



# CCWRO Welfare News

## March 2025 Edition

#2025-02

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## Federal News In Brief:

### Donald Trump and the Possibility of a Third Presidential Term

On Saturday, March 29, 2025, on a call with [NBC News](#), President Donald Trump said he was not ruling out the possibility of seeking a third term as President, that there was a method for doing so, and that he was “not joking.” Trump told NBC news that, “A lot of people want me to do it...But, I mean, I basically tell them we have a long way to go, you know, it’s very early in the administration.” NBC reports that when asked whether he has been presented with plans to allow him a third term, Trump said, “There are methods which you could do it.” NBC asked if one possible scenario would be for Vice President JD Vance to run for office and then pass the role to Trump, Trump said, “that’s one” method, “but there are others, too.” According to NPR, on Sunday, on Air Force One, when Trump was asked whether he planned to leave the White House after his second term ends on January 20, 2029, he declined to confirm that he will depart.

Section 1 of the 22nd Amendment to the U.S. Constitution states:

“No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.”

So, it is clear the 22nd Amendment, ratified in 1951, only allows for two elected terms of the same individual. NBC reports that amending the Constitution to abolish the two-term limit would be very difficult and would require either a  $\frac{2}{3}$  vote of Congress (both House and Senate) or  $\frac{2}{3}$  of the states to agree to call a constitutional convention to propose changes. Either route would then require ratification from three-quarters of the states within seven years from the date of submission to Congress.

In the March 31, 2025 article in which NPR interviewed spoke to William Baude, a professor who leads the Constitutional Law Institute at the University of Chicago Law School, who said, “there is no wiggle room” on the rule of law that a president cannot be elected more than twice. He said he does not think any serious person would interpret that otherwise.

NBC News further reports that Representative Andy Ogles (R-Tenn) crafted H.J. Res. 29 proposing to extend presidential term limits to three, which could facilitate Trump in seeking another term in office.

<https://www.va.gov/homeless/housing.asp>

The language of joint resolution states, “This joint resolution proposes a constitutional amendment specifying that no person shall be elected to the office of the President (1) more than three times, (2) for any additional term after being elected to two consecutive terms or, (3) more than twice after having served

more than twice after having served as President for more than two years of a term to which some other person was elected President.” As of March 31, there are no cosponsors for this resolution.

In addition, it’s worth noting that Representative Ogles has three resolutions he has introduced to impeach different federal judges and remove them from their positions. One of the resolutions, [H.Res.246](#) seeks to remove Judge Theodore Chuang.

The resolution states, “Judge Chuang, in his memorandum opinion on March 18, 2025, related to the case J. Does v. Elon Musk, et al., issued a preliminary injunction ordering, among other things, the government “to reinstate access to email, payments, security notifications, and other electronic systems, including restoring deleted emails, for current USAID employees and PSCs”. PSCs are Personal Services Contractors, or an individual who enters into a contract that generally establishes an employee-employer relationship whereby they provide specialized expertise for USAID projects. “In issuing a temporary restraining order requiring provision of systems access to these employees and PSCs, Judge Chuang has without merit marginalized the President’s Article II authority, which vests the power to conduct foreign policy in the President of the United States. This patent violation of the separation of powers—which prevents the President from responding to threats to our national security posed by USAID employees who have, among other things, disbursed funds to organizations linked to Foreign Terrorist Organizations—is entirely inconsistent with serving the United States as a district court judge.”

While it is clear that Trump cannot be elected to the Presidency a third time, there is a possibility that has previously been floated in past presidencies, whereby the current President could become Vice President in a future election, and should the President die or resign, the former President could assume the role of the Acting President. This option might not be precluded per the argument because here, the third term would not occur due to an election. More information about this can be found in the March 31, 2025 NPR article.

The 12th Amendment lays out the process for deciding a President and Vice President. At the very end of the 12th Amendment is one sentence that states, “But no person constitutionally ineligible to the office of the President shall be eligible to that of the Vice President of the United States.” That portion of the 12th amendment may come into play in the analysis as well.

NBC News did not mention other methods of getting to a third Presidential term for Donald Trump.

## Health and Human Services Agency Announces Major Restructuring, including to the Administration for Community Living, and Another Tsunami of Lays Offs

On March 27, 2025, the U.S. Department of Health and Human Services (HHS) announced major restructuring, downsizing, and shift of focus via a press release, stating that the actions are in accordance with the “Implementing the President’s Department of Government Efficiency Workforce Optimization Initiative.” The press release asserts that the actions will reduce the workforce by 10,000 full time employees and save \$1.8 billion, in addition to other actions taken by the administration,.e.g., early retirement, HHS employees will be reduced from 82,000 to 62,000 full time workers.

The current 28 divisions within HHS will be consolidated into 15 new divisions, including a new Administration for Healthy America (AHA), which will centralize core functions such as Human Resources, Information Technology, Procurement, External Affairs, and Policy. Regional offices will be reduced from 10 to 5.

According to the HHS press release:

- The Administration for Community Living (ACL), which supports older adults and people with disabilities will be integrated into other HHS agencies, including the Administration for Children and Families (ACF), Assistant Secretary for Planning and Evaluation (ASPE), and the Centers for Medicare and Medicaid Services (CMS).

- HHS will merge the Assistant Secretary for ASPE with the Agency for Healthcare Research and Quality (AHRQ) to create the Office of Strategy. ASPE evaluates long-term care needs and aging services programs. AHRQ conducts research in patient safety and quality, raising concerns and promoting best practice solutions. (AHRQ was already targeted for deep cuts).
- A new Assistant Secretary for Enforcement will be created to oversee the Department Appeal Board (DAB), Office of Medicare Hearings and Appeals (OMHA), and the Office of Civil Rights.
- The Administration for Strategic Preparedness and Response (ASPR), responsible for national disaster and public health emergency response, will transfer to the Center for Disease Control.

The press release said that the Trump administration will focus on ending “America’s epidemic of chronic illness by focusing on safe, wholesome food, clean water, and the elimination of environmental toxins” and that those priorities will be reflected in the reorganization of HHS.

MarketWatch interviewed Alison Barkoff, who was in charge of ACL from 2021 to 2024. “Dozens of millions of older adults and people with disabilities may not know the name ACL, but they know senior centers and Meals on Wheels and programs that touch their lives every day,” said Barkoff. “This does not save money. It does not make HHS more lean.” She shared that the ACL’s budget was \$2.5 billion and the total HHS budget is \$17 trillion.

Howard Gleckman at Forbes reports that Kathleen Selius created the ACL in 2012 by merging the Administration on Aging, the Office of Disability, and the Administration on Developmental Disabilities into a single unit, to “support people living independently at home, no matter the cause of their disability.”

Forbes also reports that earlier this year, 10% of ACL’s 200 person staff were fired under the probationary hiring framework, but that decision has been challenged in court.

MarketWatch also interviewed Richard Fiesta, Alliance for Retired Americans' executive director, who said that shuttering the ACL is harmful to the older population that President Donald Trump “purports to support.” In a press release, Fiesta said, “We love our seniors, but today’s drastic cuts at HHS reveal just how empty those words are. Slashing staff at HHS will do nothing to help Americans live longer, healthier lives. Even worse, dismantling the Administration for Community Living — an agency that provides assistance so seniors can stay in their homes, access medical care, and support essential programs like Meals on Wheels and local senior centers — is short-sighted and harmful to a secure quality of life.” He also said that these messages should send a clear and alarming message to older Americans: “You’re on your own.”

Jill Jacobs, a Biden-era commissioner of ACL’s Administration on Disabilities, was shocked to hear about the “restructuring.” “It’s not something that’s been on anyone's radar, not a conversation that anyone’s been having,” Jacobs said.

MarketWatch reports that in federal fiscal year 2022, the ACL provided more than 261 million meals to older adults, assistance with respite care to more than 1.5 million family caregivers, and independent-living services to nearly 250 people with disabilities. More than 2,5000 community based organizations were supported by the ACL.

MarketWatch reports that there are 65 million people aged 60 and older and nearly 57 million people with disabilities; and notes that the Social Security Administration is cutting 7,000 jobs – 12% of its workforce – while also closing offices and curtailing phone services for some groups of people. The “Department of Government Efficiency” is involved here as well as in many other agencies and spaces since this administration has taken office.

Forbes reports that disabilities programs may be put under the ACF umbrella. Forbes notes 1) that while Medicare staffers know about the health needs of seniors, and are familiar with long-term care and low-income people, CMS does not have background in social support for adults who have substantial needs but are not poor; 2) bringing an entire new set of responsibilities into CMS will likely not make funding for important services less efficient, not more.

On April 1, Politico reports that overnight, employees of the HHS lost their jobs because of the 10,000 layoff goal, and that cuts were hitting staff in the Food and Drug Administration, Center for Disease Control and Prevention, and National Institute of Health. The National Center for Chronic Disease Prevention and Health Promotion; the National Center for Injury Prevention and Control; the National Center for HIV, Viral Hepatitis, STD, and TB Prevention; the National Institute for Occupational Safety and Health; the Global Health Center; and the National Center on Birth Defects and Developmental Disabilities all faced layoffs. It is uncertain at this time how many people have been let go in the latest round of firings.

Many workers within HHS have been worried about the reduction in forces and many were told to expect notices last Friday or over the weekend. Politico reports about tensions between Elon Musk's push to downsize the federal government and leadership at HHS who felt left out of the decision-making, and that Secretary Kennedy supports Musk's efforts. Politico reports that senior civil leaders, as well as workers handling communications and worker safety to HIV prevention were being let go. Nearly every press officer at the Food and Drug Administration was let go. Axios, on April 1, reports that the plan is to lay off 3,500 employees at the Food and Drug Administration.

Politico reports that some people showed up to work on April 1 only to have their key cards not work. It is uncertain what arrangement, if any at all, has been made to transfer over work from those who are being laid off to those who remain at their jobs.

Robert Califf, a former FDA commissioner under the Obama and Biden administration, wrote the following on LinkedIn: "The FDA as we've known it is finished, with most of the leaders with the institutional knowledge and deep understanding of product development and safety no longer employed. I believe that history will see this as a huge mistake. I will be glad if I'm proven wrong, but even then there is no good reason to treat people this way."

Politico reports that the following people were let go in the latest round of HHS firings:

- Brian King, Director, Center for Tobacco Products, who worked to curtail youth from using e-cigarettes
- Sridhar Mantha, Director, FDA's Office of Strategic Programs

Update: On April 3, Secretary Kennedy told the press, “There are some programs that were cut that are being reinstated.” He said “All of the programs were not doing their jobs and there were tremendous redundancies. For example, we had over 100 communications departments, 40 procurement departments, we had dozens of IT departments and dozens of HR departments. Most of those cuts are to those administrative sections, which are now consolidating or eliminating the redundancies...in the course of that, there were a number of instances we are studying where cuts should not have been cut, were cut, and now we have reinstated that...personnel that should not have been cut were cut and now we are reinstating them. And that was always the plan.”

Despite what Secretary Kennedy said to the press on April 3, many uncertainties remain. It is uncertain how the press release will be effectuated. It is uncertain how ACL and other division duties will be split up amongst the entities mentioned in its restructure. It is uncertain if there is a plan in place or if the dismantling actions are driven by spontaneity of thoughts and ideas in a let’s try it and see what happens approach. Certainly, as Secretary Kennedy said, mistakes were made; but he also said that was always the plan. Planned mistakes....hmmmmm.

## Health and Human Services Elimination of Notice and Public Comment on Certain Rules – Part 2 Update

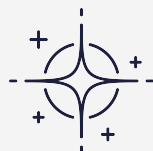
Last month, CCWRO reported that on March 3, 2025, the U.S. Department of Health and Human Services, under Robert F. Kennedy, published 90 FR 11029 in the Federal Register, putting forth a new policy that eliminates the need for notice and public comments under the Administrative Procedure Act (APA) for issuance of rules and regulations as outlined at 5 U.S.C. 553. See last month’s newsletter for more information, including about the Richardson Waiver.

The American Bar Association (ABA) states that with this change, HHS will now conduct notice-and-comment rulemaking only when legally required. The ABA states that advocacy groups warn that this shift may lead to regulatory changes without sufficient stakeholder engagement.

ReedSmith, a law firm publicly opined that it is possible that HHS is looking to avoid the Administrative Procedures Act challenges to rules involving grants and funding because of recent DOGE efforts to freeze funding and/or cancel contracts. ReedSmith further stated that if HHS does not have to obtain notice and comment on rules that impact the issuance of funding or contracts, it will be easier to achieve cuts that DOGE is seeking within HHS. ReedSmith said it was also possible that HHS is looking to change some Medicare payment methodologies as a way to save money or implement new policy shifts, but then noted that Section 1871 of the Medicare Act established notice and comment requirements for substantive legal change to Medicare payment policies. However, ReedSmith noted that Medicaid payment changes might be exempt from notice and comment going forward. ReedSmith also noted the \$880 billion in savings Congress is working on demands savings from Medicare, under the jurisdiction of the House Energy and Commerce Committee as a rationale for limiting comments to make it easier to make cuts, especially the ones that would be authorized via reduction in Congressional funding.

ReedSmith said it will be important to monitor upcoming HHS regulatory actions to determine if the end of the Richardson Waiver truly results in a flood of regulation without public participation or “if this was just a cleanup of a 54-year-old policy that will have little to no impact on the regulatory world.”

More legal analysis about when the new HHS policy and its legality can be found here, in an Opinion Editorial from Dorit Reiss, a professor at University of California College of Law, San Francisco.



## Public Service Loan Forgiveness Executive Order from President Trump, Part 2 Update

Last month, CCWRO reported that on March 7, President Donald Trump signed an executive order (EO) directing his education secretary to revise eligibility requirements for the Public Service Loan Forgiveness (PSLF) Program. PSLF forgives education debt held by people who work in government or certain nonprofits if they spend 120 months working full time for these sectors, while paying for their student loans, and enrolled in a specific repayment plan. The executive order requires the Secretary of Education, in coordination with the Secretary of Treasury, to propose revisions to 34 C.F.R. 685.219 to ensure that the definition of “public services” excludes organizations that are deemed to have a “substantial illegal purpose”.

Studentaid.gov is currently reporting that it is reviewing the recent EO regarding the PSLF Program. “There are no change to PSLF currently, and borrowers do not need to take any action.”

CCWRO reviewed the Education Secretary’s website and at this time, the education secretary, Linda McMahon, has not issued new regulations for the Public Service Loan Forgiveness Program just yet.

Student Borrower Protection Center notes that prior to the Biden-Harris Administration taking office, only 7,000 individuals benefitted from PSLF, and that 99 percent of public service requests were denied under prior Education Secretary, Betsy DeVos.



## The Department of Homeland Security is pushing the IRS to Turn Over Information about ITIN Filers, Part 2 Update

Last month, CCWRO reported that on February 28, Andrew Duehren of the New York Times, reported that the Department of Homeland Security (DHS) has pushed the Internal Revenue Service (IRS) to turn over the addresses of approximately 700,000 undocumented immigrants it is seeking to deport. The NY Times reported that this request could violate privacy law. At that time, the NY Times was reporting that the IRS had denied this request because of the legal concerns.

The Washington Post, on March 22, reports that the IRS is nearing an agreement to allow immigration officials to use tax data to confirm the names and addresses of people suspected of being in the country illegally. The Washington Post reports that the IRS initially refused the request, but newly installed acting IRS Commissioner, Melanie Krause, was interested in fulfilling the requisition without violating federal tax privacy laws.

Tom Bowman, of the Center for Democracy and Technology, said if approved, the agreement would mark a “complete betrayal of 30 years of the government telling immigrants to file their taxes.” Bowman said that the purpose would allow immigration authorities to locate people in the country and deport them more easily. Bowman said that federal tax privacy laws, particularly Section 6103 of the Internal Revenue Code, limits the disclosure of tax return information to protect taxpayer confidentiality, and while there are narrow exceptions for certain law enforcement purposes, immigration enforcement is not among them, raising serious legal questions about whether such data-sharing would even be permissible. Bowman said that any attempt to reinterpret these protections to justify disclosure will face legal challenges from advocacy groups, state governments, and members of Congress.

Bowman said that disclosing IRS records to DHS would broadly discourage tax compliance and that undocumented immigrants may stop filing their taxes altogether in an effort to protect themselves and their family members from deportation efforts. He said, U.S. citizens and legal residents in mixed-status households may avoid claiming undocumented dependents, or avoiding claiming certain tax credits.



## Counties Must Accept CalFresh Telephonic Signatures per WIC Section 18900.4 & ACL 22-20

On 9/24/24 Lake County requested a Policy Interpretation to CDSS asking if Lake County “.is required to include simple instructions for correcting errors on ALL electronic signed forms, or just the forms that were electronically assigned that contain information used to determine eligibility?”

On 12/24/24 CDSS responded by saying, “The CWD is required to provide the household with simple instructions for correcting or omissions for any county or state form signed electronically. As described in ACL 22-20, the CWD may accept electronic signatures, including telephonic signatures, for other county and state forms in addition to application and recertification form as long as they follow the electronic signature requirements listed in 7 CFR 273.2(c)(7). To adhere to those requirements, the CWD must send a printed copy of the information the household assented to along with simple instructions so that the household may review and correct the information as needed (ACIN I-60-13).”

It should be noted that although this policy interpretation implies that the CWD “may” accept telephonic signature, in reality ACL 22-20 implements Assembly Bill (AB) 135 (Chapter 85, Statutes of 2021. AB 135 adds Section 18900.4 to the California Welfare and Institutions Code (WIC) for CalFresh,

“(2) To fulfill the requirements of paragraph (1), counties may implement any method of electronic signature, including telephonic signature, in compliance with state and federal program requirements, that is supported by county business practices and available technology.””

WIC Section 18900.4 requires CWDs to provide CalFresh households with an option to complete an application and recertification interview by telephone and capture their signature via an electronic signature method, to the extent permitted under federal law.

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WIC Section 18900.4 requires CWDs to provide CalFresh households with an option to complete an application and recertification interview by telephone and capture their signature via an electronic signature method, to the extent permitted under federal law.

We ask CDSS to be more clear and correct in their replies to county welfare department questions. The clear answer here is, yes, the CWD is required to accept electronic signatures as laid out in ACL 22-20. Contrary to ACL 22-20, CDSS stated “...the CWD may accept electronic signatures..”. Using the word ‘may’ instead of ‘shall’ or ‘must’ in their response is harmful to California public benefit applicants and recipients as it creates confusion for the CWD’s, results in loss of potential benefits and leaves applicants and beneficiaries confused about their rights, which in this instance are very clear. CWD’s must accept electronic signatures



## New Chip/Tap EBT Card Rollout

By Heather Willoughby

The U.S. Department of Agriculture’s Food and Nutrition Service (FNS) reports that California began issuing SNAP EBT chip/tap cards to recipients in January. The new chip/tap EBT cards are being issued to prevent EBT skimming fraud and to reduce benefits theft. CDSS reports that more than 3.2 million chip and tap EBT cards are set to be distributed through June 2025.

These cards act like debit or credit cards and have the addition of a 3-digit card verification code on the back called the Card Security Code (CSC) or alternatively the Card Verification Value (CVV) to help protect purchases with online merchants. Make sure your address is up to date in BenefitsCal to make sure your new chip/tap card is promptly delivered!

This past week my new chip/tap Electronic Benefit Transfer (EBT) card came in the mail. The new EBT card doesn't need a pin reset, it operates with the same pin as the previous card, and should, in theory, be ready to use once received. CDSS reports that the old card will continue to be activated for up to 180 days after the new chip/tap card has been issued. I am excited for this newly added protection from thefts like skimming; and I understand such a massive overhaul is bound to have some kinks in the rollout.

**New Card Shows Error Message When Used and Does Not Process Transaction.** A cursory search on Reddit and feedback from users show that a few retailers are experiencing hiccups and cashiers seem to be getting up to speed on how to circumvent errors. Specifically, some CalFresh customers are having issues with the chip function when they tap or insert the card into the point-of-sale system. When this happens the transaction is not processed, resulting in customers not being able to make purchases with the new card. Anecdotally, and as reported by some people, the magic sequence seems to be: insert chip twice or three times until the error code switches to swipe or tap, at least for Trader Joe's. Another option is for recipients to continue to use their old cards to make purchases until the new card issues are sorted out.

**Not All Retailers Have Point-of-Sale Devices that Accept Chip/Tap Cards.** Some retailers may have not yet updated their point-of-sale machines to accommodate the new chip/tap technology on the new cards, in which case, use the magnetic strip. I was able to activate my card with just the tap feature at my local farmers market, which has brand new point-of-sale machines. FNS has provided guidance to retailers about what they should do to update their point-of-sale machine.

Use of New Card Resulted in My Transaction History Being Erased: After using my chip/tap card at the farmer's market, I came home, checked my BenefitsCal portal, and was shocked to see my EBT card transaction history had disappeared.

Purchase history

Filter Transactions

**\$49.30**  
BALANCE

[Download transactions history](#)

03/26/2025	<b>SANTA CRUZ COMMUNITY FARM</b>	<b>\$ 15.00</b>
03/10/2025		<b>\$ 0.00</b>

Does something not look right in your purchase history? Click below to report as electronic theft and request a replacement of your stolen benefits.

**REPORT ELECTRONIC THEFT**

[What is electronic theft?](#)

**GO TO EBT STORE LOCATOR**

The transaction history had been there days before. BenefitsCal now showed a zero amount transaction for the day I believe my new card was activated and the first charge I made at the farmer's market with the new card registered as my only new purchase in the transaction history. None of the purchases I made with my original EBT card before or after March 10 can be found. I tried downloading the transaction history but none of the charges from my original card were there either. When I called the help line telephone number on my EBT card (Customer Service Helpline (877) 328-9677), they were able to see all my transactions and offered to send me a hard copy of my 60 day transaction history. I received it in the mail in less than a week.

I am unsure if: 1) this is happening only with me or if others are also experiencing this transaction history disappearance on BenefitsCal, 2) if recipients in other counties are experiencing this transaction history disappearance on BenefitsCal,

BenefitsCal and CDSS recommend ebtEdge, an app that allows customers to access their summary for CalFresh and CalWORKs and perform other functions related to their cards and accounts. Through ebtEdge's online cardholder portal or their cellphone app, recipients can view balances, review transactions, replace cards and even freeze or lock/unlock cards for added fraud protection. When I signed up for the app today I was able to view the last 365 days worth of transactions for my account

CalSAWS has been alerted to the benefits transaction history disappearance in BenefitsCal. I suspect that the cards having different account numbers is what triggered the transaction disappearance from the previous card.

Email me at [Heather.Willoughby@ccwro.org](mailto:Heather.Willoughby@ccwro.org) to let me know what you are seeing in your spheres with respect to the new chip/tap EBT card rollout.

