civil Rights Guidance" p. 4 (August 12, 2025) https://educationcounsel.com/our_work/publications/2025-federal-executive-actions/deep-dive-misguidance-an-analysis-of-the-u-s-department-of-justice-s-july-29-2025-civil-rights-guidance