



COUNCIL OF THE DISTRICT OF COLUMBIA
JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004

MATTHEW FRUMIN
Councilmember, Ward 3

COMMITTEE CHAIR
Human Services

COMMITTEE MEMBER
Executive Administration and Labor
Facilities
Housing

September 24, 2025

Nyasha Howard
Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20024

Dear Secretary Howard:

Today, along with Councilmembers Janeese Lewis George, Brianne K. Nadeau, Zachary Parker, Charles Allen, Christina Henderson, Brooke Pinto, Robert C. White, Jr., and Anita Bonds, I am introducing the Public Benefits Security Amendment Act of 2025. This legislation reduces public benefits theft by requiring the Department of Human Services (DHS) to transition away from magnetic stripe (swipe) electronic benefit transfer (EBT) cards to more secure, microchipped EBT cards and to restore the public assistance of residents whose benefits are stolen.

Benefits theft annually deprives the District's most vulnerable residents of millions of dollars in assistance. In Fiscal Year (FY) 2024 alone, District residents reported 5,198 cases of stolen Supplemental Nutrition Assistance Program (SNAP) benefits,¹ representing more than \$2,152,000 in stolen assistance.² My office has responded to requests for help from residents across the District who had to skip meals, spend hours traveling to churches for food, and cobble together what support they could from family and friends while they waited for their benefits to be restored. This is unacceptable, especially as there are proven, cost-effective solutions to prevent theft.

DHS currently issues both cash assistance (Temporary Assistance for Needy Families, or TANF) and SNAP benefits to residents on swipe cards. These cards are susceptible to "skimming" by thieves who place devices inside point-of-sale terminals to capture card data and then use that data to make unauthorized transactions.³ While federal law limits the liability of commercial debit card users for unauthorized purchases, EBT card users do not benefit from the same protection, and federal law does not require states to restore

¹ United States Department of Agriculture, *SNAP Replacement of Stolen Benefits Dashboard*, FNS.USDA.GOV (2025), <https://www.fns.usda.gov/data-research/data-visualization/snap-replacement-stolen-benefits-dashboard>.

² *Id.*

³ Randy Alison Aussenberg & Gene Falk, Congressional Research Service, *Supplemental Nutrition Assistance Program (SNAP): Benefit Theft Through Electronic Benefit Card Skimming*, CONGRESS.GOV (Jan. 7, 2025), <https://www.congress.gov/crs-product/IN12419>.



stolen benefits. Victims are left to rely on the goodwill of states that choose to fund the restoration of benefits.

DHS could prevent most theft by transitioning away from unsecure swipe cards to microchipped EMV cards, which generate a one-time code for each transaction. Because each EMV card transaction generates a new code, any data collected by a prospective thief could not be used to copy the card or make unauthorized transactions using stolen data. The Food Research & Action Center projects that states that attach this additional layer of security to their EBT cards could reduce benefit theft by 90 percent.⁴

This legislation requires the District to join the increasing number of states that have implemented EMV technology. California has already issued chipped EBT cards to SNAP participants, and Oklahoma, Alabama, New Jersey, and Maryland are transitioning to chip cards.⁵ Under this bill, DHS would have until October 1, 2027, a full fiscal year, to complete the transition to chips and educate retailers and SNAP and TANF participants on the change. A delayed transition also gives the Mayor and Council the opportunity to consider funding this legislation in the budget for FY27, the fiscal year during which DHS would be working to replace its EBT cards before the October 1, 2027 deadline.

Transitioning to EMV chips, however, will not prevent every unauthorized transaction. Residents whose EBT cards are physically stolen will still need a remedy. A federal law requiring the Department of Agriculture to reimburse states for the cost of restoring stolen SNAP benefits expired on December 20, 2024.⁶ While DHS has continued to restore stolen benefits, the FY26 budget does not include funds to continue this practice, and District law does not require the agency to replace stolen assistance. This legislation would require DHS to restore stolen benefits and, subject to appropriations, provide sufficient funds for DHS to keep making residents whole. To ensure this requirement does not impose an increasing cost pressure on DHS, this legislation delays the reimbursement requirement until the agency transitions to EMV chips, after which the amount of stolen benefits is projected to be significantly lower.

I look forward to continuing to work with my colleagues, DHS, and District residents to make the administration of public benefits as secure and efficient as possible. Should you have any questions about this legislation, please contact my Committee Director, Dan Passon, at dpasson@dccouncil.gov.

Sincerely,



Councilmember Matthew Frumin, Ward 3
Chair, Committee on Human Services

⁴ Salaam Bhatti, *Replacement Benefits for SNAP Victims Should be Permanent*, FOOD RESEARCH & ACTION CENTER (2025), <https://frac.org/blog/replacement-benefits-for-snap-theft-victims-should-be-permanent>.

⁵ United States Department of Agriculture, *SNAP EBT Modernization*, FNS.USDA.GOV (2025), <https://www.fns.usda.gov/snap/ebt/modernization>.

⁶ Cathy Buhrig, Associate Administrator, Supplemental Nutrition Assistance Program, *SNAP Sunset of Replacement of Stolen Benefits Plans*, FNS.USDA.GOV (Dec. 23, 2024), <https://www.fns.usda.gov/snap/sunset-stolen-benefits-replacement-plan>.



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4 Councilmember Janeese Lewis George

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8 Councilmember Zachary Parker

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Councilmember Matthew Frumin



Councilmember Brianne K. Nadeau



Councilmember Charles Allen



Councilmember Brooke Pinto



Councilmember Anita Bonds

22
23 A BILL

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27 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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32 To require the Department of Human Services to issue electronic benefit transfer cards with theft
33 prevention technology and to restore public assistance lost due to theft.

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35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 act may be cited as the “Public Benefits Security Amendment Act of 2025”.

37 Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982
38 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

39 (a) Section 101 is amended as follows:

40 (1) Paragraph (3A) is renumbered as paragraph (3C).

(2) New paragraphs (3A) and (3B) are added to read as follows:

“(3A) “Electronic benefit transfer card,” or “EBT card,” means a method to access public assistance issued to a recipient or a recipient’s authorized representative through an electronic payments system.

“(3B) “EMV technology” means the integration in a method of payment of a microchip that generates a dynamic, one-time-use code for each payment transaction.”.

(3) A new paragraph (10a) is added to read as follows:

“(10a) “Theft” shall have the same meaning as in section 111 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3211).”.

(b) New sections 582 and 583 are added to read as follows:

“Sec. 582. Prevention of theft of electronically transferred benefits.

“(a) By October 1, 2027, the Department shall issue, to all recipients receiving public assistance through electronic benefit transfer cards, updated EBT cards that incorporate EMV technology.

“(b) The Department shall seek reimbursement for the costs of transitioning to the use of EMV technology from the Food and Nutrition Service of the Department of Agriculture to the fullest extent permissible under federal law.

“Sec. 583. Reimbursement for theft of electronically transferred benefits.

“(a)(1) If an investigation by the Department shows a recipient’s correctly issued public assistance was lost due to theft within the two years preceding the recipient’s informing the Department of the theft, the Department shall restore the public assistance lost due to theft.

63 “(2) For the purposes of this subsection, public assistance is “correctly issued” if
64 the amount of, and the recipient’s eligibility for, public assistance were accurately calculated under
65 applicable law.

66 “(b) Not later than 10 days after a recipient informs the Department of the loss of public
67 assistance due to theft, the Department shall:

68 “(1) If the Department determines that the recipient lost public assistance due to
69 theft, restore public assistance to the recipient in the amount that was lost;

70 “(2) If the Department determines that the recipient lost public assistance due to
71 theft, provide the recipient with a new electronic benefit transfer card; and

72 “(3) Notify the recipient in writing of:

73 “(A) The Department’s decision whether to restore public assistance;

74 “(B) The amount of public assistance to be restored, if any; and

75 “(C) If the Department finds that public assistance was not lost due to theft,
76 or if the Department restores less in public assistance than the recipient alleged was lost due to
77 theft:

78 “(I) The specific reasons and legal authority for the Department’s
79 decision;

80 “(II) The recipient’s right to a fair hearing on the Department’s
81 decision;

82 “(III) The method for requesting a fair hearing;

83 “(IV) The right to representation in a fair hearing; and

84 “(V) The availability of, and means of contacting, free legal counsel.

85 “(c) The Department may not:

86 “(1) Require a recipient to provide a police report as a condition of the restoration
87 of public assistance; or

88 “(2) Limit the number of months in which a recipient can receive restoration of
89 public assistance lost due to theft.

90 “(d) If a recipient disputes the amount of public assistance restored under subsection (a) or
91 the Department’s determination that no restoration is due, the recipient may request a fair hearing
92 within 90 days of the date of the Department’s determination.

93 “(e) If a recipient requests a fair hearing under subsection (d), the Department shall restore
94 the benefits to which the recipient claims entitlement while the fair hearing is pending.

95 “(f) If a fair hearing is unfavorable to the recipient, any benefits incorrectly restored under
96 subsection (d) may be recovered by the Department by reducing the recipient’s future public
97 assistance at a rate that may not exceed the lesser of \$10 or 5% of the recipient’s monthly public
98 assistance until the Department is compensated for the full amount of the incorrectly restored
99 public assistance.

100 “(g) This section shall apply as of October 1, 2027. Nothing in this section shall be
101 construed to limit the Department’s ability to restore public assistance lost due to theft before
102 October 1, 2027.”.

103 Sec. 3. Fiscal impact statement.

104 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
105 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
106 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

107 Sec. 4. Effective date.

108 This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor,

109 action by the Council to override the veto) and a 30-day period of congressional review as provided
110 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
111 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).