THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0270-26 **SPONSOR: Carl R. Slater**

TITLE: **An Action Relating to the Naabik'íyáti' Committee; Opposing the United States Department of Agriculture's Proposed Rule to Restrict Categorical Eligibility for the Supplemental Nutrition Assistance Program; Approving the Navajo Nation's Written Comments; And Requesting Government-to-Government Consultation**

Date posted: **November 13, 2026 at 7:45 PM**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0270-26

DATE: November 13, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE UNITED STATES DEPARTMENT OF AGRICULTURE'S PROPOSED RULE TO RESTRICT CATEGORICAL ELIGIBILITY FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; APPROVING THE NAVAJO NATION'S WRITTEN COMMENTS; AND REQUESTING GOVERNMENT-TO-GOVERNMENT CONSULTATION

PURPOSE: This legislation, if approved, would oppose the United States Department of Agriculture's proposed rule restricting categorical eligibility for the Supplemental Nutrition Assistance Program, approve the Navajo Nation's written comments, and request government-to-government consultation.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: Simple Majority Vote

This written summary does not address amendments as may be proposed before the Budget and Finance Committee. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: AMike III
Website Posting Time/Date: _____
Posting End Date: 11-18-26
Eligible for Action: 11-19-26

Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

_____

Primary Sponsor

Tracking No. 0270-26

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE UNITED STATES DEPARTMENT OF AGRICULTURE'S PROPOSED RULE TO RESTRICT CATEGORICAL ELIGIBILITY FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; APPROVING THE NAVAJO NATION'S WRITTEN COMMENTS; AND REQUESTING GOVERNMENT-TO-GOVERNMENT CONSULTATION

WHEREAS:

A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with oversight authority to coordinate with all committees the appearance and testimony of the Navajo Nation before federal, state and other non-Navajo governmental entities, and it is empowered to review and continually monitor the programs and activities of federal and state departments and to coordinate with all committees, Chapters, branches and entities concerned with all Navajo appearances and testimony before departments of the United States government. 2 N.N.C. §§ 700(A) and 701(A)(7) and (8).

B. The United States has a trust responsibility to the Navajo Nation and obligations under the Treaty of 1868, and it must honor those obligations, including through meaningful government-to-government consultation, whenever it acts in ways that affect the Navajo people.

C. The Supplemental Nutrition Assistance Program ("SNAP") is administered for Navajo households by the States of Arizona, New Mexico and Utah. According to the United States Census Bureau's 2017-2021 American Community Survey 5-Year Estimates, as compiled by the University of Arizona, 33.0 percent of the 48,978 households on the Navajo Nation received SNAP benefits, compared with 11.4 percent of households nationwide.

D. The Navajo Nation administers the Food Distribution Program on Indian Reservations ("FDPIR") through the Navajo Department of Health, which operates seven warehouses across the Navajo Nation, and under federal policy a household may not participate in both FDPIR and SNAP in the same month.

E. On November 10, 2026, the United States Department of Agriculture ("Department") published a proposed rule titled "Supplemental Nutrition Assistance Program: Reforming Categorical Eligibility," 91 Fed. Reg. 72,454 (Nov. 10, 2026), Docket No. FNA-2026-0661, with written comments due on or before December 10, 2026. The proposed rule is attached as **Exhibit A** and is available at https://www.federalregister.gov/d/2026-22936.

F. The proposed rule would limit SNAP categorical eligibility to households that receive Temporary Assistance for Needy Families ("TANF") assistance as defined at 45 C.F.R. § 260.31(a) and would end broad-based categorical eligibility, which the Department reports forty-six States used as of December 2025. According to the Department's Broad-Based Categorical Eligibility chart, Arizona and New Mexico use broad-based categorical eligibility with a gross income limit of 200 percent of the federal poverty guidelines and no asset limit.

G. The Department estimates in the proposed rule that 3.2 million households containing 6.3 million individuals would no longer receive SNAP benefits in Fiscal Year 2029, that federal SNAP benefits would be reduced by approximately $44.649 billion from Fiscal Year 2027 through Fiscal Year 2031 and that about 1.78 million children would no longer be categorically eligible for free school meals.

H. Many Navajo families live in multigenerational households, often because of a shortage of housing. The United States Department of Housing and Urban

Development reported in January 2017 that 16 percent of American Indian and Alaska Native households in tribal areas were overcrowded, compared with 2 percent of all households in the United States, and that the tribal areas with the highest overcrowding were mostly in the Plains, Alaska and the Arizona and New Mexico region. The same report estimated that between 42,000 and 85,000 people in tribal areas were staying with friends or relatives because they had no home of their own. The same American Community Survey data compiled by the University of Arizona show that the average household on the Navajo Nation has 3.44 members, compared with 2.6 nationwide.

I. SNAP treats individuals who live together and customarily purchase food and prepare meals together as a single household. 7 C.F.R. § 273.1(a). Under the proposed rule, extended families in Arizona and New Mexico who share a home and meals would have their combined income and savings tested against federal limits, including an asset limit that does not increase with household size, placing those households, including their children and elders, at risk of losing benefits.

J. Under the Community Eligibility Provision, a school, group of schools or school district may serve free meals to all students when at least 25 percent of its students are identified students, including students in households that receive SNAP or FDPIR, and the Department multiplies that percentage by 1.6 to set the share of meals reimbursed at the federal free rate. 88 Fed. Reg. 65,778 (Sept. 26, 2023). A reduction in SNAP participation can therefore reduce federal reimbursement to schools that serve Navajo children.

K. The proposed rule does not analyze its effects on Indian tribes, tribal members, Indian reservations or FDPIR, and its tribal consultation statement says only that the rule "may contain policies that require consultation" and that the Department "will have a consultation before the issuing of the final rule."

L. The Department proposed similar restrictions on July 24, 2019, which it estimated would end SNAP eligibility for 3.1 million individuals, and the Department's Office of Tribal Relations determined at that time that the proposal had tribal implications requiring tribal consultation. 84 Fed. Reg. 35,570, 35,576 (July 24, 2019). The

Department withdrew that proposal on June 10, 2021, after receiving nearly 158,000 comments. 86 Fed. Reg. 30,795 (June 10, 2021).

M. In Pub. L. No. 119-21, commonly called the One Big Beautiful Bill Act, Congress excepted individuals who are Indians, Urban Indians or California Indians, as defined in the Indian Health Care Improvement Act, from the SNAP time limit for able-bodied adults, 7 U.S.C. § 2015(o)(3)(F) and (G), but the proposed rule contains no comparable provision for tribal members.

N. Executive Order 13175 requires each federal agency to have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. 65 Fed. Reg. 67,249 (Nov. 9, 2000).

O. The Navajo Nation has prepared written comments on the proposed rule, attached as **Exhibit B**, which oppose the proposed rule and request its withdrawal, request government-to-government consultation and an extension of the comment period, describe the effects of the proposed rule on multigenerational and other Navajo households, children, schools and FDPIR, and recommend a tribal exemption and a tribal waiver if the Department proceeds.

P. The Naabik'íyáti' Committee finds it in the best interest of the Navajo Nation to oppose the proposed rule, to approve the written comments attached as **Exhibit B** and to request government-to-government consultation with the Department.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation opposes the United States Department of Agriculture's proposed rule, "Supplemental Nutrition Assistance Program: Reforming Categorical Eligibility," 91 Fed. Reg. 72,454 (Nov. 10, 2026), and requests that the Department withdraw it.

B. The Navajo Nation approves the written comments attached as **Exhibit B** and authorizes their submission to the United States Department of Agriculture for inclusion in the record of Docket No. FNA-2026-0661.

C. The Navajo Nation requests government-to-government consultation with the United States Department of Agriculture before any final rule is issued and requests that the Department extend the comment period on the proposed rule.

D. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Vice-President, the Speaker of the Navajo Nation Council, and their designees to take all steps necessary to advocate for the Navajo Nation's position with respect to this resolution.