

Amendment offered by Mr. Riley of New York

Amendment description

This amendment would address fraud by directing USDA to update its cybersecurity regulations to ensure SNAP benefits cannot be easily stolen by criminals.

AMENDMENT

OFFERED BY MR. RILEY OF NEW YORK

Strike section 4108 and insert the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. 4108. ENHANCED CYBERSECURITY FOR SNAP.**

2 (a) ENHANCED CYBERSECURITY FOR EBT CARDS.—

3 Section 7(h) of the Food and Nutrition Act of 2008 (7
4 U.S.C. 2016(h)) is amended by adding at the end the fol-
5 lowing:

6 “(15) CYBERSECURITY OF EBT CARDS.—

7 “(A) DEFINITIONS.—In this paragraph:

8 “(i) CHIP-ENABLED.—

9 “(I) IN GENERAL.—The term
10 ‘chip-enabled’, with respect to a pay-
11 ment card, means a payment card
12 that uses industry standard secure
13 payment technology, as identified by
14 the Administrator of the Food and
15 Nutrition Service in consultation with
16 the Secretary of the Treasury and the
17 Director of the National Institute of
18 Standards and Technology, that—

1 “(aa) provides for secure
2 card-based payment; and

3 “(bb) is resistant to cloning.

4 “(II) CHIP CARD TECH-
5 NOLOGY.—The Administrator of the
6 Food and Nutrition Service, in con-
7 sultation with the Secretary of the
8 Treasury and the Accredited Stand-
9 ards Committee X9, shall consider
10 whether the secure payment tech-
11 nology described in subclause (I)
12 should meet the industry standards
13 for contact and contactless payments.

14 “(ii) MOBILE FRIENDLY.—The term
15 ‘mobile friendly’ has the meaning given the
16 term in section 3559(b) of title 44, United
17 States Code.

18 “(iii) NIST PIN AND PASSWORD
19 STANDARDS.—The term ‘NIST PIN and
20 password standards’ means the PIN and
21 password standards described in Special
22 Publication 800–63B entitled ‘Digital
23 Identity Guidelines’ (or a successor docu-
24 ment) of the National Institute of Stand-
25 ards and Technology.

1 “(iv) PIN.—The term ‘PIN’ has the
2 meaning given the term ‘personal identi-
3 fication number (PIN)’ in section 271.2 of
4 title 7, Code of Federal Regulations (or
5 successor regulations).

6 “(B) REGULATIONS.—

7 “(i) IN GENERAL.—Not later than 2
8 years after the effective date of this para-
9 graph, the Secretary shall promulgate, and
10 every 5 years thereafter, the Secretary
11 shall review and update as necessary, cy-
12 bersecurity and digital service regulations
13 relating to EBT cards and mobile tech-
14 nologies under the supplemental nutrition
15 assistance program, including, at a min-
16 imum, to ensure that cybersecurity meas-
17 ures for EBT cards and mobile tech-
18 nologies keep pace with security safeguards
19 used by the private sector and required by
20 Federal agencies for credit, debit, and
21 other payment cards and mobile tech-
22 nologies.

23 “(ii) REQUIREMENTS.—The Secretary
24 shall ensure that the cybersecurity and dig-

1 ital service regulations described in clause
2 (i) require the following:

3 “(I)(aa) Each State shall operate
4 the user interfaces listed on the list of
5 required user interfaces maintained by
6 the Secretary under item (dd)(AA), in
7 accordance with this subclause, 1 or
8 more user interfaces of which house-
9 holds in the State may, at the election
10 of the applicable household, use to
11 manage the EBT account of the ap-
12 plicable household.

13 “(bb)(AA) A State may operate
14 other user interfaces under item (aa)
15 in addition to the required user inter-
16 faces on the list maintained by the
17 Secretary under item (dd)(AA).

18 “(BB) Any web-based online por-
19 tal operated by a State as a user
20 interface shall be mobile friendly.

21 “(cc) Each user interface offered
22 by a State under items (aa) and (bb),
23 as applicable, shall—

24 “(AA) provide information
25 in each language in which the

1 State agency is required to make
2 material available pursuant to
3 section 272.4(b) of title 7, Code
4 of Federal Regulations (or suc-
5 cessor regulations);

6 “(BB) be available to house-
7 holds at least 99 percent of the
8 time; and

9 “(CC) include any other fea-
10 tures required by the Secretary.

11 “(dd)(AA) The Secretary shall
12 maintain a list of required user inter-
13 faces for purposes of item (aa), which
14 may include a web-based online portal
15 and a mobile application.

16 “(BB) The list under subitem
17 (AA) shall include an application pro-
18 gramming interface through which at
19 least 1 user interface offered by a
20 State under item (aa) allows house-
21 holds to delegate access to some or all
22 account features identified by the Sec-
23 retary to third-party provided soft-
24 ware. No fee shall be charged to any

1 party for the use of that application
2 programming interface.

3 “(CC) During the 10-year period
4 following the date on which the regu-
5 lations promulgated pursuant to
6 clause (i) become final, unless the
7 Secretary extends that period, the
8 Secretary shall maintain on the list
9 under subitem (AA) the following user
10 interfaces: text message, voice tele-
11 phone service, and a nondigital user
12 interface that does not require the use
13 of a phone or computer by the house-
14 hold.

15 “(II)(aa) Each State shall pro-
16 vide households on an opt-in basis—

17 “(AA) through each digital
18 user interface offered under sub-
19 clause (I), timely electronic notice
20 of transactions using the EBT
21 account of the household; and

22 “(BB) through each user
23 interface offered under subclause
24 (I), access to, including the abil-
25 ity to search, historical trans-

1 actions for not less than the pre-
2 ceding 12 months.

3 “(bb) Transaction information
4 under subitems (AA) and (BB) of
5 item (aa) shall include the amount of
6 the transaction, the merchant for the
7 transaction, the city and State of the
8 merchant for an in-person trans-
9 action, and the delivery address or
10 collection address for an online trans-
11 action.

12 “(cc) Each State shall offer
13 households the ability, through each
14 user interface offered under subclause
15 (I), to report a fraudulent transaction
16 to the State.

17 “(dd) A State shall not require a
18 household to respond to or acknowl-
19 edge a notice of transaction delivered
20 pursuant to item (aa)(AA).

21 “(ee) A State shall notify any
22 household that has reported an in-
23 stance of EBT card skimming or
24 fraud, or is otherwise identified as
25 being a victim of EBT card skimming

1 or fraud, of any State or Federal
2 funds that may be reimbursed if the
3 household experiences fraud again.

4 “(III) Each State shall provide
5 households issued an EBT card the
6 ability, through each user interface of-
7 fered under subclause (I) to check the
8 enrollment status of the household, in-
9 cluding the date on which the house-
10 hold is required to apply for recertifi-
11 cation.

12 “(IV) Not later than 2 years
13 after the date on which the regula-
14 tions promulgated pursuant to clause
15 (i) become final, States shall begin
16 issuing chip-enabled EBT cards.

17 “(V) Not later than 4 years after
18 the date on which the regulations pro-
19 mulgated pursuant to clause (i) be-
20 come final, States may not issue new
21 EBT cards with magnetic stripes.

22 “(VI) Not later than 5 years
23 after the date on which the regula-
24 tions promulgated pursuant to clause
25 (i) become final, States shall be re-

1 quired to reissue any existing valid
2 EBT cards with magnetic stripes as
3 chip-enabled EBT cards without mag-
4 netic stripes.

5 “(VII) In the case of a chip-en-
6 abled EBT card reissued pursuant to
7 any of subclauses (IV) through (VI),
8 absent suspicion of fraud, as applica-
9 ble, a State shall—

10 “(aa) reissue a new chip-en-
11 abled EBT card; and

12 “(bb) deactivate the current
13 chip-enabled EBT card on the
14 date that is the earlier of—

15 “(AA) the date on
16 which the new chip-enabled
17 EBT card is activated; and

18 “(BB) 60 days after
19 the date on which the new
20 chip-enabled EBT card is
21 sent to the household.

22 “(iii) SUNSET FOR REQUIREMENT TO
23 USE CHIP TECHNOLOGY.—Under the cy-
24 bersecurity regulations described in clause
25 (i), all EBT cards, except EBT cards

1 issued to victims of a disaster pursuant to
2 section 5(h) or solely for benefits under the
3 summer electronic benefits transfer for
4 children program established under section
5 13A of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1762),
7 issued during the 5-year period following
8 the deadline for carrying out clause
9 (ii)(VI) shall be chip-enabled, unless the
10 Secretary extends that period.

11 “(iv) RULE OF CONSTRUCTION.—The
12 cybersecurity and digital service regula-
13 tions described in clause (i) shall supersede
14 any regulations promulgated under para-
15 graph (2) of section 501(a) of division HH
16 of the Consolidated Appropriations Act,
17 2023 (7 U.S.C. 2016a(a)) (as in effect on
18 the day before the date of enactment of the
19 Enhanced Cybersecurity for SNAP Act of
20 2026).

21 “(C) REIMBURSEMENTS.—Each State up-
22 grading EBT cards to comply with the regula-
23 tions promulgated under subparagraph (B)(i)
24 shall receive reimbursement from the Secretary
25 in an amount determined by the Secretary to

1 cover all reasonable costs incurred by the State,
2 including—

3 “(i) the 1-time up-front costs paid by
4 the State to card vendors;

5 “(ii) the additional annual fees associ-
6 ated with chip-enabled cards paid by
7 States to card vendors; and

8 “(iii) postage or other delivery-related
9 costs.

10 “(D) PROHIBITION ON PASSWORD AND PIN
11 REQUIREMENTS INCONSISTENT WITH FEDERAL
12 CYBERSECURITY STANDARDS.—Beginning 60
13 days after the effective date of this paragraph,
14 a State agency may not require, with respect to
15 a PIN for use of an EBT card or a password
16 for access to an online account or mobile appli-
17 cation managing the EBT card—

18 “(i) that the PIN or password be peri-
19 odically changed in circumstances that are
20 prohibited by the NIST PIN and password
21 standards; or

22 “(ii) that the password meet com-
23 plexity requirements that are prohibited by
24 the NIST PIN and password standards.

1 “(E) GRANT PROGRAM FOR CHIP-ENABLED
2 EBT CARDS.—

3 “(i) DEFINITIONS.—In this subpara-
4 graph:

5 “(I) ADMINISTERING ENTITY.—
6 The term ‘administering entity’ means
7 an entity awarded a grant under
8 clause (ii) to provide subgrants to eli-
9 gible entities.

10 “(II) ELIGIBLE ENTITY.—The
11 term ‘eligible entity’ means—

12 “(aa) an entity described in
13 paragraph (1) or (3) of section
14 3(o) that—

15 “(AA) is authorized to
16 participate in the supple-
17 mental nutrition assistance
18 program under section 9;

19 “(BB) does not have
20 payment terminals that ac-
21 cept chip-enabled EBT
22 cards; and

23 “(CC) is located in an
24 area with limited grocery ac-

1 cess, as determined by the
2 Secretary; and

3 “(bb) an entity described in
4 paragraph (2), (4), or (5) of sec-
5 tion 3(o) that meets the require-
6 ments described in subitems
7 (AA) and (BB) of item (aa).

8 “(ii) GRANTS.—The Secretary shall
9 establish a grant program to award a
10 grant to an administering entity to provide
11 subgrants to eligible entities to upgrade to
12 chip-compatible payment terminals that
13 support contact and contactless payment
14 card technology.

15 “(F) DATA COLLECTION.—The Secretary
16 shall—

17 “(i) collect, and publish on the website
18 of the Department of Agriculture, data
19 on—

20 “(I) the length of time each user
21 interface offered by each State pursu-
22 ant to subparagraph (B)(ii)(I) was
23 unavailable for use, including due to
24 technical problems or maintenance
25 needs; and

1 “(II) cybersecurity measures
2 adopted for EBT cards in each State;
3 and

4 “(ii) maintain and annually update
5 the data collected under clause (i) to sup-
6 port States in implementing any regula-
7 tions promulgated pursuant to subpara-
8 graph (B)(i).

9 “(G) PUBLIC REPORT.—

10 “(i) IN GENERAL.—Not later than 1
11 year after the effective date of this para-
12 graph, and every 2 years thereafter, the
13 Secretary shall submit to the Committees
14 on Appropriations and Agriculture, Nutri-
15 tion, and Forestry of the Senate and the
16 Committees on Appropriations and Agri-
17 culture of the House of Representatives,
18 and make publicly available on the website
19 of the Department of Agriculture, a report
20 that—

21 “(I) identifies trends relating to
22 the theft of benefits, including the fre-
23 quency of theft of benefits, the loca-
24 tions at which EBT cards are com-

1 promised, and the method by which
2 EBT cards are compromised;

3 “(II) evaluates the effectiveness
4 of existing cybersecurity regulations
5 for the supplemental nutrition assist-
6 ance program, including identifying
7 ineffective measures and the compli-
8 ance burden borne by individual ben-
9 efit recipients;

10 “(III) describes the efforts of
11 States—

12 “(aa) to update cybersecuri-
13 ty measures for EBT cards;
14 and

15 “(bb) to reimburse stolen
16 benefits; and

17 “(IV) examines usability issues of
18 EBT cards, including issues that
19 present barriers to households using
20 benefits or affect fraud prevention
21 goals.

22 “(ii) RESTRICTED ANNEX.—The re-
23 port under clause (i) may include a non-
24 publicly available annex containing classi-
25 fied or law enforcement-sensitive informa-

1 tion and any identifying merchant informa-
2 tion.”.

3 (b) ONLINE TRANSACTION SECURITY.—Section 7(h)
4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h))
5 (as amended by section 2) is amended by adding at the
6 end the following:

7 “(16) ONLINE TRANSACTION SECURITY.—

8 “(A) IN GENERAL.—In promulgating and
9 updating, as necessary, the regulations under
10 paragraph (15)(B)(i), the Secretary shall, with
11 respect to online transactions using EBT cards
12 (or any successor financial product used for a
13 substantially similar purpose)—

14 “(i) require security measures that—

15 “(I) are effective in detecting and
16 preventing theft of benefits through
17 online transactions, including the
18 theft of data from online merchants
19 that may compromise the ability of a
20 household to use benefits in trans-
21 actions with other merchants, either
22 online or in-person; and

23 “(II) prevent sensitive data from
24 being stolen during online trans-
25 actions and securely manage sensitive

1 data generated by online transactions,
2 including through cybersecurity en-
3 hancements for online retailers;

4 “(ii) establish standard reporting
5 methods for States to collect and share
6 data with the Secretary on the scope of
7 benefits and data being stolen through on-
8 line transactions; and

9 “(iii) in carrying out clauses (i) and
10 (ii), take into consideration the feasibility
11 of cost, availability, and implementation
12 for States.

13 “(B) CONSULTATION.—In carrying out
14 subparagraph (A), the Secretary shall consult
15 with the Director of the Administration for
16 Children and Families, the Attorney General of
17 the United States, State agencies, retail food
18 stores, and EBT contractors—

19 “(i) on the measures, methods, and
20 considerations under that subparagraph;
21 and

22 “(ii) to determine—

23 “(I) how benefits are being stolen
24 and sensitive data is being com-

1 promised through online transactions;
2 and

3 “(II) how those stolen benefits
4 and data are being used.

5 “(C) REPORT.—

6 “(i) IN GENERAL.—Not later than 3
7 years after the effective date of this para-
8 graph, and every 2 years thereafter, the
9 Secretary shall submit to the Committee
10 on Agriculture, Nutrition, and Forestry of
11 the Senate and the Committee on Agri-
12 culture of the House of Representatives a
13 report that includes—

14 “(I) to the maximum extent prac-
15 ticable, information on the frequency
16 of theft of benefits, the number of re-
17 ported thefts from online transactions,
18 the amount of benefits stolen through
19 online transactions, and the online re-
20 tailers most commonly compromised;

21 “(II) a description of the meas-
22 ures and methods developed, and con-
23 siderations taken, under subparagraph
24 (A);

1 “(III) the determinations made
2 under subparagraph (B)(ii); and

3 “(IV) recommendations on how
4 to consistently detect, track, report,
5 and prevent theft of benefits, includ-
6 ing the theft of data described in sub-
7 paragraph (A)(i)(I).

8 “(ii) CONFIDENTIAL ANNEX.—The re-
9 port under clause (i) may include a non-
10 publicly available confidential annex con-
11 taining any identifying merchant informa-
12 tion.”.

13 (c) ENSURING NO LOSS OF ACCESS TO BENEFITS
14 DUE TO EBT CARD DAMAGE, LOSS, OR FRAUD.—Section
15 7(h)(7) of the Food and Nutrition Act of 2008 (7 U.S.C.
16 2016(h)(7)) is amended—

17 (1) by striking “Regulations” and inserting the
18 following:

19 “(A) IN GENERAL.—Regulations”; and

20 (2) by adding at the end the following:

21 “(B) ENSURING NO LOSS OF ACCESS TO
22 BENEFITS DUE TO EBT CARD DAMAGE, LOSS,
23 OR FRAUD.—Not later than 180 days after the
24 date of enactment of the Enhanced Cybersecu-

1 rity for SNAP Act of 2026, the Secretary shall
2 promulgate regulations requiring the following:

3 “(i) If an EBT card is damaged, no
4 longer functions properly, is stolen, or is
5 frozen due to fraud, the applicable State
6 shall take the necessary steps to ensure
7 that the household receives a replacement
8 card, either by mail or in person, as se-
9 lected by the household, not later than 3
10 business days after the household submits
11 to the State a request for a replacement
12 EBT card.

13 “(ii) A State shall not require, but
14 shall offer as an option, in-person collec-
15 tion of a new or replacement EBT card.”.

16 (d) NO REPLACEMENT FEES FOR CERTAIN EBT
17 CARDS.—Section 7(h)(8)(A) of the Food and Nutrition
18 Act of 2008 (7 U.S.C. 2016(h)(8)(A)) is amended—

19 (1) by striking “A State agency” and inserting
20 the following:

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii), a State agency”; and

23 (2) by adding at the end the following:

24 “(ii) EXCEPTIONS.—Beginning 60
25 days after the date of enactment of the

1 Enhanced Cybersecurity for SNAP Act of
2 2026, a State agency may not collect a
3 charge under clause (i) if the replacement
4 of the EBT card is due to—

5 “(I) the EBT card malfunc-
6 tioning;

7 “(II) suspected or reported fraud
8 relating to that EBT card by an indi-
9 vidual outside of the household to
10 which the EBT card belongs;

11 “(III) the expiration of the EBT
12 card; or

13 “(IV) required replacement of the
14 EBT card in compliance with regula-
15 tions promulgated pursuant to para-
16 graph (15)(B).”.

17 (e) REQUIREMENT FOR RETAILER USE OF CHIP-EN-
18 ABLED PAYMENT TERMINALS AS A CONDITION OF SNAP
19 PARTICIPATION.—Section 9(a) of the Food and Nutrition
20 Act of 2008 (7 U.S.C. 2018(a)) is amended—

21 (1) in paragraph (2)—

22 (A) by striking “(2) The Secretary” and
23 inserting the following:

24 “(2) REGULATIONS.—The Secretary”; and

1 (B) by indenting the margins of subpara-
2 graphs (A) and (B) appropriately;

3 (2) by indenting the margin of paragraph (3)
4 appropriately; and

5 (3) by adding at the end the following:

6 “(5) CHIP-ENABLED PAYMENT TERMINALS.—
7 Beginning not later than 180 days after the date on
8 which the regulations promulgated pursuant to sec-
9 tion 7(h)(15)(B)(i) become final, the Secretary shall
10 require retail food stores and wholesale food con-
11 cerns seeking authorization or reauthorization to ac-
12 cept and redeem benefits under the supplemental
13 nutrition assistance program to have a chip-enabled
14 (as defined in section 7(h)(15)(A)) payment terminal
15 at each retail location of the retail food store or
16 wholesale food concern.”.

17 (f) REPORT ON EBT CARDS ISSUED IN PUERTO
18 RICO.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of the Farm, Food, and Na-
21 tional Security Act of 2026, the Secretary of Agri-
22 culture shall submit to the Committees on Appro-
23 priations and Agriculture, Nutrition, and Forestry of
24 the Senate and the Committees on Appropriations
25 and Agriculture of the House of Representatives,

1 and make publicly available on the website of the
2 Department of Agriculture, a report on the security
3 of EBT cards (as defined in section 3 of the Food
4 and Nutrition Act of 2008 (7 U.S.C. 2012)) issued
5 in the Commonwealth of Puerto Rico, including—

6 (A) the resistance of those EBT cards to
7 cloning; and

8 (B) if appropriate, recommendations for
9 improving the security of the electronic benefit
10 transfer system against EBT card cloning-
11 based fraud.

12 (2) RESTRICTED ANNEX.—The report under
13 subsection (a) may include a nonpublicly available
14 annex containing classified or law enforcement-sen-
15 sitive information.

16 (g) CONFORMING AMENDMENTS.—Section 501 of di-
17 vision HH of the Consolidated Appropriations Act, 2023
18 (7 U.S.C. 2016a), is amended—

19 (1) in subsection (a)—

20 (A) by striking paragraphs (1) and (2);

21 (B) by redesignating paragraphs (3)
22 through (5) as paragraphs (1) through (3), re-
23 spectively; and

24 (C) in paragraph (3) (as so redesign-
25 nated)—

- 1 (i) in subparagraph (B), by adding
2 “and” at the end;
3 (ii) by striking subparagraph (C); and
4 (iii) by redesignating subparagraph
5 (D) as subparagraph (C); and
6 (2) in subsection (b)—
7 (A) in paragraph (1)—
8 (i) in subparagraph (A)(vi), by strik-
9 ing “measures” and all that follows
10 through “(a)(1)” and inserting “meas-
11 ures”;
12 (ii) in subparagraph (B), by adding
13 “and” at the end;
14 (iii) in subparagraph (C), by striking
15 “and” at the end; and
16 (iv) by striking subparagraph (D);
17 and
18 (B) in paragraph (3), by striking “sub-
19 section (a)(3)” and inserting “subsection
20 (a)(1)”.

