Nov. 24, 2026

USDA proposes new rule to significantly restrict SNAP

Key takeaways

- USDA is proposing new regulations to eliminate Broad-Based Categorical Eligibility (BBCE) for the Supplemental Nutrition Assistance Program (SN AP), a proposal that would significantly restrict SNAP eligibility and would result in 6.3 million individuals — including 287,700 Native households — losing SNAP benefits.
- The majority of Native households who lose SNAP under this proposal will likely be eligible for the Food Distribution Program on Indian Reservations (FDPIR) if they are living on or near an Indian Reservation or in Oklahoma. However, an influx of new participants may strain the resources of the Tribes, Tribal consortia, and State agencies who are already contending with steadily increasing FDPIR participation.
- Native households losing SNAP under this proposal will also lose automatic eligibility for free school meals, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Summer Electronic Benefit Transfer (EBT). Many Native households losing categorical eligibility for these programs may still qualify for participation through the standard eligibility process. However, the increased administrative burden of making multiple applications through different government offices, combined with lack of access to transportation and broadband internet in many rural and remote Native communities, means that many eligible households may not be able to enroll in benefits.
- **The proposed rule is open for public comment until Dec. 10 at Regulations.gov (**Docket: FNA-2026-0661). Tribal leaders may also wish to request Tribal consultation through USDA's Office of Tribal Relations.

On Nov. 10, USDA published a Proposed Rule to significantly restrict Supplemental Nutrition Assistance Program (SNAP) eligibility that will have considerable impact on access to federal nutrition assistance programs for Native households, families, and children.

Under the proposed rule, USDA would eliminate Broad-Based Categorical Eligibility (BBCE) for SNAP, a policy that allows states to make households receiving certain types of assistance automatically eligible for SNAP, bypassing SNAP eligibility requirements. Normally, to qualify for SNAP, most households must make no more than 130 percent of the federal poverty level and have assets of no more than $3,000 ($4,750 for households with an elderly or disabled member). With BBCE, States can choose to extend SNAP benefits to households receiving

assistance funded by the Temporary Assistance for Needy Families (TANF), a federal program that supports low-income families with children. Through TANF, states provide eligible families with cash assistance, as well as support services such as childcare, transportation assistance, and case management. Since state eligibility requirements for TANF non-cash assistance are typically less restrictive than eligibility requirements for SNAP, States that use BBCE are able to expand SNAP eligibility to more households. Households that receive SNAP through BBCE still submit their income information to determine SNAP benefits. As such, it is possible for a household to be categorically eligible for SNAP but qualify for $0 in benefits.

Without BBCE, an estimated 6.3 million individuals would lose access to SNAP, almost one in five beneficiaries. An estimated 287,700 Native households would lose benefits. Because SNAP participation confers automatic eligibility on many other nutrition assistance programs, an estimated 1.78 million children who no longer be categorically eligible for free school meals and 42,000 would no longer be categorical eligible for Summer Electronic Benefit Transfer (Summer EBT), which provides nutrition assistance during the summer when school is out. In addition, 22,000 individuals would lose categorical eligibility for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

The proposed rule is open for public comment for only 30 days, closing on Nov. 10. No Tribal consultation has been scheduled. Tribal leaders and others who are interested in submitting comments can do so on Regulations.gov (Docket ID: FNA-2026-0661). Tribal consultation may be requested through USDA's Office of Tribal Relations at sm.fn.tribalaffairs@usda.gov.

Eliminating BBCE will have significant impact on Tribal Communities

According to USDA's own analysis, 16.7% of Native American households participating in SNAP — 287,700 households — would lose their benefits if BBCE is eliminated. The impacts of losing SNAP, as well as other nutrition assistance programs, will be deeply felt in Indian Country. One in four Native households are food insecure, double the rate of the white population, and 23.1 percent are under the poverty line, almost double the national average. These households will have to stretch fewer dollars further for household meals — especially challenging in Indian Country, where grocery options are limited and staple foods are significantly more expensive.

The loss of categorical eligibility for free school meals, Summer EBT, and WIC will also be significant. Over 400,000 Native children receive free school meals, which, according to the First Nations Development Institute, is often the only reliable and healthy meal Native children eat in a day. Over 112,000 Native women, children, and infants participate in WIC.

Many Native households losing categorical eligibility for free school meals, WIC, and Summer EBT may still qualify for participation through the standard eligibility process. However, individually certifying eligibility for each program is time-consuming and burdensome. Native

communities are often located in rural or remote areas with limited access to transportation and broadband internet. Research suggests these factors, as well as other administrative challenges, make it more difficult for Tribal citizens to enroll and participate in federal nutrition assistance programs. Indeed, USDA data shows that while over 243,653 Native women, children, and infants are eligible for WIC, only 112,539 — 46.2 percent of those eligible — actually receive benefits. With the loss of categorical eligibility through SNAP, it's likely that many Native households that are eligible for other nutrition assistance programs may not actually enroll and receive benefits.

FDPIR may be an alternative for some Native households

Many Native households who lose SNAP benefits but live on or near an Indian Reservation or Oklahoma will likely qualify for the Food Distribution Program on Indian Reservations (FDPIR). According to USDA's analysis, 71% of Native households who would lose SNAP under this rule would do so because their net assets exceed federal limits for SNAP: $3,000 in assets for most households or $4,750 for households including an elderly or disabled member. FDPIR does not apply an asset limit, so as long as households meet the net income eligibility requirement, they will likely be eligible for FDPIR. Under federal regulations, FDPIR households maintain categorical eligibility for free school meals, WIC, and Summer EBT.

However, FDPIR is only a partial solution to the loss of SNAP benefits under this Proposed Rule. An influx of new participants may strain the administrative budgets of Indian Tribal Organizations (ITOs) and the FDPIR supply chain. ITOs are already coping with steadily increasing participation due to the expiration of temporary pandemic increases to SNAP in 2023 and restrictions to SNAP benefits and eligibility under the One Big Beautiful Bill Act (OBBBA), which was signed into law in July 2025. FDPIR participation has increased 19% in the last year alone.

In addition, FDPIR is only available to Tribal citizens living in or near an Indian reservation or in Oklahoma. The majority of Tribal citizens live outside these areas and may not have access to FDPIR, even if they are income eligible. As of late 2024, Tribes can now choose to serve citizens in urban areas through FDPIR, but this requires additional staff and resources that may not be available in all cases. It also requires updating the Tribe's FDPIR operations plan with USDA staff, which may be more difficult given FNA's staffing losses over the last two years (35.9% of FNA employees have left the agency since December 2024).

Tribal consultation has not been scheduled

The Proposed Rule has significant Tribal implications and likely warrants Tribal consultation under USDA's departmental regulations. In the Proposed Rule, USDA notes that the proposal "may contain policies that require consultation" and that a consultation will be scheduled before the rule is finalized. To date, Tribal consultation has not been scheduled. Tribal leaders who wish

to request a Tribal consultation should contact USDA's Office of Tribal Relations at sm.fn.tribalaffairs@usda.gov.

Although there is no Tribal consultation currently scheduled on this proposed rule, there are two upcoming opportunities to engage with USDA about it. First, on Monday, December 7, 2026, the USDA Tribal Advisory Committee (TAC) will meet in Las Vegas, Nevada, ahead of the Intertribal Agriculture Council's (IAC) Annual Conference. The TAC meeting will include a public comment period from 2:00-3:30pm Pacific Time. Any member of the public can offer comments during the public comment period; you do not need to be an elected Tribal leader or proxy to speak. There will be a virtual option for anyone who cannot attend in person. More information, including registration information and details about public comments, can be found in USDA's Federal Register announcement.

Second, USDA is holding Tribal consultation concerning FDPIR, also on Monday, December 7, 2026 in Las Vegas, Nevada, from 9:30am to 3:00pm Pacific Time. There is a virtual option for those who cannot attend in person. Elected Tribal leaders or their designated proxies can give comments and speak at this consultation about issues related to FDPIR, which would include any impacts to FDPIR from this proposed rule change. Tribal leaders and proxies, or members of the public wishing to attend, can register for the consultation on USDA's OTR website.