

119TH CONGRESS
1ST SESSION

S. RES. _____

Expressing the sense of the Senate that the United States Department of Agriculture should use its contingency funds and interchange authority to finance the supplemental nutrition assistance program.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself, Mr. SCHUMER, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER, Mr. BOOKER, Ms. CANTWELL, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mr. GALLEG0, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KAINE, Mr. KELLY, Mr. KIM, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MURPHY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHIFF, Mrs. SHAHEEN, Ms. SLOTKIN, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on

RESOLUTION

Expressing the sense of the Senate that the United States Department of Agriculture should use its contingency funds and interchange authority to finance the supplemental nutrition assistance program.

Whereas, in 1964, Congress authorized the supplemental nutrition assistance program (referred to in this preamble as “SNAP”) to “alleviate . . . hunger and malnutrition” and ensure that families would never go hungry;

Whereas approximately 1 in 8 people in the United States rely on SNAP, and in 2024, SNAP helped approximately 42,000,000 people avoid hunger or malnutrition, including about 16,000,000 children, 8,000,000 seniors, 4,000,000 people with disabilities, and 1,200,000 veterans;

Whereas, in the Consolidated Appropriations Act, 2024, Congress appropriated \$3,000,000,000 to the SNAP contingency fund to remain available through September 30, 2026, that would be “placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations”;

Whereas, in the Full-Year Continuing Appropriations and Extensions Act, 2025, Congress appropriated another \$3,000,000,000 to the SNAP contingency fund for these same purposes, to remain available through September 30, 2027;

Whereas this contingency fund, which now totals more than \$4,500,000,000, was created to ensure that SNAP funding would be available to respond to emergencies, including a government shutdown, so that children, seniors, and people of the United States who are at risk of going hungry have access to food;

Whereas it is highly damaging for children to go without food and the ability of children to learn in school is deeply damaged by persistent hunger;

Whereas, during the 2018–2019 shutdown in the first Trump administration, the United States Department of Agriculture (referred to in this preamble as the “USDA”) said in guidance released in January 2019 that “funding is available from the contingency that can be used to pro-

vide benefits for February”, though the shutdown ended before the contingency funds needed to be used;

Whereas, on September 30, the USDA posted guidance on its website indicating that SNAP “has been provided with multi-year contingency funds that can be used for State Administrative Expenses to ensure that the State can also continue operations during a Federal Government shutdown” and that “[t]hese multi-year contingency funds are also available to fund participant benefits in the event that a lapse occurs in the middle of the fiscal year”;

Whereas, earlier in 2025, the Government Accountability Office explained that “SNAP is considered an appropriated entitlement, meaning that the government is legally required to make payments to those who meet the program requirements” and “USDA’s liability [extends to] the availability of appropriations for these payments”;

Whereas the Secretary of Agriculture has discretion under section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) to transfer funds within nutrition programs via interchange authority; and

Whereas, in October 2025, the Trump administration used its interchange authority to fund the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Now, therefore, be it

- 1 *Resolved*, That it is the sense of the Senate that—
- 2 (1) the Trump administration is legally obli-
- 3 gated to fund the supplemental nutrition assistance
- 4 program (referred to in this resolution as “SNAP”)
- 5 through the use of the contingency fund;

1 (2) the Trump administration has the legal au-
2 thority and the funds to finance SNAP through the
3 month of November;

4 (3) exercising this power is extremely important
5 for the health and wellness of families experiencing
6 hunger, including about 16,000,000 children,
7 8,000,000 seniors, 4,000,000 people with disabilities,
8 and 1,200,000 veterans; and

9 (4) the administration should immediately exer-
10 cise its legal authority to fund SNAP in November
11 2025.