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**Federal Court Issues Order Stopping USDA
from Denying Emergency SNAP Benefits to the Poorest Pennsylvanians**

A federal court issued a preliminary injunction today, ruling that more than 700,000 of the poorest Pennsylvanians may be entitled to receive additional food benefits due to the difficulties imposed by the COVID-19 pandemic, while a class action lawsuit against the United States Department of Agriculture (“USDA”) brought by Community Legal Services of Philadelphia (CLS) and law firm Morgan Lewis on behalf of the state’s residents most in need of food assistance is pending.

Judge John Milton Younge of the U.S. District Court for the Eastern District of Pennsylvania issued an order stopping USDA from denying emergency SNAP (food stamp) benefits to the lowest income SNAP recipients while the legal case, *Gilliam v. USDA*, continues. Filed in July, [the lawsuit](#) alleges that the USDA, the federal agency that oversees SNAP, misinterpreted the Families First Coronavirus Response Act (“FFCRA”) by imposing an artificial limitation on the amount of emergency allotments SNAP households can receive.

The nearly 40% of Pennsylvania SNAP households, including many elderly people, families with young children, and people with disabilities, who were not receiving any emergency SNAP due to the USDA’s misinterpretation of the FFCRA will now be eligible for emergency benefits.

In response to Judge Younge’s order, Louise Hayes, Supervising Attorney at Community Legal Services, said:

“As the Court recognized, our clients – individuals and families struggling to access nutritious food during an unprecedented global crisis – need emergency SNAP benefits to get by during the pandemic. Even in normal times, SNAP benefits are too low to meet families’ food needs, and

they are even less adequate during a pandemic that has raised food prices and limited food access. This affects everyone, especially those with the lowest incomes.

USDA's mistaken guidance put a nonsensical cap on emergency allotments. Under the USDA's interpretation of the FFCRA, the poorest SNAP recipients got no help during the pandemic, while the least-poor SNAP recipients received the most help. The Court agreed with us that this exclusion of the poorest households from emergency help cannot have been what Congress intended."

John Lavelle, Partner at Morgan Lewis said, *"The judge agreed that USDA's interpretation of FFCRA is contrary to law and our clients will receive the additional food benefits so desperately needed during these unprecedented times."*

In March, Congress passed the FFCRA to address the coronavirus crisis. The FFCRA included a provision allowing for emergency additional SNAP to help low-income people to access food during the pandemic. USDA interpreted this provision as bringing all SNAP households up to the maximum benefit, but as providing no additional benefits to households already receiving the maximum because their incomes are so low. In July, Community Legal Services (CLS) and Morgan Lewis filed a class action lawsuit on behalf of low-income Pennsylvanians who got low or no emergency allotments because of the USDA's artificial cap on emergency allotments. Thanks to the win on the preliminary injunction motion, the artificial cap on emergency SNAP has been removed while the legal case is ongoing. That means the lowest-income SNAP households, who were previously shut out of emergency benefit eligibility, can now get additional SNAP, once Pennsylvania's Department of Human Services requests those benefits on their behalf, as it has committed to doing

The fight to ensure access to emergency SNAP for all SNAP households is not over yet. The Court's decision at this point only addresses what will happen while *Gilliam v. USDA* is ongoing, though in order to issue the injunction, the court had to find that plaintiffs are likely to succeed on the merits of their claim. CLS and Morgan Lewis will keep working to ensure that emergency SNAP is available while the pandemic continues, and to secure retroactive benefits for our clients who have been denied emergency benefits since March.