
7 U.S. Code § 2016a

EBT benefit fraud prevention

(a) Guidance; rulemaking

The Secretary shall—

- (1) issue guidance to State agencies, on an ongoing basis, as informed by the process outlined in paragraph (4), that describes security measures that—
 - (A) are effective, as determined by the Secretary, in detecting and preventing theft of benefits, including through card skimming, card cloning, and other similar fraudulent methods;
 - (B) are consistent with industry standards for detecting, identifying, and preventing debit and credit card skimming, card cloning, and other similar fraudulent methods; and
 - (C) consider the feasibility of cost, availability, and implementation for States;
- (2) promulgate regulations through notice-and-comment rulemaking to require State agencies to take the security measures described in the guidance issued under paragraph (1);
- (3) not later than December 1, 2023, promulgate regulations (including an interim final rule) to require State agencies to implement procedures for the replacement of benefits consistent with subsection (b);
- (4) coordinate with the Administrator of the Administration for Children and Families of the Department of Health and Human Services, the Attorney General of the United States, State agencies, retail food stores, and EBT contractors—
 - (A) to determine—
 - (i) how benefits are being stolen through card skimming, card cloning, and other similar fraudulent methods;
 - (ii) how those stolen benefits are used; and
 - (iii) to the maximum extent practicable, the locations where card skimming, card cloning, and other similar fraudulent methods are taking place;
 - (B) to establish measures, including equipment enhancements for retail food stores, to prevent benefits from being stolen through card skimming, card cloning, and other similar fraudulent methods; and
 - (C) to establish standard reporting methods for States to collect and share data with the Secretary on the scope of benefits being stolen through card skimming, card cloning, and other similar fraudulent methods; and

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)