

The Virgin Islands Consortium

25 States Sue Trump Administration Over SNAP Funding Amid Shutdown Dispute, as Benefits Face November Halt

Twenty-five states are suing the Trump administration to force the USDA to release \$6B in contingency funds for Nov. SNAP payments. USDA says it cannot legally do so without congressional appropriations during the shutdown, citing fiscal law limits.

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A coalition of 25 Democratic-led states and the District of Columbia filed a lawsuit on October 28 in U.S. District Court in Massachusetts against the Trump administration, seeking to compel the U.S. Department of Agriculture to release contingency funds for

November Supplemental Nutrition Assistance Program (SNAP) benefits amid the ongoing federal government shutdown.

The suit argues that the USDA is legally required to use available reserves for the program, which serves nearly 42 million low-income Americans at a monthly cost of about \$8-9 billion, while the administration maintains the funds are not legally available without congressional appropriations and blames Democrats for prolonging the shutdown by rejecting a clean continuing resolution 13 times.

U.S. District Judge Indira Talwani scheduled a hearing for October 30 on the states' request for a temporary restraining order, highlighting the high stakes as benefits are set to lapse November 1 absent intervention.

The lawsuit, led by attorneys general from Massachusetts, California, Arizona, and Minnesota, contends SNAP—established in 1964 as an entitlement program—is protected by the Food and Nutrition Act, which mandates assistance "to all eligible households."

Plaintiffs assert the USDA has \$6 billion in multi-year contingency reserves (appropriated in fiscal years 2024 and 2025, available through 2026) plus over \$23 billion in Section 32 commodity funds—used for WIC during the shutdown—that could cover most or all of November's costs.

They cite the USDA's pre-shutdown plan stating reserves were "available to fund participant benefits" during a lapse, calling the October 24 reversal—claiming funds are only for shortfalls when appropriations exist, not total lapses—"arbitrary and capricious" under the Administrative Procedure Act. "The federal government has the money...they're choosing to harm millions," Massachusetts AG Andrea Joy Campbell said.

The Trump administration counters that contingency funds are reserved for disasters like hurricanes, not routine benefits during unappropriated periods, and using them would deplete resources for WIC, school lunches, and emergencies. USDA spokesperson Alec Varsamis responded: "We are approaching an inflection point for Senate Democrats. Continue to hold out...or reopen the government so...the most vulnerable...can receive timely WIC and SNAP allotments." Agriculture Secretary Brooke Rollins emphasized on Fox News: "100% unequivocally, USDA does not have the \$9.2 billion...There's not just pots of \$9.2 billion sitting around," noting funds cover only partial months and blaming Democrats' 13 rejections of a House-passed clean CR extending funding through November 21. The shutdown stems from Democrats conditioning support on Affordable Care Act subsidy extensions.

States claim irreparable harm: nearly 14 million SNAP households in plaintiff states (over 60% with children, 33% with elderly/disabled) face hunger, with states spending on administration, food banks, and messaging without reimbursement. California deployed its National Guard to food banks; Washington anticipates half its SNAP staff layoffs. Economic ripple effects include lost grocery revenue and taxes—\$110 million state/local in Illinois alone—plus long-term health/education costs. "Plaintiff States are...forced to spend...while USDA fails to provide," the complaint states. The administration has funded priorities like military pay (\$8 billion reallocated) and WIC (\$300 million from tariffs), but

deems SNAP ineligible without appropriations, prioritizing legality over partial payouts that could invite audits or shortfalls elsewhere. OMB Director Russ Vought, also sued, has overseen shutdown efficiencies, including 10,000+ potential layoffs. Critics like New York AG Letitia James call it "cruel," but USDA's website banner accuses Democrats of shutdown votes to fund "healthcare for undocumented immigrants."

SNAP has operated through prior shutdowns via obligated funds or reserves, but this marks the first potential interruption since 1964, amplifying partisan tensions in the now-second-longest shutdown. Food banks report 30% demand surges; states like Virginia declared emergencies. Bipartisan calls grow—Sen. Susan Collins (R-Maine) questioned USDA's "novel interpretation"—but Senate recesses delay CR votes. The case tests Antideficiency Act limits and executive discretion, with plaintiffs seeking to vacate USDA's October 10 directive and enjoin sanctions on noncompliant states. Official court filings, USDA memos, and congressional records provide the core facts as Judge Talwani weighs emergency relief before November 1.