

Utah Federalism Commission: Federal Guidance Letters 2025 Report

Agency	Date Received	Title	Federal Agency	Summary	Impact on State Agencies	Infringe on State Jurisdiction	Notes
DWS	3-Jul	Non discretionary secretarial directives on DEI funding	DHHS	Directs recipients of federal Community Services Block Grants (CSBG) to review expenditures made to ensure CSBG funding is not supporting DEI initiatives.	Minor impact on Utah, possible significant impact on other states	Does this letter impact an area over which the states should have jurisdiction?	This guidance letter applies to the use of federal funds and does not necessarily require state action unless these federal grants are being distributed to support DEI initiatives. That seems unlikely, since the state has a parallel policy disfavoring these initiatives. See Utah Code 67-27-107.
DWS	3-Jul	TANF Review for DEI Initiatives	DHHS	Directs recipients of federal Temporary Assistance for Needy Families (TANF) program funding to review expenditures to ensure they do not support DEI initiatives.	Minor impact on Utah, possible significant impact on other states	No	This guidance letter applies to the use of federal funds and does not necessarily require state action unless these federal grants are being distributed to support DEI initiatives. That seems unlikely, since the state has a parallel policy disfavoring these initiatives. See Utah Code 67-27-107.
DWS	3-Jul	Prohibition of DEI programs relate to refugee support services	DHHS	Directs recipients of formula awards funded by 8 U.S.C. 1522(c) and 8 U.S.C. 1522(e) to review expenditures to ensure that they do not support DEI initiatives.	Minor impact on Utah, possible significant impact on other states	No	This guidance letter applies to the use of federal funds and does not necessarily require state action unless these federal grants are being distributed to support DEI initiatives. That seems unlikely, since the state has a parallel policy disfavoring these initiatives. See Utah Code 67-27-107.
DWS	3-Jul	Secretarial Directive on DEI-Related Funding	DHHS	Directs all recipients of formula awards funded by the Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. 9857 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618) to review expenditures to ensure that they do not support DEI initiatives.	Minor impact on Utah, possible significant impact on other states	No	This guidance letter applies to the use of federal funds and does not necessarily require state action unless these federal grants are being distributed to support DEI initiatives. That seems unlikely, since the state has a parallel policy disfavoring these initiatives. See Utah Code 67-27-107.
DWS	8-Jul	Restrictions on federal public benefits for non-qualified aliens	DHHS	Directs all state and territorial TANF agencies to ensure that federal TANF funds are not provided to non-qualified aliens, in compliance with PRWORA (P.L. 104-193) and Executive Order 14218, by verifying immigration status through IEVS, enhancing subrecipient monitoring, and enforcing penalties for violations.	Minor Impact, Potential Impact on Processes	No	This guidance could require additional state agency efforts if the state is not already checking the immigration status of recipients as laid out in federal law. Since the state likely does so already, this guidance is likely provided for emphasis.

DWS	8-Jul	Bostock Policy Rescission	USDA	Directs state agencies, schools, and organizations administering USDA child nutrition programs to cease reliance on the Biden Administration's May 2022 Bostock policy update, rescinded as legally flawed, and to apply Title IX consistent with the 2020 Title IX Rule and Executive Order 14168, interpreting "sex" as male or female only.	Minor impact on Utah, possible significant impact on other states	No	Utah's educational discrimination provision does not include the categories of sexual orientation or gender identity so this guidance does not conflict with current state law. Utah Code 53G-2-105.
DWS	25-Jul	Database Letter to SNAP Agencies	USDA	Directs state SNAP agencies to transmit participant data to USDA's new SNAP Information Database by July 30, 2025, in compliance with Executive Order 14243 and 7 U.S.C. 2020, warning that failure to comply may trigger noncompliance procedures.	Impact on Process - how state agencies submit SNAP data to the USDA	No*	These types of expedited timeline for reporting are likely to require additional staff time. In this case, the deadline has passed, but it would be appropriate for the state to push back on demands that do impinge on staff resources.
DWS	26-Jul	Protecting the Meaning of US Citizenship	USDA	Directs agencies administering federal benefits under PRWORA to implement Executive Order 14160 by requiring verification of U.S. citizenship through specific beneficiary and parent documents, ensuring that children born in the U.S. to unlawfully present or temporary non-citizen parents are not deemed eligible for federal public benefits.	Possible significant staff time and resources to comply	Yes (to the degree that the direction applies to all agency actions and not just to provision of federal benefits)	The underlying order on which this guidance is based has been enjoined in court. It would be appropriate for the agency to determine if the required information is already being considered since, if the injunction is lifted, the USDA is likely to reiterate this request.
DWS	29-Jul	Guidance for recipients of federal funding regarding unlawful discrimination	USDOJ	Directs all recipients of federal funding to review and eliminate programs, policies, or practices—including DEI initiatives—that discriminate on the basis of protected characteristics, warning that preferential treatment, use of proxies, segregation, or compelled participation in discriminatory trainings may violate federal law, and providing best practices to ensure compliance.	Minor impact on Utah, possible significant impact on other states	Yes (but see next column)	This guidance is likely to be parallel to existing state policy and thus does not create an affirmative duty for the state. This is the type of guidance that can be most troubling because it is not required by federal law but has the appearance of doing so. States are free to develop and apply their own policies on these topics.
DHHS	3-Jul	Non-Discretionary Letter (OFVPS-FVPSA) DEI Notification	DHHS	Directs all recipients of formula awards funded by the Family Violence Prevention and Services Act (FVPSA) (42 U.S.C. 10406 and 42 U.S.C. 10411) to review plans, services, strategies, and expenditures to ensure that federal funds do not support DEI initiatives or other activities that discriminate on the basis of protected characteristics.	Minor impact on Utah, possible significant impact on other states	No	This guidance does not necessarily require state action unless these federal grants are being distributed to support DEI initiatives. That seems unlikely, since the state has a parallel policy disfavoring these initiatives. See Utah Code 67-27-107.
DHHS	3-Jul	IAB B Non-Discretionary Letter (OCS-SSBG)	DHHS	Directs all recipients of entitlement awards funded by the Social Services Block Grant (SSBG) and Consolidated Block Grant (CBG) (Title XX of the Social Security Act, Public Law 97-35; and Title V, Section 501 of the Omnibus Territories Act, Public Law 95-134) to review Intended Use Plans, reports, services, and expenditures to ensure that federal funds do not support DEI initiatives or other activities that discriminate on the basis of protected characteristics.	Minor impact on Utah, possible significant impact on other states	No*	This guidance does not necessarily require state action unless these federal grants are being distributed to support DEI initiatives. That seems unlikely, since the state has a parallel policy disfavoring these initiatives. See Utah Code 67-27-107.

DHHS	7-Jul	Non-Discretionary Letter (CB) DEI Notification	DHHS	Provides that awards supporting diversity, equity, and inclusion do not meet a public purpose to the extent they are inconsistent with the policy of improving the health and well-being of all Americans and may violate federal civil rights law. Requires recipients of federal funds (specified) to review all expenditures under these programs, including those made by subrecipients or contractors, to ensure that they do not support DEI initiatives or any other initiatives that discriminate.	Minor impact on Utah, possible significant impact on other states	No*	This guidance does not necessarily require state action unless these federal grants are being distributed to support DEI initiatives. That seems unlikely, since the state has a parallel policy disfavoring these initiatives. See Utah Code 67-27-107.
DHHS	17-Jul	CMS Workforce Letter to States	DHHS	Directs all recipients of entitlement awards funded by the Social Services Block Grant (SSBG) and Consolidated Block Grant (CBG) (Title XX of the Social Security Act, Public Law 97-35; and Title V, Section 501 of the Omnibus Territories Act, Public Law 95-134) to review Intended Use Plans, reports, services, and expenditures to ensure that federal funds do not support DEI initiatives or other activities that discriminate on the basis of protected characteristics.	Minor impact on Utah, possible significant impact on other states	No*	This letter announces that, for budgetary reasons, the federal government is pausing approval of state Medicaid demonstration projects. This does not change the status quo so there is no need for a state response unless it is currently providing assistance under a demonstration project but the state should continue to seek greater flexibility in administering these types of federal programs.
DHHS	17-Jul	CMS Continuous Eligibility Letter to States	DHHS	Informs the state that the federal government (CMS) does not anticipate approving new state proposals of section 1115 demonstration expenditure authority that allow for expanded continuous eligibility in Medicaid or CHIP. The federal government will work with states to phase out beneficiaries currently receiving expanded continuous eligibility.	Minor impact on Utah, possible significant impact on other states	Unclear	Unclear, because the federal government is signaling it will not consider new state approaches. It is free to do so, but this does constrain state innovation.
DHHS	30-Jul	SAMHSA Dear Colleague letter (Harm reduction/opioid overdose prevention)	DHHS	Provides that going forward, SAMHSA funds will no longer be used to support "harm reduction" or "safe consumption" activities and will be focused on evidence-based programs that address substance use disorder prevention, treatment, and recovery. Provides information on programs that can use SAMSA funds and those that cannot.	Unknown	No	The federal government is typically allowed to impose limitations on how federal funds are used. State that use SAMHSA grants for facilitating drug use rather than prevention efforts will be required, by this guidance, to find alternative funding sources for those efforts.
DHHS	6-Aug	Streamlining MES Templates to Improve Monitoring and Oversight to Ensure Fiscal Integrity	DHHS	Provides guidance related to state compliance with regulatory requirements for Medicaid Enterprise System (MES) modules and solutions. Documents ongoing efforts to reduce state burden and streamline and standardize state project reporting and oversight in MES Advance Planning Documents and Detailed Budget Tables, Operational Reporting Requirements, Analysis of Alternatives, Submission of Project Status Reports, Request for Proposal Checklists, and Sunsetting the Electronic Visit Verification Outcomes-Based Certification to align with Streamlined Modular Certification.	Minor impact for Utah, could be significant for other states	No	

DHHS	8-Aug	External FAQ for 2025 Medicaid_CHIP PDM	DHHS	This FAQ document clarifies federal eligibility and enrollment in Medicaid and CHIP. This replaces the FAQ document published on August 12, 2024. This letter serves as notice that CMS is restarting full Medicaid/CHIP Periodic Data Matching operations.	Possible significant staff time and resources to comply	Unclear	
DHHS	22-Aug	How to Process Eligibility Files	DHHS	Provides information to states on how to independently verify the citizenship or immigration status of individuals who receive full Medicaid or CHIP coverage.	Possible significant staff time and resources to comply	No	
DHHS	22-Aug	Cover Letter to States for Medicaid Enrollment Oversight	DHHS	Reminds states of their obligation under federal law and regulations to verify the citizenship and immigration status of Medicaid and CHIP enrollees and the responsibility to ensure the accuracy of this information. Reminds states that (except for limited exceptions) individuals who do not have a satisfactory immigration status should not be enrolled in Medicaid or CHIP.	Minor/no impact for Utah, but possibly significant impact on other states	No	
USHE	11-Jul	Clarification of Federal Public Benefits Under the Personal Responsibility and Work Opportunity Reconciliation Act	US Dept of Education	Clarifies that post-secondary education programs and other similar benefit programs that are authorized under Title II of the Workforce Innovation and Opportunity Act of 2014, postsecondary career and technical education programs under the Carl D. Perkins Career and Technical Education Act of 2006 provide federally funded forms of assistance that constitute "federal public benefits" and are subject to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the requisite citizenship verification requirements.	Minor/no impact for Utah, but possibly significant impact on other states	No*	This guidance letter applies to the use of federal funds.
USHE	18-Jul	(Dear Colleague Letter GEN-25-04) Federal Student Loan Program Provisions Effective Upon Enactment Under the One Big Beautiful Bill Act	US Dept of Education	Provides information regarding the immediate implementation of certain provisions impacting federal student aid Title IV programs under the One Big Beautiful Bill Act. Clarifies that the OBBB eliminates the requirement that borrowers have a partial financial hardship to qualify for enrollment in an income-based repayment plan. Borrowers who have loans made on or after July 1, 2014 and before July 1, 2026, and did not qualify for partial financial hardship, are now eligible for the IBR plan. It reduces the amount of a loan that a student may borrow for an academic year if the student is enrolled in a program of study on less than a full-time basis. Clarifies that borrowers will be able to immediately get credit for PSLF under the Repayment Assistance Plan, whenever the plan gets enacted.	Minor impact	No	

USHE	29-Jul	(Department of Justice) Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination	USDOJ	Clarifies the application of federal antidiscrimination laws for programs or initiatives that may involve discriminatory practices, including those promoting diversity, equity, and inclusion. Any program receiving federal funds (this applies to educational institutions, state and local governments, and public and private employers).	Minor impact on Utah, possible significant impact on other states	No	This guidance letter applies to the use of federal funds.
USHE	19-Aug	(Rescinding of Dear Colleague Letters GEN-22-05 and GEN-24-03) Updated Requirements for Distribution of Voter Registration Forms and Federal Work-Study Allowable Uses of Funds	US Dept of Education	Updates and revises prior letters and interpretation regarding the allowable use of Federal Work Study (FWS) funds and reminds institutions of higher education to distribute voter registration forms in a manner consistent with federal election laws. Institutions are prohibited from using funds to employ students in work that involves any partisan or nonpartisan political activity. Students are required to work in areas that align with real-world work experience that is related to the student's course of study, whenever possible.	Minor impact	No*	
USHE	25-Aug	(Department of Education and Office of the Director of National Intelligence) "Safeguarding Our Future" joint guidance on safeguarding US higher education institutions from foreign threats to research	Dept of Commerce	Provides guidance for institutions of higher education regarding cooperative research that balances openness, collaboration, integrity, fairness, responsibility, and security. Encourages creating a culture of scientific stewardship and heightened security awareness. This appears to be informational and does not specifically require any significant changes to existing practices, but informs of potential risks and vulnerabilities and encourages institutions of higher education to use best practices to mitigate these risks.	None	No	This is a description of possible information privacy risks and does not direct any governmental action.
UDOT	9-Jul	Enforcement of Executive Orders	USDOT	Federal DOT will no longer enforce policies in federal assistance agreements inconsistent with current administration's objectives, including requirements relating to climate change, greenhouse gas emissions, racial equity, gender identity, diversity, equity, and inclusion goals, environmental justice, and the Justice 40 Initiative.	None	No	UDOT does not believe this letter changes UDOT's application of state law or policy.
DHHS	8-Sep	IM-25-05 Supporting America's Children and Families Act	DHHS	State, tribal, and territorial title IV-B agencies must implement the provisions of Pub. L. 118-258 (Child Welfare Programs) beginning on October 1, 2025. State, tribal, and territorial agencies will be required to report on their implementation efforts in the next Annual Progress and Services Report (APSR) due by June 30, 2026, for fiscal year (FY) 2027. More information will be included in the next APSR Program Instructions (PIs).	Minor	Yes	The federal government has no constitutional jurisdiction over child welfare. This is a state's governance issue.

DHHS	10-Sep	Section 71116 SDP Letter to States	DHHS	Provides guidance on state planning efforts in regards to Section 71116 of the One Big Beautiful Bill Act, relating to state directed payments for medical services, until the Centers for Medicare & Medicaid Services (CMS) can promulgate a final rule.	Potentially significant	Yes	The federal government has no constitutional jurisdiction over medical services. This is a state's governance issue.
DHHS	10-Sep	Vaccines for Children Program Immunization Programs and Participating Providers	DHHS	States that federal Vaccines for Children Program providers are responsible for following state laws relating to religious and other exemptions to vaccination laws.	None	No	This is actually SUPPORTING state's laws.
DHHS	11-Sep	Utah PREP Letter FINAL	DHHS	The Administration for Children and Families (ACF) instructs Utah to remove all content concerning gender ideology from its curricula, program materials and any other aspects of its program delivery relevant to Personal Responsibility Education Program (PREP) grant within 60 days of receipt of this letter and provide a copy of the modified materials to ACF for approval.	Unknown	No*	This guidance letter applies to the use of federal funds.
UDOT	30-Sep	USDOT Guidance on Disadvantaged Business Enterprises	USDOT	This guidance provides information about changes USDOT is requiring recipients of financial assistance from the department to make with respect to certain programs in order to comply with USDOT's determination that programs' previous race- and sex-based presumptions are unconstitutional.	None/minor	No*	This guidance letter addresses how federal funds are awarded to contractors and the requirements.
DHHS	9-Oct	CMS State Survey & Certification Activities in the Event of Federal Government Shutdown	DHHS	This memorandum identifies state survey and certification activities (relating to Medicare and Medicaid) that (a) are not affected by a Federal shutdown, (b) excepted functions that are to be continued in the event of a shutdown (also referred to as "essential functions"), and (c) other activities that are directly affected and therefore should not be operational during a Federal shutdown.	None	No	Informational
DHHS	23-Oct	Child Welfare Policy Database - Section 8.3A.8b	DHHS	Clarifies the intent of language in 45 CFR 1355.20 relating to foster care.	None	No	Foster care is an area of state responsibility. This provision only involves record keeping so it does not interfere with that responsibility, but substantive guidance in this area could interfere with state's designated authority.
DHHS	21-Oct	Revised - CMS State Survey & Certification Activities in the Event of Federal Government Shutdown	DHHS	Revises the previous Oct 1 memorandum regarding state survey and certification activities (relating to medicare and medicaid) that are affected during a federal shutdown, including activities that are not legally authorized to be performed.	Impact on Processes	No	This guidance letter applies to the use of federal funds during the federal government shutdown.
DHHS	31-Oct	Revised 2 - CMS State Survey & Certification Activities in the Event of Federal Government Shutdown	DHHS	Revises the previous Oct 21 memorandum regarding state survey and certification activities (relating to medicare and medicaid) that are affected during a federal shutdown.	Impact on Processes	No	This guidance letter applies to the use of federal funds during the federal government shutdown.

UDOT	30-Sep	USDOT Guidance on Disadvantaged Business Enterprises	USDOT	In accordance with current administration directives and court rulings, USDOT is eliminating race- and sex-based presumptions of disadvantage from Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) programs. Each Unified Certification Program (UCP) must begin to apply to new certification standards and reevaluate the eligibility of existing program recipients.	Minor impact to Utah, possibly significant impact to other states	No	This guidance is likely to be parallel to existing state policy and thus does not create an affirmative duty for the state. This is the type of guidance that can be most troubling because it is not required by federal law but has the appearance of doing so. States are free to develop and apply their own policies on these topics.
DWS	10-Oct	Supplemental Nutrition Assistance Program (SNAP) Benefit and Administrative Expense Update for November 2025	USDA	Directs states to hold their November Supplemental Nutrition Assistance Program (SNAP) Benefit issuance files to their electronic benefit transfer vendors until further notice. This includes on-going SNAP benefits and daily files.	Impact on Processes	No	The guidance related to the unique circumstances of the federal shutdown which has now been resolved but to the degree guidance like this could affect how states use their own revenue in providing for the needs of state residents, it could infringe upon state responsibility.