USDA Food and Nutrition Service Tribal Consultation on SNAP Policy
October 22, 2025
1:00pm EDT – 3:00pm EDT

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) is considering three Supplemental Nutrition Assistance Program (SNAP) policy changes that may have direct effects on Tribes. Therefore, the Department seeks consultation with the leaders of all Federally recognized Tribes to ensure the perspectives, priorities, and goals of Tribal Nations are heard and fully considered as the draft policies are further developed.

This framing paper is a starting point to help guide the conversation in the upcoming consultation being held virtually on **October 22, 2025, from 1:00-3:00pm EDT.** The framing paper provides details of the policy changes and includes questions to help guide discussion.

Your input is critical to ensure we are capturing the impact these policies will have on Tribes, to learn what the overall concerns are, and to learn how we can work together to meet the nutrition needs of Tribal citizens who participate in SNAP.

Below you will find a brief description of each of the policies that are the focus of the consultation.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SNAP is the largest domestic nutrition assistance program operated in the US. SNAP offers nutrition assistance to millions of eligible, low-income individuals and families to help them buy the nutritious food they need for good health. The SNAP benefit amount is based on the USDA's Thrifty Food Plan, which is an estimate of how much it costs to buy food to prepare nutritious, low-cost meals for a household. State public assistance agencies run the program through their local offices. SNAP benefits may only be redeemed through retail food stores that are authorized by FNS to accept SNAP benefits. To be eligible for authorization, retail food stores must meet SNAP staple food stocking or sales requirements.

SNAP TRIBAL WORK EXCEPTION AUTHORIZED IN THE ONE BIG BEAUTIFUL BILL ACT OF 2025

SUMMARY

The One Big Beautiful Bill Act of 2025 (OBBB) changes which individuals are subject to the able-bodied adults without dependents (ABAWD) time limit. Individuals who are subject to the time limit must fulfill the ABAWD work requirements to continue to receive benefits for more than three months in a 36-month period.

The following individuals are no longer required to meet the ABAWD work requirements:

- Individuals who considered to be an "Indian," "Urban Indian," or "California Indian," as defined by the Indian Health Care Improvement Act (IHCIA) and used by the Indian Health Service.

The following individuals were previously exempt and are now required to meet the ABAWD work requirements:

- Individuals age 55 to 64,
- Individuals with children age 14 to 17,
- Individuals experiencing homelessness,
- Veterans, and
- Individuals aging out of foster care.

The OBBB also changed the criteria for waivers of the time limit in geographic areas. As a result of the OBBB changes, FNS expects very few areas across the country to qualify for ABAWD waivers, including far fewer reservation areas.

BACKGROUND

One Big Beautiful Bill Act of 2025

On July 4, 2025, President Donald Trump signed the One Big Beautiful Bill Act of 2025 (OBBB) into law. Sections 10101 through 10108 of OBBB made multiple changes to SNAP policy. This includes the following changes to SNAP work requirements:

- Modifying who is subject to the ABAWD work requirements;
- Restricting the circumstances in which the Secretary may approve a waiver of the ABAWD time limit in an area; and
- Creating new exemptions for Alaska and Hawaii.

This also makes multiple other changes to SNAP, including:

- Revising how the Thrifty Food Plan is updated and establishes in statute the household adjustments for maximum allotments;
- Restricting household eligibility for the heating and cooling standard utility allowance based on receipt of a LIHEAP, or other similar energy assistance program, to only those households with an elderly or disabled member;
- Prohibiting inclusion of any internet connection service fee as part of the excess shelter expense deduction;
- Requiring States, beginning in federal fiscal year (FFY) 2028, to pay a share of the SNAP benefits cost for a given fiscal year, depending on the State's payment error rate;
- Lowering the amount of SNAP administrative costs that we will reimburse from 50% to 25% beginning in FY 2027;
- Ending mandatory funding for SNAP-Ed after FY 2025; and
- Limiting eligibility for SNAP to the following groups: U.S. citizens, U.S. nationals, lawful permanent residents (LPRs) (subject to waiting period if applicable), Cuban and Haitian entrants, and Compact of Free Association (COFA) citizens.

SNAP Work Requirements

SNAP has two types of work requirements: (1) the general work requirements and (2) the ABAWD time limit. Most SNAP participants are exempt from both the general work requirement and ABAWD time limit. Some individuals are only subject to the general work requirements, while some are also subject to the additional ABAWD time limit. Under changes from OBBB, individuals age 60-64 are only subject to the ABAWD time limit.

Individuals subject to the ABAWD time limit must work or participate in a work program, or any combination, for 20 hours per week to receive SNAP benefits for 3 months in a 36-month period. We refer to these individuals as time-limited participants or ABAWDs.

Individuals are subject to the time limit if they do not meet one of the exceptions from the time limit. However, individuals may receive additional months of SNAP benefits if they live in an area covered by an ABAWD waiver, receive a discretionary exemption in any month, are granted good cause, or regain eligibility.

State agencies may also request ABAWD waivers for certain geographic areas. Historically, the vast majority of waivers have been based on evidence showing a lack of sufficient jobs. As a result of changes under OBBB, areas must have unemployment rates over 10 percent to quality for waivers. There are also special provisions for Alaska and Hawaii.

State agencies have the option to grant discretionary exemptions to extend eligibility on an individual basis. One discretionary exemption allows the State agency to exempt one individual from the time limit for one month.

New Exemptions for "Indians," "Urban Indians," and "California Indians"
The OBBB creates new exceptions for:
1. "An Indian" as defined in paragraph (13) of Section 4 of the Indian Health Care Improvement Act (IHCIA);
2. "An Urban Indian" as defined in paragraph (28) of Section 4 of the IHCIA; and
3. "A California Indian" as defined in Section 809(a) of the IHCIA.

An individual is an "Indian" if they:
1. Are a member of an Indian tribe.
2. Indian tribe is defined as any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. *Please note, this definition of "Indian tribe" is different than the definition of "Indian tribe" at 7 CFR 271.2.*

An individual is an "Urban Indian" if they:
1. Reside in an urban center and meet at least one of the following four criteria:
    a. Regardless of if they live on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree of any such member;
    b. Is an Eskimo or Aleut or other Alaska Native,
    c. Is determined to be an Indian for any purpose under regulations promulgated by the Secretary of Interior; or
    d. Is determined to be an Indian under regulations promulgated by the Secretary of Health and Human Services.
2. Urban center is defined as any community which has a sufficient urban Indian population with unmet health needs to warrant assistance under subchapter IV of the IHICA, as determined by the Secretary of Health and Human Services.

An individual is a "California Indian" if they:
1. Are a member of a federally recognized Indian tribe;
2. Are a descendant of an Indian who was residing in California on June 1, 1852, if such descendant—
    a. Is a member of the Indian community served by a local program of the Indian Health Service; and
    b. Is regarded as an Indian by the community in which such descendant lives;
3. Are an Indian who holds trust interests in public domain, national forest, or reservation allotments in California; or
4. Are an Indian of California who is listed on the plans for distribution of the assets of rancherias and reservations located within the State of California under the Act of August 18, 1958, and any descendant of such an Indian.

REFERENCES

- Section 10102 of One Big Beautiful Bill Act of 2025
- SNAP Regulations at 7 CFR 273.24
- Section 6(o) of the Food and Nutrition Act of 2008, as amended
- Sections 4 and 809(a) of the Indian Health Care Improvement Act
- OBBB Implementation Guidance
    - Information Memo

DISCUSSION QUESTIONS

1. What is the preferred shorthand terminology for people that meet on the new exceptions for “Indian”, “Urban Indian” or California Indian”?
2. What types of documentation or verification are people likely to have to show they meet one of these definitions? What concerns may arise with access to documentation or verification?
3. Are there any types of individuals you are concerned may or may not realize they qualify under these definitions?
4. What are the best ways FNS and States can communicate these changes? How can we encourage SNAP participants to report whether they meet these definitions to the State agency when applying for SNAP?
5. Is any additional guidance or technical assistance related to the OBBB needed to help Tribes or tribal citizens?
6. What considerations should FNS take into account when anticipating the effects of OBBB on Tribes?

PROPOSED RULE: UPDATED STAPLE FOOD STOCKING STANDARDS FOR RETAILERS IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SUMMARY

In response to section 765 of the Consolidated Appropriation Act of 2017 and subsequent enacted appropriations, this rule proposes to codify a new framework for determining distinct staple food varieties and accessory foods (snacks, desserts, and foods meant to complement or supplement meals), which do not count as staple foods, for purposes of meeting the staple food requirements for retailer participation in the Supplemental Nutrition Assistance Program (SNAP). The rulemaking is necessary to implement the codified stocking requirements of the Agricultural Act of 2014, which increased the minimum number of staple food varieties and perishables SNAP retailers must carry. This proposal would:

1. **Variety Framework** - Codify a framework for distinguishing distinct varieties in the 4 staple food categories that would (a) promote the stocking of basic staple food essentials rather than counting such essential as the same variety as multi-ingredient, processed foods with the same main ingredient and (b) make the process of identifying distinct varieties as simple and intuitive as possible for both FNS and retailers.
2. **Accessory Foods** – Codify and add additional food categories that count as accessory foods. Accessory foods do not count towards meeting the staple food stocking or sales requirements for retailer eligibility and are generally considered snacks or dessert foods or are meant to complement or supplement meals.
3. **Definitions** – Clarify, consolidate, and reorganize definitions for “Accessory Food,” “Prepared Food,” “Retail Food Store,” and “Staple Food” for greater clarity. These actions would not result in any substantive regulatory changes.

BACKGROUND

The Consolidated Appropriations Acts of 2017 and each year thereafter, has prohibited the Department from implementing the retailer ''Breadth of Stock'' and "Variety" provisions of the final rule, ''Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)'', published on December 15, 2016, until such a time as regulatory modifications to the definition of ''variety'' are made that would increase the number of food items that count as acceptable staple food varieties for purposes of SNAP retailer eligibility. As a result, until FNS promulgates regulations to establish a new framework for determining distinct staple food varieties, the agency cannot require retail food stores to meet the enhanced staple food stocking requirement of the 2014 Farm Bill for SNAP retailer authorization.

Although FNS subsequently published a proposed rule, "Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP)," on April 5, 2019, an overwhelming majority of comments were opposed to the new provisions. Additionally, specific criteria described in the preamble were not incorporated into regulatory text. For these reasons and because of the length of time that has passed since comments were received, FNS is issuing a new proposed rule to solicit fresh comments on new proposals to define variety that would be codified in regulatory text.

REFERENCES

Statutes:

- Title VII, Section 765 of the Consolidated Appropriations Act, 2017 (P.L. 115-31)
- Title IV Subtitle A Section 4002(a) of the Agricultural Act of 2014 (P.L. 113-79)
- Section 3(o)-(q) of the Food and Nutrition Act of 2008, as amended

SNAP Regulations:

- 7 CFR 271.2 – Definitions of "Retail food store" and "Staple food."
- 7 CFR 278.1(b)(1)

Agency Policy:

- Accessory Food Policy Memo 2020-05
- Accessory Foods List
- SNAP Staple Foods
- Criterion A - Stocking Requirements for Retailers: Dairy

DISCUSSION QUESTIONS

1. What is your experience with Tribal retailers becoming authorized to participate in SNAP on Tribal lands?
2. Are there specific barriers that stores on Tribal lands have in meeting the staple food stocking or sales requirements?
3. Do the SNAP staple food stocking and sales requirements provide sufficient flexibility for stocking culturally relevant food consumed by AI/AN populations?
4. What are some culturally relevant examples, guidance, or technical assistance that FNS could offer to help Tribal retailers understand and meet the enhanced SNAP retailer staple food requirements?

PROPOSED RULE: SNAP ADMINISTRATIVE COST SHARING

SUMMARY

Section 10106 of the One Big Beautiful Bill Act of 2025 (OBBB) amends Section 16(a) of the Food and Nutrition Act of 2008 by reducing the amount that the USDA may reimburse a State agency for SNAP administrative costs to 25 percent.

BACKGROUND

Supplemental Nutrition Assistance Program (SNAP) State Administrative Expenses (SAE) are Federal funds provided by the Food and Nutrition Service (FNS) to reimburse States for the cost of administering SNAP. SNAP SAE reimburse a wide range of activities including certification, outreach, and staff training. State agency administrative costs are affected by many factors, such as participation levels, the number and salary level of State agency staff, inflation, the location of State agency offices, issuance costs, worker training costs, degree of automation, and level of fraud control activity.

Historically, FNS reimbursed 50 percent of State agency administrative costs to operate the Program, however Section 10106 of the OBBB reduced the Federal reimbursement from 50 percent to 25 percent.

The OBBB was enacted into law on July 4, 2025, and will take effect beginning in fiscal year 2027.

REFERENCES

Statutes

- Section 10106 of One Big Beautiful Bill Act of 2025
- Section 16(a) of the Food and Nutrition Act of 2008

Regulations

- 7 CFR 277.4(b)

DISCUSSION QUESTIONS

- What concerns do you have with increasing the States' share of administrative costs from 50 percent to 75 percent?
- What are the best ways FNS and States can communicate the impact of these changes to Tribal communities?

PROPOSED RULE: SNAP MATCHING FUNDS REQUIREMENTS

SUMMARY

Section 10105 of the One Big Beautiful Bill Act of 2025 (OBBB) amends Section 4(a) of the Food and Nutrition Act of 2008 (the Act) to establish a benefit match requirement based on State agencies' SNAP-error rate performance.

BACKGROUND

The OBBB was enacted into law on July 4, 2025.

Sec. 10105. Matching Funds Requirements.
This provision amends Section 4(a) of the Act to establish a SNAP quality control incentive that consists of State matching funds requirements for the cost of SNAP benefit allotments. The matching requirements are determined based on a State's SNAP payment error rate and range from a State share of 0 to 15 percent of program allotments. These requirements generally begin in fiscal year 2028.

REFERENCES

Statutes
Section 10105 of One Big Beautiful Bill Act of 2025
Section 4(a) of the Food and Nutrition Act of 2008

DISCUSSION QUESTION

What concerns do you have with the new requirement for States to share the costs of benefit allotments based on their performance (payment error rate)?