

119TH CONGRESS
2D SESSION

S. 3949

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2026

Mr. WYDEN (for himself, Mr. FETTERMAN, and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food and Nutrition Act of 2008 to require the promulgation of cybersecurity and digital service regulations 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 “Enhanced Cybersecu-
5 rity for SNAP Act of 2026”.

1 **SEC. 2. ENHANCED CYBERSECURITY FOR EBT CARDS.**

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

5 “(15) CYBERSECURITY OF EBT CARDS.—

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

7 “(i) CHIP-ENABLED.—

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

18 “(aa) provides for secure
 19 card-based payment; and

20 “(bb) is resistant to cloning.

21 “(II) CHIP CARD TECH-
 22 NOLOGY.—The Administrator of the
 23 Food and Nutrition Service, in con-
 24 sultation with the Secretary of the
 25 Treasury and the Accredited Stand-
 26 ards Committee X9, shall consider

1 whether the secure payment tech-
2 nology described in subclause (I)
3 should meet the industry standards
4 for contact and contactless payments.

5 “(ii) MOBILE FRIENDLY.—The term
6 ‘mobile friendly’ has the meaning given the
7 term in section 3559(b) of title 44, United
8 States Code.

9 “(iii) NIST PIN AND PASSWORD
10 STANDARDS.—The term ‘NIST PIN and
11 password standards’ means the PIN and
12 password standards described in Special
13 Publication 800–63B entitled ‘Digital
14 Identity Guidelines’ (or a successor docu-
15 ment) of the National Institute of Stand-
16 ards and Technology.

17 “(iv) PIN.—The term ‘PIN’ has the
18 meaning given the term ‘personal identi-
19 fication number (PIN)’ in section 271.2 of
20 title 7, Code of Federal Regulations (or
21 successor regulations).

22 “(B) REGULATIONS.—

23 “(i) IN GENERAL.—Not later than 2
24 years after the date of enactment of this
25 paragraph, the Secretary shall promulgate,

and every 5 years thereafter, the Secretary shall review and update as necessary, cybersecurity and digital service regulations relating to EBT cards and mobile technologies under the supplemental nutrition assistance program, including, at a minimum, to ensure that cybersecurity measures for EBT cards and mobile technologies keep pace with security safeguards used by the private sector and required by Federal agencies for credit, debit, and other payment cards and mobile technologies.

“(ii) REQUIREMENTS.—The Secretary shall ensure that the cybersecurity and digital service regulations described in clause (i) require the following:

“(I)(aa) Each State shall operate the user interfaces listed on the list of required user interfaces maintained by the Secretary under item (dd)(AA), in accordance with this subclause, 1 or more user interfaces of which households in the State may, at the election of the applicable household, use to

1 manage the EBT account of the ap-
2 plicable household.

3 “(bb)(AA) A State may operate
4 other user interfaces under item (aa)
5 in addition to the required user inter-
6 faces on the list maintained by the
7 Secretary under item (dd)(AA).

8 “(BB) Any web-based online por-
9 tal operated by a State as a user
10 interface shall be mobile friendly.

11 “(cc) Each user interface offered
12 by a State under items (aa) and (bb),
13 as applicable, shall—

14 “(AA) provide information
15 in each language in which the
16 State agency is required to make
17 material available pursuant to
18 section 272.4(b) of title 7, Code
19 of Federal Regulations (or suc-
20 cessor regulations);

21 “(BB) be available to house-
22 holds at least 99 percent of the
23 time; and

24 “(CC) include any other fea-
25 tures required by the Secretary.

1 “(dd)(AA) The Secretary shall
2 maintain a list of required user inter-
3 faces for purposes of item (aa), which
4 may include a web-based online portal
5 and a mobile application.

6 “(BB) The list under subitem
7 (AA) shall include an application pro-
8 gramming interface through which at
9 least 1 user interface offered by a
10 State under item (aa) allows house-
11 holds to delegate access to some or all
12 account features identified by the Sec-
13 retary to third-party provided soft-
14 ware. No fee shall be charged to any
15 party for the use of that application
16 programming interface.

17 “(CC) During the 10-year period
18 following the date on which the regu-
19 lations promulgated pursuant to
20 clause (i) become final, unless the
21 Secretary extends that period, the
22 Secretary shall maintain on the list
23 under subitem (AA) the following user
24 interfaces: text message, voice tele-
25 phone service, and a nondigital user

1 interface that does not require the use
2 of a phone or computer by the house-
3 hold.

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

6 “(AA) through each digital
7 user interface offered under sub-
8 clause (I), timely electronic notice
9 of transactions using the EBT
10 account of the household; and

11 “(BB) through each user
12 interface offered under subclause
13 (I), access to, including the abil-
14 ity to search, historical trans-
15 actions for not less than the pre-
16 ceding 12 months.

17 “(bb) Transaction information
18 under subitems (AA) and (BB) of
19 item (aa) shall include the amount of
20 the transaction, the merchant for the
21 transaction, the city and State of the
22 merchant for an in-person trans-
23 action, and the delivery address or
24 collection address for an online trans-
25 action.

1 “(cc) Each State shall offer
2 households the ability, through each
3 user interface offered under subclause
4 (I), to report a fraudulent transaction
5 to the State.

6 “(dd) A State shall not require a
7 household to respond to or acknowl-
8 edge a notice of transaction delivered
9 pursuant to item (aa)(AA).

10 “(ee) A State shall notify any
11 household that has reported an in-
12 stance of EBT card skimming or
13 fraud, or is otherwise identified as
14 being a victim of EBT card skimming
15 or fraud, of any State or Federal
16 funds that may be reimbursed if the
17 household experiences fraud again.

18 “(III) Each State shall provide
19 households issued an EBT card the
20 ability, through each user interface of-
21 fered under subclause (I) to check the
22 enrollment status of the household, in-
23 cluding the date on which the house-
24 hold is required to apply for recertifi-
25 cation.

1 “(IV) 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 “(V) Not later than 4 years after
7 the date on which the regulations pro-
8 mulgated pursuant to clause (i) be-
9 come final, States may not issue new
10 EBT cards with magnetic stripes.

11 “(VI) 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 “(VII) In the case of a chip-en-
20 abled EBT card reissued pursuant to
21 any of subclauses (IV) through (VI),
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) 60 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, except EBT cards
15 issued to victims of a disaster pursuant to
16 section 5(h) or solely for benefits under the
17 summer electronic benefits transfer for
18 children program established under section
19 13A of the Richard B. Russell National
20 School Lunch Act (42 U.S.C. 1762),
21 issued during the 5-year period following
22 the deadline for carrying out clause
23 (ii)(VI) shall be chip-enabled, unless the
24 Secretary extends that period.

1 “(iv) RULE OF CONSTRUCTION.—The
2 cybersecurity and digital service regula-
3 tions described in clause (i) shall supersede
4 any regulations promulgated under para-
5 graph (2) of section 501(a) of division HH
6 of the Consolidated Appropriations Act,
7 2023 (7 U.S.C. 2016a(a)) (as in effect on
8 the day before the date of enactment of the
9 Enhanced Cybersecurity for SNAP Act of
10 2026).

11 “(C) REIMBURSEMENTS.—Each State up-
12 grading EBT cards to comply with the regula-
13 tions promulgated under subparagraph (B)(i)
14 shall receive reimbursement from the Secretary
15 in an amount determined by the Secretary to
16 cover all reasonable costs incurred by the State,
17 including—

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

20 “(ii) the additional annual fees associ-
21 ated with chip-enabled cards paid by
22 States to card vendors; and

23 “(iii) postage or other delivery-related
24 costs.

“(D) PROHIBITION ON PASSWORD AND PIN REQUIREMENTS INCONSISTENT WITH FEDERAL CYBERSECURITY STANDARDS.—Beginning 60 days after the date of enactment of this paragraph, a State agency may not require, with respect to a PIN for use of an EBT card or a password for access to an online account or mobile application managing the EBT card—

“(i) that the PIN or password be periodically changed in circumstances that are prohibited by the NIST PIN and password standards; or

“(ii) that the password meet complexity requirements that are prohibited by the NIST PIN and password standards.

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

“(i) DEFINITIONS.—In this subparagraph:

“(I) ADMINISTERING ENTITY.—

The term ‘administering entity’ means an entity awarded a grant under clause (ii) to provide subgrants to eligible entities.

1 “(II) ELIGIBLE ENTITY.—The
2 term ‘eligible entity’ means—

3 “(aa) an entity described in
4 paragraph (1) or (3) of section
5 3(o) that—

6 “(AA) is authorized to
7 participate in the supple-
8 mental nutrition assistance
9 program under section 9;

10 “(BB) does not have
11 payment terminals that ac-
12 cept chip-enabled EBT
13 cards; and

14 “(CC) is located in an
15 area with limited grocery ac-
16 cess, as determined by the
17 Secretary; and

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

23 “(ii) GRANTS.—The Secretary shall
24 establish a grant program to award a
25 grant to an administering entity to provide

1 subgrants to eligible entities to upgrade to
2 chip-compatible payment terminals that
3 support contact and contactless payment
4 card technology.

5 “(F) DATA COLLECTION.—The Secretary
6 shall—

7 “(i) collect, and publish on the website
8 of the Department of Agriculture, data
9 on—

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

16 “(II) cybersecurity measures
17 adopted for EBT cards in each State;
18 and

19 “(ii) maintain and annually update
20 the data collected under clause (i) to sup-
21 port States in implementing any regula-
22 tions promulgated pursuant to subpara-
23 graph (B)(i).

24 “(G) PUBLIC REPORT.—

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

12 “(I) identifies trends relating to
13 the theft of benefits, including the fre-
14 quency of theft of benefits, the loca-
15 tions at which EBT cards are com-
16 promised, and the method by which
17 EBT cards are compromised;

18 “(II) evaluates the effectiveness
19 of existing cybersecurity regulations
20 for the supplemental nutrition assist-
21 ance program, including identifying
22 ineffective measures and the compli-
23 ance burden borne by individual ben-
24 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 and any identifying merchant informa-
18 tion.”.

19 **SEC. 3. ONLINE TRANSACTION SECURITY.**

20 Section 7(h) of the Food and Nutrition Act of 2008
21 (7 U.S.C. 2016(h)) (as amended by section 2) is amended
22 by adding at the end the following:

23 “(16) ONLINE TRANSACTION SECURITY.—

24 “(A) IN GENERAL.—In promulgating and
25 updating, as necessary, the regulations under

1 paragraph (15)(B)(i), the Secretary shall, with
2 respect to online transactions using EBT cards
3 (or any successor financial product used for a
4 substantially similar purpose)—

5 “(i) require security measures that—

6 “(I) are effective in detecting and
7 preventing theft of benefits through
8 online transactions, including the
9 theft of data from online merchants
10 that may compromise the ability of a
11 household to use benefits in trans-
12 actions with other merchants, either
13 online or in-person; and

14 “(II) prevent sensitive data from
15 being stolen during online trans-
16 actions and securely manage sensitive
17 data generated by online transactions,
18 including through cybersecurity en-
19 hancements for online retailers;

20 “(ii) establish standard reporting
21 methods for States to collect and share
22 data with the Secretary on the scope of
23 benefits and data being stolen through on-
24 line transactions; and

1 “(iii) in carrying out clauses (i) and
 2 (ii), take into consideration the feasibility
 3 of cost, availability, and implementation
 4 for States.

5 “(B) CONSULTATION.—In carrying out
 6 subparagraph (A), the Secretary shall consult
 7 with the Director of the Administration for
 8 Children and Families, the Attorney General of
 9 the United States, State agencies, retail food
 10 stores, and EBT contractors—

11 “(i) on the measures, methods, and
 12 considerations under that subparagraph;
 13 and

14 “(ii) to determine—

15 “(I) how benefits are being stolen
 16 and sensitive data is being com-
 17 promised through online transactions;
 18 and

19 “(II) how those stolen benefits
 20 and data are being used.

21 “(C) REPORT.—

22 “(i) IN GENERAL.—Not later than 3
 23 years after the date of enactment of this
 24 paragraph, and every 2 years thereafter,
 25 the Secretary shall submit to the Com-

mittee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report that includes—

“(I) to the maximum extent practicable, information on the frequency of theft of benefits, the number of reported thefts from online transactions, the amount of benefits stolen through online transactions, and the online retailers most commonly compromised;

“(II) a description of the measures and methods developed, and considerations taken, under subparagraph (A);

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

“(IV) recommendations on how to consistently detect, track, report, and prevent theft of benefits, including the theft of data described in subparagraph (A)(i)(I).

“(ii) CONFIDENTIAL ANNEX.—The report under clause (i) may include a non-publicly available confidential annex con-

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

3 **SEC. 4. ENSURING NO LOSS OF ACCESS TO BENEFITS DUE**
 4 **TO EBT CARD DAMAGE, LOSS, OR FRAUD.**

5 Section 7(h)(7) of the Food and Nutrition Act of
 6 2008 (7 U.S.C. 2016(h)(7)) is amended—

7 (1) by striking “Regulations” and inserting the
 8 following:

9 “(A) IN GENERAL.—Regulations”; and

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

11 “(B) ENSURING NO LOSS OF ACCESS TO
 12 BENEFITS DUE TO EBT CARD DAMAGE, LOSS,
 13 OR FRAUD.—Not later than 180 days after the
 14 date of enactment of the Enhanced Cybersecu-
 15 rity for SNAP Act of 2026, the Secretary shall
 16 promulgate regulations requiring the following:

17 “(i) If an EBT card is damaged, no
 18 longer functions properly, is stolen, or is
 19 frozen due to fraud, the applicable State
 20 shall take the necessary steps to ensure
 21 that the household receives a replacement
 22 card, either by mail or in person, as se-
 23 lected by the household, not later than 3
 24 business days after the household submits

1 to the State a request for a replacement
2 EBT card.

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

6 **SEC. 5. NO REPLACEMENT FEES FOR CERTAIN EBT CARDS.**

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

9 (1) by striking “A State agency” and inserting
10 the following:

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

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

14 “(ii) EXCEPTIONS.—Beginning 60
15 days after the date of enactment of the
16 Enhanced Cybersecurity for SNAP Act of
17 2026, a State agency may not collect a
18 charge under clause (i) if the replacement
19 of the EBT card is due to—

20 “(I) the EBT card malfunc-
21 tioning;

22 “(II) suspected or reported fraud
23 relating to that EBT card by an indi-
24 vidual outside of the household to
25 which the EBT card belongs;

1 “(III) the expiration of the EBT
 2 card; or
 3 “(IV) required replacement of the
 4 EBT card in compliance with regula-
 5 tions promulgated pursuant to para-
 6 graph (15)(B).”.

7 **SEC. 6. REQUIREMENT FOR RETAILER USE OF CHIP-EN-**
 8 **ABLED PAYMENT TERMINALS AS A CONDI-**
 9 **TION OF SNAP PARTICIPATION.**

10 Section 9(a) of the Food and Nutrition Act of 2008
 11 (7 U.S.C. 2018(a)) is amended—

12 (1) in paragraph (2)—

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

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

16 (B) by indenting the margins of subpara-
 17 graphs (A) and (B) appropriately;

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

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

21 “(5) CHIP-ENABLED PAYMENT TERMINALS.—

22 Beginning not later than 180 days after the date on
 23 which the regulations promulgated pursuant to sec-
 24 tion 7(h)(15)(B)(i) become final, the Secretary shall
 25 require retail food stores and wholesale food con-

cerns seeking authorization or reauthorization to accept and redeem benefits under the supplemental nutrition assistance program to have a chip-enabled (as defined in section 7(h)(15)(A)) payment terminal at each retail location of the retail food store or wholesale food concern.”.

SEC. 7. REPORT ON EBT CARDS ISSUED IN PUERTO RICO.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committees on Appropriations and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Appropriations and Agriculture of the House of Representatives, and make publicly available on the website of the Department of Agriculture, a report on the security of EBT cards (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) issued in the Commonwealth of Puerto Rico, including—

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

(2) if appropriate, recommendations for improving the security of the electronic benefit transfer system against EBT card cloning-based fraud.

(b) RESTRICTED ANNEX.—The report under subsection (a) may include a nonpublicly available annex con-

1 taining classified or law enforcement-sensitive informa-
 2 tion.

3 **SEC. 8. CONFORMING AMENDMENTS.**

4 Section 501 of division HH of the Consolidated Ap-
 5 propriations Act, 2023 (7 U.S.C. 2016a), is amended—

6 (1) in subsection (a)—

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

8 (B) by redesignating paragraphs (3)
 9 through (5) as paragraphs (1) through (3), re-
 10 spectively; and

11 (C) in paragraph (3) (as so redesign-
 12 nated)—

13 (i) in subparagraph (B), by adding
 14 “and” at the end;

15 (ii) by striking subparagraph (C); and

16 (iii) by redesignating subparagraph

17 (D) as subparagraph (C); and

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A)(vi), by strik-
 21 ing “measures” and all that follows
 22 through “(a)(1)” and inserting “meas-
 23 ures”;

24 (ii) in subparagraph (B), by adding
 25 “and” at the end;

- 1 (iii) in subparagraph (C), by striking
2 “and” at the end; and
3 (iv) by striking subparagraph (D);
4 and
5 (B) in paragraph (3), by striking “sub-
6 section (a)(3)” and inserting “subsection
7 (a)(1)”.

○