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Comment On: FNS-2025-0302-0001

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Supplemental Nutrition Assistance Program Education and Obesity Prevention Grant State Plan and Annual Report System

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General Comment

Attached, in PDF format, are the comments of the CPAC Foundation's Center for Regulatory Freedom.

Attachments

CRF Comment SNAP-Ed Program ICR FINAL 110325



515 KING STREET, ALEXANDRIA VA 22314

November 3, 2025

The Honorable Brooke Rollins
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U.S. Department of Agriculture
1400 Independence Ave SW
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(Submitted Electronically)

The Honorable Dr. Tameka Owens
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USDA Food and Nutrition Service
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1320 Braddock Place
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(Submitted Electronically)

Re: Comments Regarding FNS's Notice Entitled, "Agency Information Collection Activities; Proposals, Submissions, and Approvals: Supplemental Nutrition Assistance Program Education and Obesity Prevention Grant State Plan and Annual Report System," Docket Number FNS-2025-0302

Below are comments of the American Conservative Union Foundation's (d/b/a. Conservative Political Action Coalition Foundation) (hereinafter "CPAC Foundation") Center for Regulatory Freedom (hereinafter "CRF") on the U.S. Department of Agriculture (USDA) Food and Nutrition Service's (FNS) notice entitled, "Agency Information Collection Activities; Proposals, Submissions, and Approvals: Supplemental Nutrition Assistance Program Education and Obesity Prevention Grant State Plan and Annual Report System," Docket Number FNS-2025-0302, published in the Federal Register on September 3, 2025.

CRF is a project of the CPAC Foundation, a non-profit, non-partisan 501(c)(3) research and education foundation. Our mission is to inject a common-sense perspective into the regulatory process, to ensure that the risks and costs of regulations are fully based on sound scientific and economic evidence, and to ensure that the voices, interests, and freedoms of Americans, and especially of small businesses, are fully represented in the regulatory process and debates. Finally, we work to ensure that regulatory proposals address real problems, that the proposals

serve to ameliorate those problems, and, perhaps most importantly, that those proposals do not, in fact, make public policy problems worse.

On October 1, 2025, amid contentious partisan disagreements between members of Congress regarding a variety of federal funding issues, the federal government began a shutdown, immediately disabling numerous programs dependent upon continued appropriations. Of the programs and governmental entities affected by the shutdown, which has now persisted for over a month, the Supplemental Nutrition Assistance Program (SNAP) is one of the most crucial federal assistance programs in the United States, providing support to over 40 million Americans and roughly \$187 in benefits per participant each month.¹ Most benefits available through SNAP go to households with incomes below the poverty line, with most SNAP beneficiaries living in households with children, an elderly person, or person with a disability, though all beneficiaries, as of November 1, will no longer receive SNAP benefits due to the lapse in appropriations. CPAC believes that far too many Americans have come to rely on SNAP as a permanent element of their lives and lifestyles. We believe that this needs to change, and that federal policy needs to drive that change. While the shutdown of the federal government persists indefinitely, along with the suspension of SNAP, CRF would like to take this opportunity to recommend revisions to the regulatory framework overseeing the program to ensure, once implemented again, it aligns with current federal policy and other administrative actions taken thus far.

CRF appreciates the opportunity to comment on FNS’s notice of an information collection request regarding the SNAP Education and Obesity Prevention Grant State Plan and Annual Report System (SNAP-Ed). CRF does not support the approval of this collection of information and instead recommends that FNS revise existing regulations at 7 C.F.R. § 272 and current program guidance to comply with Executive Orders 14151 (“Ending Radical and Wasteful Government DEI Programs and Preferencing”) and 14168 (“Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”).

SNAP-Ed Program Guidance

Executive Order 14151

CRF primarily opposes the approval of this information collection due to the current SNAP-Ed Plan Guidance and Policy, applicable to fiscal year 2025 (2025 Guidance), and its blatant incongruity with current federal policy. For example, FNS advises SNAP-Ed agencies to “adopt all approaches they use to deliver evidence-based nutrition education and obesity prevention with

¹ Amanda Macias, *Charts Illustrate the Scale of SNAP as Millions Face Potential Benefit Lapse*, Fox News (Nov. 2, 2025), <https://www.foxnews.com/politics/charts-illustrate-scale-snap-millions-face-potential-benefit-lapse>.

an equity lens,”² urging those agencies to inject diversity, equity, and inclusion (DEI)-related initiatives into SNAP. The 2025 Guidance also encourages SNAP-Ed personnel and others working in nutrition and health education to go through various training modules which provide guidance on “program development, delivery, and evaluation as well as on equity and professional development.”³ Evidently, this guidance is in violation of Executive Order 14151, which directs the Director of the Office of Management and Budget (OMB) to terminate “all discriminatory programs, including illegal DEI and ‘diversity, equity, inclusion, and accessibility’ (DEIA) mandates, policies, programs, preferences, and activities in the Federal Government, under whatever name they appear.”⁴ Based on this contradiction alone, CRF urges FNS to revise its guidance prior to extending this information collection, as the SNAP-Ed program, as it currently stands, promotes the very same policies that have been explicitly prohibited via executive action since January 20, 2025.

Executive Order 14168

CRF also urges FNS to revise the SNAP-Ed program’s policy guidance prior to renewing this collection of information due to its noncompliance with another executive order, also signed by President Trump on January 20, 2025. In the 2025 Guidance’s opening statement regarding USDA’s nondiscrimination policy, the protected classes to which the section applies include “gender identity (including gender expression),”⁵ and, in an additional nondiscrimination statement, “sex (including gender identity and sexual orientation).”⁶ Executive Order 14168 explicitly forbids the use of “gender,” “gender identity,” and “gender ideology” in all aspects of the federal government. More specifically, the order mandates that, when administering or enforcing sex-based distinctions, every federal agency must “use the term ‘sex’ and not ‘gender’ in all applicable Federal policies and documents.”⁷ This distinction is especially relevant to the 2025 Guidance’s recommended methodology for planning and delivering SNAP-Ed effectively. Rather than assess disparities between the sexes according to each individual’s biological sex, FNS recommends that SNAP-Ed agencies consider “gender” when administering the program, despite gender being an abstract self-attested concept entirely disconnected from biological reality. In fact, not once in the 2025 Guidance does FNS use the term “sex” in place of “gender,”

² U.S. Dep’t of Agric., Food & Nutrition Serv., FY 2025 Supplemental Nutrition Assistance Program Education (SNAP-Ed) Plan Guidance, Nutrition Education and Obesity Prevention Grant Program (May 20, 2024), <https://snaped.fns.usda.gov/sites/default/files/documents/FY2025SNAPEdPlanGuidanceFINAL052024.pdf>

³ Id.

⁴ Donald J. Trump, Exec. Order No. 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing, 90 Fed. Reg. 8339 (Jan. 29, 2025).

⁵ U.S. Dep’t of Agric., Food & Nutrition Serv., FY 2025 Supplemental Nutrition Assistance Program Education (SNAP-Ed) Plan Guidance, Nutrition Education and Obesity Prevention Grant Program (May 20, 2024), <https://snaped.fns.usda.gov/sites/default/files/documents/FY2025SNAPEdPlanGuidanceFINAL052024.pdf>

⁶ Id.

⁷ Donald J. Trump, Exec. Order No. 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, 90 Fed. Reg. 8615 (Jan. 30, 2025).

instead adhering to the regressive social policies of the previous administration. “Gender” is referenced in the guidance ten times, and the repeated use of this term exposes the need for new policy guidance that aligns with the objectives of the present administration. Given the executive mandate to eradicate gender ideology from the many programs and offices within the federal government, CRF strongly recommends that FNS revise its guidance to reflect sex-based distinctions that will better clarify the needs of the SNAP-Ed program.

“Countering Domestic Terrorism and Organized Political Violence”

It is undeniable that the rates of political violence in the United States have risen exponentially. In recent decades, many have begun to slowly blur the lines between lawful civil rights demonstrations and unruly mobs and riots, often leading to widespread violence and hundreds of thousands of dollars in damaged property and businesses. More than half of all Americans expect this violence to only increase,⁸ pointing to the recent assassination of Charlie Kirk, the numerous attempts to take President Trump’s life, and the surge of violence plaguing U.S. Immigration and Customs Enforcement (ICE) facilities. On September 25, 2025, President Trump issued a Presidential Memorandum in response to the increased political violence in the United States, directing the Attorney General to “issue specific guidance that ensures domestic terrorism priorities include politically motivated terrorist acts such as organized doxing campaigns, swatting, rioting, looting, trespass, assault, destruction of property, threats of violence, and civil disorder.”⁹ This directive incorporated less conventional terrorist acts into its understanding of domestic terrorism, expanding the scope of which activities could be considered as both violent and politically motivated. Additionally, the memorandum also requires that the Commissioner of the Internal Revenue Service (IRS) take action to “ensure that no tax-exempt entities are directly or indirectly financing political violence or domestic terrorism.”¹⁰

These two provisions of the memorandum indicate that the Trump Administration is not only aware of the extent to which political violence has dominated the modern landscape, but is actively working to ensure that domestic terrorists, terrorist acts, and any affiliation with domestic terrorist groups are not in any way subsidized by the federal government, even through favorable tax-exemption. When considering this memorandum and the prominence of political violence in America, CRF recommends that FNS revise its 2025 Guidance; specifically, its nondiscrimination statement prohibiting discrimination based on “reprisal or retaliation for prior civil rights activity.”¹¹ However, the 2025 Guidance fails to provide a definition for what would

⁸ *Poll: Americans and Political Violence*, Politico (Nov. 3, 2025), <https://www.politico.com/news/2025/11/03/poll-americans-political-violence-00632864>.

⁹ Donald J. Trump, Nat’l Sec. Presidential Mem. / NSPM–7, *Countering Domestic Terrorism and Organized Political Violence* (Sept. 25, 2025).

¹⁰ *Id.*

¹¹ U.S. Dep’t of Agric., Food & Nutrition Serv., *FY 2025 Supplemental Nutrition Assistance Program Education (SNAP-Ed) Plan Guidance, Nutrition Education and Obesity Prevention Grant Program* (May 20,

constitute an acceptable “civil rights activity,” lending this nondiscrimination statement to potential abuse. For example, one could argue that participation in a riot or other violent politically motivated activity is a “civil rights activity” if that individual believes the “cause” for which they are protesting is some sort of violation of civil liberties. If that individual’s eligibility for the SNAP-Ed program is called into question based on his or her involvement in politically motivated violence or some form of domestic terrorism, the 2025 Guidance’s nondiscrimination statement could be manipulated to prevent that individual from being barred from the SNAP-Ed program, as barring that individual could be construed as “reprisal or retaliation for prior civil rights activity.” Pursuant to the aforementioned memorandum, CRF recommends that FNS provide a definition for “civil rights activity” that expressly excludes all politically motivated acts of violence and other acts of domestic terrorism as provided in the memorandum.

SNAP-Ed Program Regulations

“Gender”

The requirements for state agencies participating in the SNAP-Ed program are codified at 7 C.F.R. § 272 and, throughout this section, FNS uses the term “gender” in place of “sex.” Current regulations also require state agencies’ planning documents to include a Nutrition Education Plan with a needs assessment of the nutrition, physical activity, and obesity prevention needs of the target population, “including race/ethnicity, gender,” and other factors.¹² As previously stated, Executive Order 14168 explicitly prohibits federal agencies from using the term “gender,” meaning present FNS regulations are contrary to the official policy of the federal government. Furthermore, the self-attested concept of “gender” will likely result in inaccurate health and nutrition information, as the biological differences between men and women, especially as it pertains to physical health and sex-specific needs, cannot be understated. Allowing an individual to continue to “identify” as the opposite sex will skew SNAP-Ed program data and will inhibit state agencies’ abilities to appropriately structure the program to suit the needs of the community it services. CRF urges FNS to revise the “gender”-related provisions in the Code of Federal Regulations (CFR) to comply with federal policy and strengthen the efficacy of the SNAP-Ed program.

Conclusion

Rather than allow routine procedure to propel the failed policies of previous administrations forward, CRF strongly urges FNS to revise its 2025 Guidance and SNAP-Ed program regulations before requesting approval of this information collection from OMB. As they stand,

2024). <https://snaped.fns.usda.gov/sites/default/files/documents/FY2025SNAPEdPlanGuidanceFINAL052024.pdf>

¹² 7 C.F.R. § 272.2(d)(2)(iv) (2025).

both the guidance and current regulations are not aligned with the official policies of the United States, some of which have been in effect since President Trump was first inaugurated. While the government is shut down and SNAP benefits remain unavailable, FNS should consider these revisions and implement them immediately once the appropriations lapse comes to an end. CRF's recommendations aim to ensure uniformity across all federal agencies and compliance with executive actions currently in effect.

CRF is grateful for the opportunity to provide comments on FNS's information collection request relating to the SNAP-Ed program but does not support the approval of this collection of information. CRF strongly recommends that FNS revise existing regulations at 7 C.F.R. § 272 and its program guidance prior to the issuance of this information collection to comply with standing federal policy, mainly Executive Orders 14151 and 14168.

If you have any questions, do not hesitate to contact me at kmcleroy@conservative.org.

Thank you,

A handwritten signature in cursive script that reads "Kiley McLeroy".

Kiley McLeroy
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