

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE, *et al.*,

Defendants.

No. 1:25-cv-13165

DEFENDANTS' RESPONSE TO THE COURT'S OCTOBER 31 ORDER

Defendants provide the following response to the Court's order, dated October 31, 2025, stating: "No later than Monday, November 3, 2025, Defendants shall advise the court whether they will authorize at least reduced SNAP benefits for November and, if so, their timeline for determining whether to authorize only reduced SNAP benefits using the Contingency Funds or to authorize full SNAP benefits using both the Contingency Funds and additional available funds." Doc No. 26 at 15. In that Order, the Court, "clarified that Defendants are required to use those Contingency Funds as necessary for the SNAP program." *Id.* at 14 (emphasis removed). Nearly simultaneously, a court in the District of Rhode Island issued an oral ruling ordering Federal Defendants to use the entire long-term emergency fund for benefits and to consider using other sources of funds. *See Rhode Island State Council Of Churches et al. v. Rollins et al.*, 1:25-cv-569 (D. R.I.).

The attached declaration, which was also filed in the District of Rhode Island litigation, represents the U.S. Department of Agriculture's ("USDA") response to the two Court orders. USDA is making all of the Contingency Funds available to the States for a partial payment. The declaration includes details on how USDA will fulfill its obligation to expend the full amount of SNAP contingency funds today by generating the table required for States to calculate the benefits available for each eligible household in that State. 7 C.F.R. § 271.7(d)(1); Supp. Declaration of Patrick A. Penn, ¶¶ 2–6, 24–31. USDA will therefore have made the necessary funds available and have authorized the States to begin disbursements once the table is issued. The declaration also explains why USDA has chosen not to deplete other vital programs to fully fund this month's SNAP benefits.

USDA stands ready to assist States as they implement this process.

Dated: November 3, 2025

Respectfully submitted,

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/s/ Jason Altabet

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CERTIFICATE OF SERVICE

On November 3, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court for the District of Massachusetts, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Jason Altabet

Trial Attorney