

# United States Senate

WASHINGTON, DC 20510

December 16, 2024

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

Dear Secretary Vilsack:

We write to urge the U.S. Department of Agriculture (USDA) to swiftly finalize and release its Proposed Rule to enhance Electronic Benefit Transfer (EBT) card security measures, as required by Division HH, Title IV, Section 501(a)(2) of the Consolidated Appropriations Act of 2023 (P.L. 117-328).

Regulations for Supplemental Nutrition Assistance Program (SNAP) cybersecurity have not been updated since 2010. The USDA should act with urgency to require state-issued benefit cards to be protected by industry-standard payment security defenses to protect users against card skimming, card cloning, and other similar fraudulent means. Such defenses have already been widely adopted by both the private sector and throughout the Executive Branch.

Stolen benefit data reported by the USDA shows that the federal government has repaid more than \$150 million to victims of SNAP theft and fraud between fiscal years 2023 and 2024. Given that this reported data only starts in 2023, does not include the efforts of some states to compensate victims of SNAP theft and fraud without federal funds, and does not include data for victims who are not reporting, the real cost to families is likely much higher than that. Despite interim measures to replace stolen benefits through temporary authorizations, long-term solutions are necessary to ensure the integrity and reliability of SNAP. Additionally, any potential extension of this temporary repayment authority is uncertain, further demonstrating the need for the USDA to prioritize immediate action to update the security requirements for EBT cards.

The USDA's recent recommendation encouraging states to transition to EBT cards with EMV chip technology represents a step in the right direction. Chip cards, which align with industry standards, offer enhanced protections against unauthorized access and skimming. The transition has already begun in some states, such as California and Oklahoma, and provides a scalable model for nationwide implementation.

However, it is worth noting that even the private sector's adoption of EMV chip-based cards has not completely eliminated payment fraud. One major reason for this is that cards are often required by financial institutions to have both the more-secure EMV chip and the older, insecure magstripe, primarily to continue to support merchants that have yet to upgrade their payment

terminals. This backward compatibility comes at a price, as fraudsters are still able to clone cards that feature both EMV chips and magstrips. As more and more merchants upgrade their payment terminals, the value of this flexibility is outweighed by the continued fraud it enables. That is why companies such as Mastercard have already announced plans to retire this technology in the near future.

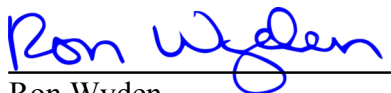
While the innovation of the private sector and the leadership of certain states in this space is commendable, the urgency of this issue demands a concerted federal effort. Replacing stolen benefits, while critical, is not a sustainable solution. Rapidly issuing the proposed rule to modernize EBT technology will reduce fraud, enhance consumer protections, and ultimately save taxpayer dollars. Specifically, USDA should remove the requirement that SNAP cards include outdated and insecure magnetic stripes, require the inclusion of EMV chips, and set an aggressive timetable – within the next couple years – for states to stop issuing cards that feature magnetic stripes. These changes are necessary to protect important resources to maintain the health and wellness of millions of families and households nationwide.

Additionally, we urge the USDA to incorporate to the greatest extent possible the financial data protection rights put forth by the Consumer Financial Protection Bureau (CFPB) in its Section 1033 rulemaking by extending as many of those rights as possible to EBT accounts. This includes requirements to make consumer's data available upon request to consumers and authorized third parties in a secure and reliable manner; defining obligations for third parties accessing consumer data, including important privacy protections; and promoting fair, open, and inclusive industry standards. Americans who receive benefits through EBT desire and deserve a modern consumer experience, including the ability to use digital services that enable them to leverage their data for their own benefit, including budgeting, spend-tracking, and planning for their financial futures.

We urge the USDA to prioritize this rulemaking process, allocate necessary resources, and provide states with the guidance and support needed to accelerate the implementation of enhanced SNAP cybersecurity and data privacy measures. Protecting the food and data security of low-income families is a shared responsibility, and this modernization is a vital step toward ensuring their benefits and information are secure.

We appreciate your attention to this important matter.

Sincerely,



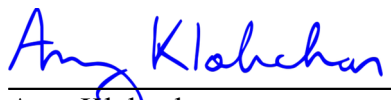
---

Ron Wyden  
United States Senator



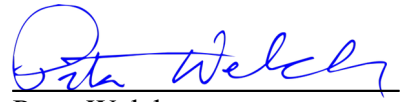
---

John Fetterman  
United States Senator



---

Amy Klobuchar  
United States Senator



---

Peter Welch  
United States Senator



---

Kirsten Gillibrand  
United States Senator



---

Elizabeth Warren  
United States Senator