

119TH CONGRESS
2D SESSION

H. R. 7316

To amend the Food and Nutrition Act of 2008 to require the promulgation of cybersecurity regulations and implementation of EMV technology relating to the use of EBT cards under the supplemental nutrition assistance program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2026

Ms. MALLIOTAKIS introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To amend the Food and Nutrition Act of 2008 to require the promulgation of cybersecurity regulations and implementation of EMV technology relating to the use of EBT cards under the supplemental nutrition assistance program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “SNAP Payment Secu-
5 rity and Fraud Prevention Act of 2026”.

1 **SEC. 2. EXPANDED INVESTIGATIVE AUTHORITY OF THE DE-**
2 **PARTMENT OF AGRICULTURE INSPECTOR**
3 **GENERAL.**

4 Section 16 of the Food and Nutrition Act of 2008
5 (7 U.S.C. 2025) is amended by adding at the end the fol-
6 lowing:

7 “(i) OFFICE OF INSPECTOR GENERAL COORDINA-
8 TION AUTHORITY.—

9 “(1) The Inspector General of the Department
10 of Agriculture shall have full authority to investigate
11 and coordinate multi-jurisdictional efforts to prevent,
12 detect, and prosecute theft, misuse, or fraudulent ac-
13 cessing of supplemental nutrition assistance program
14 benefits, including authority—

15 “(A) to investigate cyber-enabled benefit
16 theft, including skimming, cloning, phishing,
17 spoofing, and unauthorized access to EBT sys-
18 tems;

19 “(B) to issue subpoenas, executing war-
20 rants, and initiating civil or criminal referrals;

21 “(C) to coordinate with the Department of
22 Justice, the Federal Bureau of Investigation,
23 the Department of Homeland Security, the Se-
24 cret Service, State and local law enforcement,
25 and financial institutions;

1 “(D) to request and receive data from
2 State EBT processors and contracted vendors
3 for investigative purposes; and

4 “(E) to participate in interagency cyber
5 task forces or fraud detection initiatives.

6 “(2) The Secretary of Agriculture may issue
7 rules, and allocate funds, necessary to support the
8 activities of the Inspector General under this sub-
9 section.”.

10 **SEC. 3. CIVIL PENALTY FOR THEFT OF SNAP BENEFITS.**

11 Section 15 of the Food and Nutrition Act of 2008
12 (7 U.S.C. 2024) is amended by adding at the end the fol-
13 lowing:

14 “(g) CIVIL PENALTY FOR THEFT OF SUPPLEMENTAL
15 NUTRITION ASSISTANCE PROGRAM BENEFITS.—

16 “(1) Any person who knowingly accesses, uses,
17 or transfers supplemental nutrition assistance pro-
18 gram benefits issued to a household without author-
19 ization shall be liable to the United States for a civil
20 penalty in an amount equal to twice the value of
21 such benefits lost as a result of such conduct.

22 “(2) The Secretary may assess and enforce this
23 penalty through an administrative proceeding under
24 section 14 or through a civil action in an appro-
25 priate district court of the United States.

1 “(3) Funds recovered under this subsection
2 shall be used, as determined by the Secretary to off-
3 set—

4 “(A) the cost of reimbursing households
5 for such benefits lost as a result of the conduct
6 described in paragraph (1); and

7 “(B) the cost of the use of the enhanced
8 investigatory authority of the Inspector General
9 of the Department of Agriculture.

10 “(4) A civil penalty imposed under this sub-
11 section shall be in addition to any other civil or
12 criminal penalty imposed under any other provision
13 of this Act or under any other provision of law.”.

14 **SEC. 4. ENHANCED CYBERSECURITY FOR EBT CARDS.**

15 Section 7(h) of the Food and Nutrition Act of 2008
16 (7 U.S.C. 2016(h)) is amended by adding at the end the
17 following:

18 “(15) CYBERSECURITY OF EBT CARDS.—

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

20 “(i) CHIP-ENABLED.—

21 “(I) IN GENERAL.—The term
22 ‘chip-enabled’, with respect to a pay-
23 ment card, means a payment card
24 that uses industry standard secure
25 payment technology, as identified by

1 the Administrator of the Food and
2 Nutrition Service, in consultation with
3 the Secretary of the Treasury and the
4 Director of the National Institute of
5 Standards and Technology, that—

6 “(aa) provides for secure
7 card-based payment; and

8 “(bb) is resistant to cloning.

9 “(II) EMV CHIP.—The Adminis-
10 trator of the Food and Nutrition
11 Service, in consultation with the Sec-
12 retary of the Treasury and the Direc-
13 tor of the National Institute of Stand-
14 ards and Technology, shall consider
15 whether the secure payment tech-
16 nology described in subclause (I)
17 should meet the standards published
18 by EMVCo for contact and contact
19 less payments.

20 “(ii) MOBILE FRIENDLY.—The term
21 ‘mobile friendly’ has the meaning given the
22 term in section 3559(b) of title 44, United
23 States Code.

24 “(iii) NIST PIN AND PASSWORD
25 STANDARDS.—The term ‘NIST PIN and

1 password standards’ means the PIN and
2 password standards described in Special
3 Publication 800–63B entitled ‘Digital
4 Identity Guidelines’ (or a successor docu-
5 ment) of the National Institute of Stand-
6 ards and Technology.

7 “(iv) PIN.—The term ‘PIN’ has the
8 meaning given the term ‘personal identi-
9 fication number (PIN)’ in section 271.2 of
10 title 7, Code of Federal Regulations (or
11 successor regulations).

12 “(B) REGULATIONS.—

13 “(i) IN GENERAL.—Not later than 2
14 years after the date of the effective date of
15 this paragraph, the Secretary shall promul-
16 gate, and every 5 years thereafter, the Sec-
17 retary shall review and update as nec-
18 essary, cybersecurity and digital service
19 regulations relating to EBT cards and mo-
20 bile payments under the supplemental nu-
21 trition assistance program, including, at a
22 minimum, to ensure that cybersecurity
23 measures for EBT cards and mobile pay-
24 ments keep pace with security safeguards
25 used by the private sector and required by

1 Federal agencies for credit, debit, and
2 other payment cards and mobile payments.

3 “(ii) REQUIREMENTS.—The Secretary
4 shall ensure that the cybersecurity and dig-
5 ital service regulations described in clause
6 (i) require the following:

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

17 “(bb)(AA) A State may operate
18 other user interfaces under item (aa)
19 in addition to the required user inter-
20 faces on the list maintained by the
21 Secretary under item (dd)(AA).

22 “(BB) Any web-based online por-
23 tal operated by a State as a user
24 interface shall be mobile friendly.

1 “(cc) Each user interface offered
2 by a State under items (aa) and (bb),
3 as applicable, shall—

4 “(AA) provide information
5 in each language in which the
6 State agency is required to make
7 material available pursuant to
8 section 272.4(b) of title 7, Code
9 of Federal Regulations (or suc-
10 cessor regulations);

11 “(BB) be available to house-
12 holds at least 99 percent of the
13 time; and

14 “(CC) include any other fea-
15 tures required by the Secretary.

16 “(dd)(AA) The Secretary shall
17 maintain a list of required user inter-
18 faces for purposes of item (aa), which
19 may include a web-based online portal
20 and a mobile application.

21 “(BB) The list under subitem
22 (AA) shall include an application pro-
23 gramming interface through which at
24 least 1 user interface offered by a
25 State under item (aa) allows house-

1 holds to delegate access to some or all
2 account features identified by the Sec-
3 retary to third-party provided soft-
4 ware. No fee shall be charged to any
5 party for the use of that application
6 programming interface.

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

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

21 “(AA) through each digital
22 user interface offered under sub-
23 clause (I), timely electronic notice
24 of transactions using the EBT
25 account of the household; and

1 “(BB) through each user
2 interface offered under subclause
3 (I), access to, including the abil-
4 ity to search, historical trans-
5 actions for not less than the pre-
6 ceding 12 months.

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

16 “(cc) Each State shall offer
17 households the ability, through each
18 user interface offered under subclause
19 (I), to report a fraudulent transaction
20 to the State.

21 “(dd) A State shall not require a
22 household to respond to or acknowl-
23 edge a notice of transaction delivered
24 pursuant to item (aa)(AA).

1 “(ee) A State shall notify a
2 household that has received reim-
3 bursement for EBT card fraud pursu-
4 ant to section 501(b)(2) of division
5 HH of the Consolidated Appropria-
6 tions Act, 2023 (7 U.S.C.
7 2016a(b)(2)), of the ability of the
8 household to opt in to restricting the
9 use of the EBT card as described in
10 subclause (III) and of the remaining
11 funds that may be reimbursed if the
12 household experiences fraud again.

13 “(III) Each State shall provide
14 households issued an EBT card the
15 ability, through each user interface of-
16 fered under subclause (I)—

17 “(aa) to make the use of
18 that EBT card for online trans-
19 actions workable only through
20 virtual card numbers or other
21 tokenization technology, such as
22 through a mobile payment serv-
23 ice, which shall require a dif-
24 ferent virtual card number for
25 each individual online merchant;

1 “(bb) to freeze and unfreeze
2 the EBT account of the house-
3 hold for transactions in which the
4 card number printed on the EBT
5 card is manually entered, either
6 for an in-person transaction or
7 an online transaction; and

8 “(cc) to check the enroll-
9 ment status of the household, in-
10 cluding the date on which the
11 household is required to apply for
12 recertification.

13 “(IV) The requirements de-
14 scribed in items (aa) and (bb) of sub-
15 clause (III) shall terminate 5 years
16 after the date on which the regulation
17 promulgated pursuant to that sub-
18 clause becomes final, unless the Sec-
19 retary extends that period.

20 “(V) A State may opt to make
21 ineffective the use of the card number
22 printed on the EBT card to complete
23 an online transaction, and require on-
24 line transactions to occur only in ac-
25 cordance with subclause (III)(aa).

1 “(VI) Not later than 2 years
2 after the date on which the regula-
3 tions promulgated pursuant to clause
4 (i) become final, States shall begin
5 issuing chip-enabled EBT cards.

6 “(VII) Not later than 4 years
7 after the date on which the regula-
8 tions promulgated pursuant to clause
9 (i) become final, States may not issue
10 new EBT cards with magnetic stripes.

11 “(VIII) Not later than 5 years
12 after the date on which the regula-
13 tions promulgated pursuant to clause
14 (i) become final, States shall be re-
15 quired to reissue any existing valid
16 EBT cards with magnetic stripes as
17 chip-enabled EBT cards without mag-
18 netic stripes.

19 “(IX) In the case of a chip-en-
20 abled EBT card reissued pursuant to
21 any of subclauses (VI) through (VIII),
22 absent suspicion of fraud, as applica-
23 ble, a State shall—

24 “(aa) reissue a new chip-en-
25 abled EBT card; and

1 “(bb) deactivate the current
2 chip-enabled EBT card on the
3 date that is the earlier of—

4 “(AA) the date on
5 which the new chip-enabled
6 EBT card is activated; and

7 “(BB) 30 days after
8 the date on which the new
9 chip-enabled EBT card is
10 sent to the household.

11 “(iii) SUNSET FOR REQUIREMENT TO
12 USE CHIP TECHNOLOGY.—Under the cy-
13 bersecurity regulations described in clause
14 (i), all EBT cards issued during the 5-year
15 period following the deadline for carrying
16 out clause (ii)(VIII) shall be chip-enabled,
17 unless the Secretary extends that period.

18 “(C) PROHIBITION ON PASSWORD AND PIN
19 REQUIREMENTS INCONSISTENT WITH FEDERAL
20 CYBERSECURITY STANDARDS.—Beginning 60
21 days after the date of enactment of this para-
22 graph, a State agency may not require, with re-
23 spect to a PIN for use of an EBT card or a
24 password for access to an online account or mo-
25 bile application managing the EBT card—

1 “(i) that the PIN or password be peri-
2 odically changed in circumstances that are
3 prohibited by the NIST PIN and password
4 standards; or

5 “(ii) that the password meet com-
6 plexity requirements that are prohibited by
7 the NIST PIN and password standards.

8 “(D) DATA COLLECTION.—The Secretary
9 shall—

10 “(i) collect, and publish on the website
11 of the Department of Agriculture, data
12 on—

13 “(I) the length of time each user
14 interface offered by each State pursu-
15 ant to subparagraph (B)(ii)(I) was
16 unavailable for use, including due to
17 technical problems or maintenance
18 needs; and

19 “(II) cybersecurity measures
20 adopted for EBT cards in each State;
21 and

22 “(ii) maintain and annually update
23 the data collected under clause (i) to sup-
24 port States in implementing any regula-

1 tions promulgated pursuant to subpara-
2 graph (B)(i).

3 “(E) PUBLIC REPORT.—

4 “(i) IN GENERAL.—Not later than 1
5 year after the date of enactment of this
6 paragraph, and every 2 years thereafter,
7 the Secretary shall submit to the Commit-
8 tees on Appropriations and Agriculture,
9 Nutrition, and Forestry of the Senate and
10 the Committees on Appropriations and Ag-
11 riculture of the House of Representatives,
12 and make publicly available on the website
13 of the Department of Agriculture, a report
14 that—

15 “(I) identifies trends relating to
16 the theft of benefits, including the fre-
17 quency of theft of benefits and the lo-
18 cation of those thefts;

19 “(II) evaluates the effectiveness
20 of existing cybersecurity regulations
21 for the supplemental nutrition assist-
22 ance program, including identifying
23 ineffective measures and the compli-
24 ance burden borne by individual ben-
25 efit recipients;

1 “(III) describes the efforts of
2 States—

3 “(aa) to update cybersecu-
4 rity measures for EBT cards;
5 and

6 “(bb) to reimburse stolen
7 benefits; and

8 “(IV) examines usability issues of
9 EBT cards, including issues that
10 present barriers to households using
11 benefits or affect fraud prevention
12 goals.

13 “(ii) RESTRICTED ANNEX.—The re-
14 port under clause (i) may include a non-
15 publicly available annex containing classi-
16 fied or law enforcement-sensitive informa-
17 tion.”.

18 **SEC. 5. ENSURING NO LOSS OF ACCESS TO BENEFITS DUE**
19 **TO EBT CARD DAMAGE, LOSS, OR FRAUD.**

20 Section 7(h)(7) of the Food and Nutrition Act of
21 2008 (7 U.S.C. 2016(h)(7)) is amended—

22 (1) by striking “Regulations” and inserting the
23 following:

24 “(A) IN GENERAL.—Regulations”; and

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

1 “(B) ENSURING NO LOSS OF ACCESS TO
2 BENEFITS DUE TO EBT CARD DAMAGE, LOSS,
3 OR FRAUD.—Not later than 180 days after the
4 effective date of this subparagraph, the Sec-
5 retary shall promulgate regulations requiring
6 the following:

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

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

20 **SEC. 6. NO REPLACEMENT FEES FOR CERTAIN EBT CARDS.**

21 Section 7(h)(8)(A) of the Food and Nutrition Act of
22 2008 (7 U.S.C. 2016(h)(8)(A)) is amended—

23 (1) by striking “A State agency” and inserting
24 the following:

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), a State agency”; and
3 (2) by adding at the end the following:

4 “(ii) EXCEPTIONS.—Beginning 60
5 days after the effective date of this clause,
6 a State agency may not collect a charge
7 under clause (i) if the replacement of the
8 EBT card is due to—

9 “(I) the EBT card malfunc-
10 tioning;

11 “(II) suspected or reported fraud
12 relating to that EBT card by an indi-
13 vidual outside of the household to
14 which the EBT card belongs;

15 “(III) the expiration of the EBT
16 card; or

17 “(IV) required replacement of the
18 EBT card in compliance with regula-
19 tions promulgated pursuant to para-
20 graph (15)(B).”.

21 **SEC. 7. REQUIREMENT FOR RETAILER USE OF CHIP-EN-**
22 **ABLED PAYMENT TERMINALS AS A CONDI-**
23 **TION OF SNAP PARTICIPATION.**

24 Section 9(a) of the Food and Nutrition Act of 2008
25 (7 U.S.C. 2018(a)) is amended—

1 (1) in paragraph (2)—

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

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

5 (B) by indenting the margins of subpara-
6 graphs (A) and (B) appropriately;

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

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

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

21 **SEC. 8. REPORT.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of the enactment of this Act, the Secretary of Agri-
24 culture shall submit to the Committees on Appropriations
25 and Agriculture, Nutrition, and Forestry of the Senate

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

7 (1) the resistance of those EBT cards to
8 cloning; and

9 (2) if appropriate, recommendations for improv-
10 ing the security of the electronic benefit transfer sys-
11 tem against EBT card cloning-based fraud.

12 (b) RESTRICTED ANNEX.—The report under sub-
13 section (a) may include a non-publicly available annex con-
14 taining classified or law enforcement-sensitive informa-
15 tion.

16 **SEC. 9. CONFORMING AMENDMENTS.**

17 Section 501 of division HH of the Consolidated Ap-
18 propriations Act, 2023 (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)”.

○