

118TH CONGRESS
1ST SESSION

S. 2449

To amend the Food and Nutrition Act of 2008 to make permanent the moratorium on benefit transaction fees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2023

Mr. LUJÁN (for himself and Mr. WELCH) 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 make permanent the moratorium on benefit transaction fees, 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 “Ensuring Fee-Free
5 Benefit Transactions Act of 2023”.

6 **SEC. 2. FEE-FREE BENEFIT TRANSACTIONS.**

7 (a) IN GENERAL.—Section 7 of the Food and Nutri-
8 tion Act of 2008 (7 U.S.C. 2016) is amended—

1 (1) in subsection (d), by striking the period at
 2 the end and inserting “, including completeness of
 3 fraud protection and fraud prevention tools and cov-
 4 erage of infrastructure costs.”;

5 (2) in subsection (f)(5)(B)(ii)—

6 (A) by striking “shall consider” and insert-
 7 ing the following: “shall—

8 “(I) consider”;

9 (B) in subclause (I) (as so designated), by
 10 striking the period at the end and inserting “;
 11 and”; and

12 (C) by adding at the end the following:

13 “(II) require State agencies to
 14 review existing technology and con-
 15 tract requirements during each con-
 16 tracting period to ensure that EBT
 17 technology reflects commercial stand-
 18 ards to ensure security of benefits.”;
 19 and

20 (3) in subsection (h)(13), by striking subpara-
 21 graph (B) and inserting the following:

22 “(B) OTHER FEES.—No State, or any
 23 agent, contractor, or subcontractor of a State
 24 who facilitates the provision of supplemental

1 nutrition assistance program benefits in that
 2 State, may impose a fee for—

3 “(i) switching (as defined in sub-
 4 section (j)(1)) or routing those benefits;

5 “(ii) costs to implement subsections
 6 (d) and (f)(5)(B); or

7 “(iii) other costs associated with up-
 8 dating the EBT processing infrastruc-
 9 ture.”.

10 (b) RULE OF CONSTRUCTION.—Nothing in the
 11 amendments made by subsection (a) shall modify or affect
 12 the provisions of title IV of division HH of the Consolida-
 13 tion Appropriations Act, 2023 (Public Law 117–328), or
 14 any agency action taken pursuant to those provisions.

15 **SEC. 3. EFFECTIVE DATE.**

16 This Act and the amendments made by this Act shall
 17 take effect on October 1, 2023.

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