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A Mississippi Nonprofit Corporation

October 29, 2025

The Honorable Lynn Fitch
Mississippi Attorney General

Re: USDA/FNS's Directive to "Hold" November SNAP Benefits

Dear Attorney General:

We write to you regarding a recent directive from the United States Department of Agriculture's (USDA) Food and Nutrition Service (FNS) instructing all State Agency Directors tasked with administering the Supplemental Nutrition Assistance (SNAP) Program to "hold their November issuance files and delay transmission of State EBT vendors until further notice," including "on-going SNAP benefits and daily files."¹

To comply with this directive, many State agencies, including the Mississippi Department of Human Services, have taken steps to delay the issuance of November benefits. This delay in issuance of benefits will harm children, seniors, veterans, disabled persons, and other vulnerable individuals who struggle to meet their basic food needs. This includes as many as 384,800 Mississippians, with more than 67% of participants being families with children.²

On October 24, 2025, twenty-three Attorney Generals signed onto a letter to USDA requesting clarification and information regarding (1) how it was determined that withholding of funds was necessary, and (2) what is the USDA's contingency plan to ensure benefits are issued in accordance with federal law.

Based on federal law, the USDA is required to "administer SNAP and ensure efficient and timely issuance of benefits to eligible applicants." *See, e.g.*, 7 U.S.C. Section 2020(e)(3). Congress appropriated \$6 billion to the USDA in contingency reserve funds for SNAP.³ The agency has already used some of these funds to ensure continuation of benefits under SNAP for Women, Infants, and Children (WIC) throughout October. Based on this congressional authority and previous actions by the USDA to make these benefits available for certain programs, the USDA should continue to use these contingency funds to cover the program through November.

¹ Letter from 23 State Attorney Generals re: USDA/FNS's Directive to "Hold" November SNAP Benefits <https://ncdoj.gov/wp-content/uploads/2025/10/2025-10-24-AG-Letter-to-USDA-re-SNAP-Benefits-Lapse.pdf>.

² Mississippi Fact Sheet https://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_mississippi.pdf.

³ *See* P.L. 118-42 (FFY 2024 funding available through FFY 2026); P.L. 119-4 (FFY 2025 funding available through FFY 2027) <https://www.congress.gov/118/plaws/publ42/PLAW-118publ42.pdf>

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Based on the above statutory and regulatory authority described further in the attached letter from state Attorney Generals, we are requesting that you join the other twenty-three Attorney Generals and demand further clarification from the USDA regarding the use of contingency funds to maintain program requirements during the government shutdown through November.

Regards,



Kimberly Jones Merchant

President & CEO

Mississippi Center for Justice

Jarvis Dortch

Executive Director

American Civil Liberties Union of Mississippi

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Lakisha Thomas, LMSW

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Deep South affiliate of the Lawyers' Committee for Civil Rights Under Law

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