

EMERGENCY REGULATIONS**DEPARTMENT OF HUMAN SERVICES
DIVISION OF COUNTY OPERATIONS
AMENDING ADMINISTRATIVE REGULATIONS**

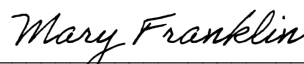
NUMBER AND TITLE: Compacts of Free Association (COFA) SNAP and TEA Eligibility

PROPOSED EFFECTIVE DATE: October 1, 2024

STATUTORY AUTHORITY: Ark Code §§ 20-76-201, 20 77-107, and 25-10-129.

NECESSITY AND FUNCTION: Pursuant to changes enacted by the Consolidated Appropriations Act (CAA) of 2024 (P.L. 118-42), Compact of Free Association (COFA) citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau now are eligible to apply for and receive Supplemental Nutrition Assistance Program (SNAP) and Transitional Employment Assistance (TEA) benefits if they meet all other eligibility requirements. This rule updates eligibility provisions contained in the Division of County Operations (DCO) rules to comply with the Act.

PAGES FILED: 40



Mary Franklin, Director
Division of County Operations

Promulgation date: October 1, 2024

Contact Person: Mac Golden
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STATEMENT OF EMERGENCY

The Department of Human Services (DHS) announces an emergency rule under Arkansas Code § 25-15-204(c). The rule renders maximum assistance to the citizens of Arkansas by providing Supplemental Nutrition Assistance and Transitional Employment Assistance to vulnerable eligible persons.

Background and Rule Description: This rule ensures compliance with federal law and provides immediate eligibility for Supplemental Nutrition Assistance and Transitional Employment Assistance to vulnerable Compact of Free Association (COFA) citizens living in Arkansas who were not previously eligible for benefits. Pursuant to changes enacted by the Consolidated Appropriations Act (CAA) of 2024 (P.L. 118-42), Compact of Free Association (COFA) citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau now are eligible to apply for and receive Supplemental Nutrition Assistance Program (SNAP) and Transitional Employment Assistance (TEA) benefits if they meet all other eligibility requirements. Accordingly, the Director of the Division of County Operations (DCO) revises the Supplemental Nutrition Assistance Program (SNAP) Certification Manual and Transitional Employment Assistance (TEA) Policy Manual to implement new provisions to comply with the Act.

Statement of Emergency: As the Pacific Islander community in Arkansas has the highest poverty rate in the state, DHS finds that there exists imminent peril to the public health, safety, and welfare of the state, requiring immediate adoption of this emergency rule. The emergency rule ensures vital services to a vulnerable population of Arkansas citizens. The emergency rule shall be effective upon approval, and a permanent rule will be promulgated effective December 1, 2024.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Department of Human Services
BOARD/COMMISSION Division of County Operations
BOARD/COMMISSION DIRECTOR Mary Franklin
CONTACT PERSON Mac Golden
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NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Mary Franklin
PRESENTER EMAIL(S) mary.franklin@dhs.arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?
Compacts of Free Association (COFA) SNAP and TEA Eligibility
2. What is the subject of the proposed rule? Mandated eligibility for SNAP and TEA for COFA citizens
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☒ No ☐

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☒ No ☐

4. Is this rule being filed for permanent promulgation? Yes ☒ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☒ No ☐

If yes, please provide the federal statute, rule, and/or regulation citation.

[Consolidated Appropriations Act, 2024 \(CAA\) \(P.L. 118-42\)](#)

6. Is this rule required to comply with a *state* statute or rule? Yes ☐ No ☒

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

[Exception from the Governor](#)

8. Is this a new rule? Yes ☐ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

[Ark Code §§ 20-76-201, 20 77-107, and 25-10-129.](#)

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes ☐ No ☒

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

[Pursuant to changes enacted by the Consolidated Appropriations Act \(CAA\) of 2024 \(P.L. 118-42\), Compact of Free Association \(COFA\) citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau now are eligible to apply for and receive Supplemental Nutrition Assistance Program \(SNAP\) and Transitional Employment Assistance \(TEA\) benefits if they meet all other eligibility requirements. This rule updates eligibility provisions contained in the Division of County Operations \(DCO\) rules to comply with the Act.](#)

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

[ar.gov/dhs-proposed-rules](https://www.ark.gov/dhs-proposed-rules)

13. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? [Emergency 10/01/2024; Permanent: 12/01/2024](#)

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

[Marshallese Coalition](#)

19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Department of Human Services

BOARD/COMMISSION Division of County Operations

PERSON COMPLETING THIS STATEMENT Lisa Woodall

TELEPHONE NO. (501) 682-8376 **EMAIL** Lisa.Woodall@dhs.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE Compacts of Free Association (COFA) SNAP and TEA Eligibility

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue \$133,928.47
 Federal Funds \$88,391,128.47
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 88,525,056.95

Next Fiscal Year

General Revenue \$27,464.43
 Federal Funds \$65,790,064.43
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 65,817,528.86

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue \$0.00
 Federal Funds \$0.00
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 0.00

Next Fiscal Year

General Revenue \$0.00
 Federal Funds \$0.00
 Cash Funds \$0.00
 Special Revenue \$0.00
 Other (Identify) \$0.00

 Total \$ 0.00

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 133,928.47

Next Fiscal Year

\$ 27,464.43

State General revenue required for administrative expenses related to implementing rule.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

1600 Process 4 – Determining Household Composition

SNAP Manual 02/01/20

A SNAP household is normally composed of an individual living alone or a group of individuals who live together and who customarily purchase food and prepare meals together. To “customarily purchase and prepare together” means that the household purchases food and prepares meals for home consumption as one unit more than 50% of the time. This includes individuals who intend to purchase and prepare meals for home consumption as a unit but lack the financial means to do so until SNAP benefits are received.

1620 Evaluating Eligibility of Members

SNAP Manual 02/01/20

The county office worker will evaluate each household member listed on the application to determine if that member is eligible to participate in the Supplemental Nutrition Assistance Program. The categories of individuals who are not eligible to participate in the Supplemental Nutrition Assistance Program are listed below.

1. Ineligible Aliens-Undocumented Aliens - See SNAP 1621 for details regarding qualified aliens. Ineligible-Undocumented aliens are those who are unable or unwilling to verify immigration status.
2. Certain Students Enrolled in an Institution of Post-Secondary Education - See SNAP 1622.2 for an explanation of which students are ineligible to participate in the program.
3. Disqualified Individuals - This includes people disqualified for any of the following reasons:
 - a. An intentional program violation (IPV) as defined in SNAP 15410
 - b. Failure to comply with the social security number (SSN) requirement as explained in SNAP 2100
 - c. Failure or refusal to comply with the work registration requirements explained in SNAP 3400
 - d. Noncompliance with the Workfare requirement explained in SNAP 3700
 - e. Being currently classified as a fleeing felon as explained in SNAP 1622.10
4. Boarders - See SNAP 1624 for an explanation of boarder policy.
5. Residents of Institutions - See SNAP 1800 for a definition of an institution and the exceptions to this rule.
6. OCSE (Office of Child Support Enforcement) Non-cooperation Disqualification -This includes both custodial parent and non-custodial parent who do not cooperate with OCSE.

1621 Citizenship Status

SNAP Manual 02/01/2010/01/2024

Participation in the Supplemental Nutrition Assistance Program is limited to US citizens and certain non-citizens who are lawfully residing in the United States.

Proof of citizenship will only be requested if an individual's U.S. citizenship is questionable.

A United States citizen is:

- A person (other than the child of a foreign diplomat) born in the United State of America or in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost his or her citizenship.
- A person born outside of the United States to at least one (1) U.S. citizen parent. (These individuals are sometimes referred to as "derivative citizens.")
- A naturalized U.S. citizen.

Individuals who claim to be naturalized citizens must have completed all the requirements for citizenship, including the swearing in, and must have verification of their status as a naturalized citizen before they can participate in the Supplemental Nutrition Assistance Program as a citizen. (They may participate as a non-citizen if they meet those requirements.)

A United States non-citizen national is:

- A person born in American Samoa or Swain's Island on or after the date the U.S. acquired the possession of either territory.
- A person whose parents are U.S. non-citizen nationals.

U.S. non-citizen nationals are treated as U.S. citizens.

~~The DHS county~~ The DHS County office worker must accept participation in another program as acceptable verification if verification of citizenship or non-citizen national status was obtained for that program. For other household members whose citizenship is questionable, the worker may accept any of the following documents as proof of citizenship:

- Birth certificate showing birth in one of the fifty (50) states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and Swain's Island or the Northern Marianna Islands.
- United State passport except for limited passports which are issued for periods of less than five (5) years.
- Report of birth abroad of a U.S. citizen issued by the Department of State.
- Certificate of birth by a foreign-service post.
- Certificate of Naturalization.

- Certificate of Citizenship issued to individuals who derive their citizenship through a parent.
- Northern Marianna Identification Card
- Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen.
- American Indian Card with a classification code “KIC”
- Adoption Finalization Papers that show the child’s name and place of birth in the United States or one (1) of its territories.

If none of these documents is available, the alien may provide secondary evidence such as religious records, school records, or census records that indicate birth in the United States.

If the household cannot obtain any of the forms listed above to verify citizenship and the household can provide a reasonable explanation as to why verification is not available, the worker will accept a signed statement, under penalty of perjury, from a third party indicating a personal knowledge that the member in question is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud. In the absence of verification or third-party attestation of U.S. citizenship or non-citizen national status, the household member whose citizenship status is in question will be treated as an ineligible alien (see [SNAP 1621.6](#)) until the issue is resolved.

A legal immigrant who has lived in the United States as a qualified alien for a period of five (5) years or longer may participate in the Supplemental Nutrition Assistance Program if otherwise eligible. See SNAP 1621.1.

Not all aliens who are residing in the United States are allowed to participate in the Supplemental Nutrition Assistance Program. With some exceptions, aliens will be allowed to receive SNAP benefits only if:

1. The alien meets the criteria to be classified as a “qualified alien”; and
2. The alien meets one (1) of the conditions under which a “qualified alien” may receive SNAP benefits.

See [SNAP 1621.1](#) for an explanation of a qualified alien.

An alien who will be allowed to participate in the Supplemental Nutrition Assistance Program is referred to as an “eligible alien.” However, “eligible aliens” must also meet Supplemental Nutrition Assistance Program requirements such as income and resource limits.

Ineligible aliens include aliens such as, but not limited to:

- Visitors and tourists;
- Students;

SNAP CERTIFICATION MANUAL –SECTION 1000

- Diplomats;
- Aliens admitted under color of law;
- Aliens who have applied for eligible status but have not yet been approved; and
- Aliens who have a questionable or unverified status.
- ~~Citizens of the Federated States of Micronesia (FSM) which includes the Republic of the Marshall Islands and the Republic of Palau. *~~
- COFA citizens residing in American Samoa, Puerto Rico, or the Commonwealth of the Northern Mariana Islands (CNMI)

~~Under the Compact of Free Association, FSM citizens may freely enter the U.S. and its territories and possessions. However, FSM citizens are not eligible for U.S. federal welfare protection and benefits. FSM citizens should carry an I-94 (Arrival/Departure Record) stamped CFA/FSM.~~

1621.1 Qualified Aliens

SNAP Manual ~~06/01/05??/??/????~~10/01/2024

A qualified alien is:

- An alien who is lawfully admitted for permanent residence under the Immigration and Naturalization Act (INA). This category also includes “Amerasian immigrants” as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988.
- An alien who is granted asylum under section 208 of the INA.
- A refugee admitted to the United States under section 207 of the INA. This includes victims of severe forms of trafficking, their minor children, spouses, and in some cases, their parents and siblings. See SNAP 1621.3.4 for additional information about trafficking victims.
- An alien who is paroled into the United States under section 212(d)(5) of the INA for a period of at least one (1) year.
- An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA.
- An alien granted conditional entry under section 203(a)(7) of the INA as in effect before ~~4/1/80~~April 1, 1980.
- ~~An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.~~
- ~~Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States.~~
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- A battered alien. See SNAP 1621.1.1 below for additional information about battered aliens.

1600 Process 4 – Determining Household Composition

SNAP Manual 02/01/20

A SNAP household is normally composed of an individual living alone or a group of individuals who live together and who customarily purchase food and prepare meals together. To “customarily purchase and prepare together” means that the household purchases food and prepares meals for home consumption as one unit more than 50% of the time. This includes individuals who intend to purchase and prepare meals for home consumption as a unit but lack the financial means to do so until SNAP benefits are received.

1620 Evaluating Eligibility of Members

SNAP Manual 02/01/20

The county office worker will evaluate each household member listed on the application to determine if that member is eligible to participate in the Supplemental Nutrition Assistance Program. The categories of individuals who are not eligible to participate in the Supplemental Nutrition Assistance Program are listed below.

1. Ineligible Aliens-Undocumented Aliens - See SNAP 1621 for details regarding qualified aliens. Ineligible-Undocumented aliens are those who are unable or unwilling to verify immigration status.
2. Certain Students Enrolled in an Institution of Post-Secondary Education - See SNAP 1622.2 for an explanation of which students are ineligible to participate in the program.
3. Disqualified Individuals - This includes people disqualified for any of the following reasons:
 - a. An intentional program violation (IPV) as defined in SNAP 15410
 - b. Failure to comply with the social security number (SSN) requirement as explained in SNAP 2100
 - c. Failure or refusal to comply with the work registration requirements explained in SNAP 3400
 - d. Noncompliance with the Workfare requirement explained in SNAP 3700
 - e. Being currently classified as a fleeing felon as explained in SNAP 1622.10
4. Boarders - See SNAP 1624 for an explanation of boarder policy.
5. Residents of Institutions - See SNAP 1800 for a definition of an institution and the exceptions to this rule.
6. OCSE (Office of Child Support Enforcement) Non-cooperation Disqualification -This includes both custodial parent and non-custodial parent who do not cooperate with OCSE.

SNAP CERTIFICATION MANUAL –SECTION 1000

1621 Citizenship Status

SNAP Manual 10/01/2024

Participation in the Supplemental Nutrition Assistance Program is limited to US citizens and certain non-citizens who are lawfully residing in the United States.

Proof of citizenship will only be requested if an individual's U.S. citizenship is questionable.

A United States citizen is:

- A person (other than the child of a foreign diplomat) born in the United State of America or in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost his or her citizenship.
- A person born outside of the United States to at least one (1) U.S. citizen parent. (These individuals are sometimes referred to as "derivative citizens.")
- A naturalized U.S. citizen.

Individuals who claim to be naturalized citizens must have completed all the requirements for citizenship, including the swearing in, and must have verification of their status as a naturalized citizen before they can participate in the Supplemental Nutrition Assistance Program as a citizen. (They may participate as a non-citizen if they meet those requirements.)

A United States non-citizen national is:

- A person born in American Samoa or Swain's Island on or after the date the U.S. acquired the possession of either territory.
- A person whose parents are U.S. non-citizen nationals.

U.S. non-citizen nationals are treated as U.S. citizens.

The DHS County office worker must accept participation in another program as acceptable verification if verification of citizenship or non-citizen national status was obtained for that program. For other household members whose citizenship is questionable, the worker may accept any of the following documents as proof of citizenship:

- Birth certificate showing birth in one of the fifty (50) states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and Swain's Island or the Northern Marianna Islands.
- United State passport except for limited passports which are issued for periods of less than five (5) years.
- Report of birth abroad of a U.S. citizen issued by the Department of State.
- Certificate of birth by a foreign-service post.
- Certificate of Naturalization.

SNAP CERTIFICATION MANUAL –SECTION 1000

- Certificate of Citizenship issued to individuals who derive their citizenship through a parent.
- Northern Marianna Identification Card
- Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen.
- American Indian Card with a classification code “KIC”
- Adoption Finalization Papers that show the child’s name and place of birth in the United States or one (1) of its territories.

If none of these documents is available, the alien may provide secondary evidence such as religious records, school records, or census records that indicate birth in the United States.

If the household cannot obtain any of the forms listed above to verify citizenship and the household can provide a reasonable explanation as to why verification is not available, the worker will accept a signed statement, under penalty of perjury, from a third party indicating a personal knowledge that the member in question is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud. In the absence of verification or third party attestation of U.S. citizenship or non-citizen national status, the household member whose citizenship status is in question will be treated as an ineligible alien (see [SNAP 1621.6](#)) until the issue is resolved.

A legal immigrant who has lived in the United States as a qualified alien for a period of five (5) years or longer may participate in the Supplemental Nutrition Assistance Program if otherwise eligible. See SNAP 1621.1.

Not all aliens who are residing in the United States are allowed to participate in the Supplemental Nutrition Assistance Program. With some exceptions, aliens will be allowed to receive SNAP benefits only if:

1. The alien meets the criteria to be classified as a “qualified alien”; and
2. The alien meets one (1) of the conditions under which a “qualified alien” may receive SNAP benefits.

See [SNAP 1621.1](#) for an explanation of a qualified alien.

An alien who will be allowed to participate in the Supplemental Nutrition Assistance Program is referred to as an “eligible alien.” However, “eligible aliens” must also meet Supplemental Nutrition Assistance Program requirements such as income and resource limits.

Ineligible aliens include aliens such as, but not limited to:

- Visitors and tourists;
- Students;

SNAP CERTIFICATION MANUAL –SECTION 1000

- Diplomats;
- Aliens admitted under color of law;
- Aliens who have applied for eligible status but have not yet been approved; and
- Aliens who have a questionable or unverified status.
- COFA citizens residing in American Samoa, Puerto Rico, or the Commonwealth of the Northern Mariana Islands (CNMI)

1621.1 Qualified Aliens

SNAP Manual 10/01/2024

A qualified alien is:

- An alien who is lawfully admitted for permanent residence under the Immigration and Naturalization Act (INA). This category also includes “Amerasian immigrants” as defined under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988.
- An alien who is granted asylum under section 208 of the INA.
- A refugee admitted to the United States under section 207 of the INA. This includes victims of severe forms of trafficking, their minor children, spouses, and in some cases, their parents and siblings. See SNAP 1621.3.4 for additional information about trafficking victims.
- An alien who is paroled into the United States under section 212(d)(5) of the INA for a period of at least one (1) year.
- An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA.
- An alien granted conditional entry under section 203(a)(7) of the INA as in effect before April 1, 1980.
- An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
- Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States.
- A battered alien. See SNAP 1621.1.1 below for additional information about battered aliens.

SNAP CERTIFICATION MANUAL – SECTION 1000

1621.3.1 Participation after Five Years as Qualified Alien

SNAP Manual ~~02/01/20??/??/????~~10/01/2024

Any alien who has lived in the United States as a qualified alien for a period of five (5) years or longer may participate in the Supplemental Nutrition Assistance Program if he or she is otherwise eligible. The Immigration and Naturalization Service (INS) has the sole responsibility for determining the status of an immigrant as a qualified alien. The five (5)-year waiting period begins on the date the immigrant obtains status as a qualified alien through the INS.

Even though some refugees may be granted qualified alien status prior to entering the United States, the five (5)-year waiting period will begin with the date of entry into the United States.

A legal permanent resident may have been admitted to the United States under another status that confers qualified alien status. In that case, the five (5)-year waiting period began on the date the alien became a qualified alien.

When qualified alien status is granted retroactively, the retroactive time will count towards the five (5)-year requirement.

If the documentation presented by the alien provides the date on which the alien was granted qualified alien status, this documentation may be used to verify that the alien has met the five (5)-year waiting period. (See SNAP 1621.5 for instructions on using the SAVE system to authenticate the documentation.)

For battered aliens, the five (5)-year waiting period begins when the prima facie case determination is issued or when the abused immigrant's INS I-30 visa petition is approved. The relevant date for eligibility is the date the immigrant obtained qualified alien status as an abused immigrant rather than the date of that individual's immigration status, such as that of an alien legally admitted for permanent residence (LPR).

NOTE: Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States are not subject to a waiting period and are immediately eligible for benefits as long as they meet all other SNAP financial and non-financial eligibility requirements.

Mark-Up

SNAP CERTIFICATION MANUAL – SECTION 1000

1621.3.1 Participation after Five Years as Qualified Alien

SNAP Manual 10/01/2024

Any alien who has lived in the United States as a qualified alien for a period of five (5) years or longer may participate in the Supplemental Nutrition Assistance Program if he or she is otherwise eligible. The Immigration and Naturalization Service (INS) has the sole responsibility for determining the status of an immigrant as a qualified alien. The five (5) year waiting period begins on the date the immigrant obtains status as a qualified alien through the INS.

Even though some refugees may be granted qualified alien status prior to entering the United States, the five (5) year waiting period will begin with the date of entry into the United States.

A legal permanent resident may have been admitted to the United States under another status that confers qualified alien status. In that case, the five (5) year waiting period began on the date the alien became a qualified alien.

When qualified alien status is granted retroactively, the retroactive time will count towards the five (5) year requirement.

If the documentation presented by the alien provides the date on which the alien was granted qualified alien status, this documentation may be used to verify that the alien has met the five (5) year waiting period. (See SNAP 1621.5 for instructions on using the SAVE system to authenticate the documentation.)

For battered aliens, the five (5) year waiting period begins when the prima facie case determination is issued or when the abused immigrant's INS I-30 visa petition is approved. The relevant date for eligibility is the date the immigrant obtained qualified alien status as an abused immigrant rather than the date of that individual's immigration status, such as that of an alien legally admitted for permanent residence (LPR).

NOTE: Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States are not subject to a waiting period and are immediately eligible for benefits as long as they meet all other SNAP financial and non-financial eligibility requirements.

2200 Eligibility Determination

2220 Citizenship or Alienage Requirement

- *Collateral Statement*, Form DCO-76, completed by a friend or neighbor showing the child as a household member. (Primary type)
- Phone contact with a friend or neighbor.
- Information from current school records
- Other types of collateral contact.

The verification used will be documented or filed in the case record.

2220 Citizenship or Alienage Requirement

08/01/99??/??/????10/01/2024

Each individual for whom application is made must be one (1) of the following:

1. A United States citizen (native born or naturalized); or
2. An alien lawfully admitted for permanent residence prior to August 22, 1996; or
3. A qualified alien for whom federal law requires benefits under Title IV-A of the Social Security Act to be provided.
4. An alien who entered the United States on or after August 22, 1996, and has been in "qualified alien" status for at least five (5) years. (NOTE: For an alien who is granted qualified alien status due to being a battered alien, the five (5) year period begins with the date of the prima facie case determinations or the date the I-130 visa petition is approved.)
5. An individual who lawfully resides in the United States in accordance with the Compact of Free Association (COFA) between the government of the United - States and the governments of the Republic of the Marshall Islands (RMI), the Federated States of Micronesia (FSM), or the Republic of Palau. These individuals may lawfully live and work in the United States and its territories- as non-immigrants without a visa.

An alien lawfully admitted for permanent residence prior to August 22, 1996, includes the following:

- A refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
- An alien granted asylum under Section 208 of the INA;
- An alien who was paroled into the United States under Section 212(d)(5) of the INA for a period of at least one (1) year;

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2220 Citizenship or Alienage Requirement

- An alien whose deportation is being withheld under Section 243(h) of the INA;
-
- An alien who was granted conditional entry pursuant to Section 203(a)(7) as in effect prior to April 1, 1980.
-

Mark-Up

2200 Eligibility Determination

2220 Citizenship or Alienage Requirement

A qualified alien under Item #3 above is one who meets one of the following criteria:

- a. Was admitted to the United States less than five (5) years ago as a refugee under Section 207 of the Immigration and Nationality Act.
- b. Was granted asylum under Section 208 of the Immigration and Nationality Act less than five (5) years ago.
- c. Whose deportation is being withheld under Section 243(h) of the Immigration and Nationality Act and such withholding decision was made less than five (5) years ago.
- d. Has been admitted for permanent residence under the Immigration and Nationality Act and has worked forty (40) qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as follows:
 - 1) All of the qualifying quarters of coverage worked by the alien's parent while the alien was under 18 years of age will be credited to the alien;
 - 2) All of the qualifying quarters of coverage worked by the alien's spouse during their marriage provided they are still married or the spouse is deceased.
 - 3) No qualifying quarter of coverage described above, beginning on or after January 1, 1997, worked by the alien, parent, or spouse) will be credited to the alien if the alien, parent, or spouse (as appropriate) received any Federal means-tested public benefit during the period for which the qualifying quarter of coverage is so credited.
- e. Is lawfully residing in the State and is (1) a veteran with an honorable discharge from the military; (2) on active duty (other than for training) in the Armed Forces of the United States; or (3) the spouse or unmarried dependent child of an individual described in (1) or (2).
- f. Has been certified as a victim of a severe form of trafficking under the Victims of Trafficking and Violence Protection Act of 2000, Section 107 (PL 106-38).

A qualified alien under Item #4, including battered aliens, is one who meets one of the following criteria:

2200 Eligibility Determination

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- An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
- An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; and
- An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980.

2221 Methods of Proving Citizenship or Alienage Status

03/28/18

A declaration of citizenship will be accepted unless the County Office determines that the declaration is questionable in which case verification such as birth certificates or naturalization papers will be required.

The following documents may be used to verify alien status:

1. Refugee: INS Form I-94 annotated "Admitted as a refugee pursuant to Sec. 207 of the INA"; INS form I-688B or I-766 annotated "274a.12(a)(3)"; or Form I-571. Date of entry must be less than five (5) years from the current date.
2. Asylee: Form I-94 annotated "Asylum status granted pursuant to Sec. 208 of the INA"; a grant letter from the Asylum Office of the INS; Form I-688B or I-766 annotated "274a.12(a)(5)"; or an order of an immigration judge granting asylum. (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date asylum was granted must be less than five (5) years from the current date.
3. Deportation Withheld: An immigration judge's order showing deportation withheld under Sec. 243(h) and date of the grant; or Forms I-688B or I-766 annotated "274a.12(a)(10)". (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date deportation was withheld must be less than five (5) years from the current date.
4. Lawfully Admitted for Permanent Residence: I-551 (Green Card); or, for recent arrivals, a temporary I-551 stamp on a foreign passport or on Form I-94.

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2220 Citizenship or Alienage Requirement

- *Collateral Statement*, Form DCO-76, completed by a friend or neighbor showing the child as a household member. (Primary type)
- Phone contact with a friend or neighbor.
- Information from current school records
- Other types of collateral contact.

The verification used will be documented or filed in the case record.

2220 Citizenship or Alienage Requirement

10/01/2024

Each individual for whom application is made must be one (1) of the following:

1. A United States citizen (native born or naturalized); or
2. An alien lawfully admitted for permanent residence prior to August 22, 1996; or
3. A qualified alien for whom federal law requires benefits under Title IV-A of the Social Security Act to be provided.
4. An alien who entered the United States on or after August 22, 1996, and has been in “qualified alien” status for at least five (5) years. (**NOTE:** For an alien who is granted qualified alien status due to being a battered alien, the five (5) year period begins with the date of the prima facie case determinations or the date the I-130 visa petition is approved.)
5. An individual who lawfully resides in the United States in accordance with the Compact of Free Association (COFA) between the government of the United States and the governments of the Republic of the Marshall Islands (RMI), the Federated States of Micronesia (FSM), or the Republic of Palau. These individuals may lawfully live and work in the United States and its territories as non-immigrants without a visa.

An alien lawfully admitted for permanent residence prior to August 22, 1996, includes the following:

- A refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
- An alien granted asylum under Section 208 of the INA;
- An alien who was paroled into the United States under Section 212(d)(5) of the INA for a period of at least one (1) year;

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2220 Citizenship or Alienage Requirement

- An alien whose deportation is being withheld under Section 243(h) of the INA;
- An alien who was granted conditional entry pursuant to Section 203(a)(7) as in effect prior to April 1, 1980.

Proposed

2200 Eligibility Determination

2220 Citizenship or Alienage Requirement

A qualified alien under Item #3 above is one who meets one of the following criteria:

- a. Was admitted to the United States less than five (5) years ago as a refugee under Section 207 of the Immigration and Nationality Act.
- b. Was granted asylum under Section 208 of the Immigration and Nationality Act less than five (5) years ago.
- c. Whose deportation is being withheld under Section 243(h) of the Immigration and Nationality Act and such withholding decision was made less than five (5) years ago.
- d. Has been admitted for permanent residence under the Immigration and Nationality Act and has worked forty (40) qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as follows:
 - 1) All of the qualifying quarters of coverage worked by the alien's parent while the alien was under 18 years of age will be credited to the alien;
 - 2) All of the qualifying quarters of coverage worked by the alien's spouse during their marriage provided they are still married or the spouse is deceased.
 - 3) No qualifying quarter of coverage described above, beginning on or after January 1, 1997, worked by the alien, parent, or spouse) will be credited to the alien if the alien, parent, or spouse (as appropriate) received any Federal means-tested public benefit during the period for which the qualifying quarter of coverage is so credited.
- e. Is lawfully residing in the State and is (1) a veteran with an honorable discharge from the military; (2) on active duty (other than for training) in the Armed Forces of the United States; or (3) the spouse or unmarried dependent child of an individual described in (1) or (2).
- f. Has been certified as a victim of a severe form of trafficking under the Victims of Trafficking and Violence Protection Act of 2000, Section 107 (PL 106-38).

A qualified alien under Item #4, including battered aliens, is one who meets one of the following criteria:

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- An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
- An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; and
- An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980.

2221 Methods of Proving Citizenship or Alienage Status

03/28/18

A declaration of citizenship will be accepted unless the County Office determines that the declaration is questionable in which case verification such as birth certificates or naturalization papers will be required.

The following documents may be used to verify alien status:

1. Refugee: INS Form I-94 annotated "Admitted as a refugee pursuant to Sec. 207 of the INA"; INS form I-688B or I-766 annotated "274a.12(a)(3)"; or Form I-571. Date of entry must be less than five (5) years from the current date.
2. Asylee: Form I-94 annotated "Asylum status granted pursuant to Sec. 208 of the INA"; a grant letter from the Asylum Office of the INS; Form I-688B or I-766 annotated "274a.12(a)(5)"; or an order of an immigration judge granting asylum. (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date asylum was granted must be less than five (5) years from the current date.
3. Deportation Withheld: An immigration judge's order showing deportation withheld under Sec. 243(h) and date of the grant; or Forms I-688B or I-766 annotated "274a.12(a)(10)". (If a court order is presented, verify that the order was not overturned on appeal by sending a G-845 to INS, attaching a copy of the document.) The date deportation was withheld must be less than five (5) years from the current date.
4. Lawfully Admitted for Permanent Residence: I-551 (Green Card); or, for recent arrivals, a temporary I-551 stamp on a foreign passport or on Form I-94.

(f) COMPACT IMPACT FAIRNESS.—

(1) IN GENERAL.—Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ([8 U.S.C. 1612](#)) is amended—

(A) in subsection (a)(2), by adding at the end the following:

“(N) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for any specified Federal program, paragraph (1) shall not apply to any individual who lawfully resides in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”; and

(B) in subsection (b)(2)(G)—

(i) in the subparagraph heading, by striking “MEDICAID EXCEPTION FOR” and inserting “EXCEPTION FOR”; and

(ii) by striking “the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program)” and inserting “any designated Federal program”.

(2) EXCEPTION TO 5-YEAR WAIT REQUIREMENT.—Section 403(b)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ([8 U.S.C. 1613\(b\)\(3\)](#)) is amended by striking “, but only with respect to the designated Federal program defined in section 402(b)(3)(C)”.

(3) DEFINITION OF QUALIFIED ALIEN.—Section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ([8 U.S.C. 1641\(b\)\(8\)](#)) is amended by striking “, but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program)”.

(g) CONSULTATION WITH INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury, in coordination with the Secretary of the Interior and the Secretary of State, shall consult with appropriate officials of the Asian Development Bank and relevant international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act ([22 U.S.C. 262r\(c\)](#))), as appropriate, with respect to overall economic conditions in, and the activities of other providers of assistance to, the Freely Associated States.

(h) CHIEF OF MISSION.—Section 105(b) of the Compact of Free Association Amendments Act of 2003 ([48 U.S.C. 1921d\(b\)](#)) is amended by striking paragraph (5) and inserting the following:

“(5) Pursuant to section 207 of the Foreign Service Act of 1980 ([22 U.S.C. 3927](#)), all United States Government executive branch employees in the Federated States of Micronesia, the

Republic of the Marshall Islands, and the Republic of Palau fall under the authority of the respective applicable chief of mission, except for employees identified as excepted from the authority under Federal law or by Presidential directive.”.

(i) ESTABLISHMENT OF A UNIT FOR THE FREELY ASSOCIATED STATES IN THE BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS OF THE DEPARTMENT OF STATE AND INCREASING PERSONNEL FOCUSED ON OCEANIA.—

(1) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) REQUIREMENTS.—The Secretary of State shall—

(A) assign additional full-time equivalent personnel to the Office of Australia, New Zealand, and Pacific Island Affairs of the Bureau of East Asian and Pacific Affairs of the Department of State, including to the unit established under subparagraph (B), as the Secretary of State determines to be appropriate, in accordance with paragraph (4)(A); and

(B) establish a unit in the Bureau of East Asian and Pacific Affairs of the Department of State to carry out the functions described in paragraph (3).

(3) FUNCTIONS OF UNIT.—The unit established under paragraph (2)(B) shall be responsible for the following:

(A) Managing the bilateral and regional relations with the Freely Associated States.

(B) Supporting the Secretary of State in leading negotiations relating to the Compacts of Free Association with the Freely Associated States.

(C) Coordinating, in consultation with the Department of the Interior, the Department of Defense, and other interagency partners as appropriate, implementation of the Compacts of Free Association with the Freely Associated States.

(4) FULL-TIME EQUIVALENT EMPLOYEES.—The Secretary of State shall—

(A) not later than 5 years after the date of enactment of this Act, assign to the Office of Australia, New Zealand, and Pacific Island Affairs of the Bureau of East Asian and Pacific Affairs, including to the unit established under paragraph (2)(B), not less than 4 additional full-time equivalent staff, who shall not be dual-hatted, including by considering—

(i) the use of existing flexible hiring authorities, including Domestic Employees Teleworking Overseas (DETOs); and

(ii) the realignment of existing personnel, including from the United States Mission in Australia, as appropriate;

(B) reduce the number of vacant foreign service positions in the Pacific Island region by establishing an incentive program within the Foreign Service for overseas positions related to the Pacific Island region; and

(C) report to the appropriate congressional committees on progress toward objectives outlined in this subsection beginning 1 year from the date of the enactment of this Act and annually thereafter for 5 years.

(j) TECHNICAL ASSISTANCE.—Section 105 of the Compact of Free Association Amendments Act of 2003 ([48 U.S.C. 1921d](#)) is amended by striking subsection (j) and inserting the following:

“(j) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—Technical assistance may be provided pursuant to section 224 of the 2023 Amended U.S.-FSM Compact, section 224 of the 2023 Amended U.S.-RMI Compact, or section 222 of the U.S.-Palau Compact (as those terms are defined in section 203 of the Compact of Free Association Amendments Act of 2024) by Federal agencies and institutions of the Government of the United States to the extent the assistance shall be provided to States, territories, or units of local government.

“(2) HISTORIC PRESERVATION.—

“(A) IN GENERAL.—Any technical assistance authorized under paragraph (1) that is provided by the Forest Service, the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, the Advisory Council on Historic Preservation, the Department of the Interior, or any other Federal agency providing assistance under division A of subtitle III of title 54, United States Code, may be provided on a nonreimbursable basis.

“(B) GRANTS.—During the period in which the 2023 Amended U.S.-FSM Compact (as so defined) and the 2023 Amended U.S.-RMI Compact (as so defined) are in force, the grant programs under division A of subtitle III of title 54, United States Code, shall continue to apply to the Federated States of Micronesia and the Republic of the Marshall Islands in the same manner and to the same extent as those programs applied prior to the approval of the U.S.-FSM Compact and U.S.-RMI Compact.

“(3) ADDITIONAL FUNDS.—Any funds provided pursuant to this subsection, subsections (c), (g), (h), (i), (k), (l), and (m), section 102(a), and subsections (a), (b), (f), (g), (h), and (j) of section 103 shall be in addition to, and not charged against, any amounts to be paid to the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to—

“(A) the U.S.-FSM Compact;

“(B) the U.S.-RMI Compact; or

“(C) any related subsidiary agreement.”.

(k) CONTINUING TRUST TERRITORY AUTHORIZATION.—The authorization provided by the Act of June 30, 1954 (68 Stat. 330, chapter 423), shall remain available after the effective date of the 2023 Amended U.S.-FSM Compact and the 2023 Amended U.S.-RMI Compact with respect to the Federated States of Micronesia and the Republic of the Marshall Islands for transition purposes, including—

- (1) completion of projects and fulfillment of commitments or obligations;
- (2) termination of the Trust Territory Government and termination of the High Court;
- (3) health and education as a result of exceptional circumstances;
- (4) ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik;
and
- (5) technical assistance and training in financial management, program administration, and maintenance of infrastructure.

(l) TECHNICAL AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT DEFINITION.—Section 2(f) of the Public Health Service Act ([42 U.S.C. 201\(f\)](#)) is amended by striking “and the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau”.

(2) COMPACT IMPACT AMENDMENTS.—Section 104(e) of the Compact of Free Association Amendments Act of 2003 ([48 U.S.C. 1921c\(e\)](#)) is amended—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking “beginning in fiscal year 2003” and inserting “during the period of fiscal years 2003 through 2023”; and

(ii) in subparagraph (C), by striking “after fiscal year 2003” and inserting “for the period of fiscal years 2004 through 2023”;

(B) by striking paragraph (5); and

(C) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

SEC. 210. ADDITIONAL AUTHORITIES.

(a) AGENCIES, DEPARTMENTS, AND INSTRUMENTALITIES.—

(1) IN GENERAL.—Appropriations to carry out the obligations, services, and programs described in paragraph (2) shall be made directly to the Federal agencies, departments, and instrumentalities carrying out the obligations, services and programs.

(2) OBLIGATIONS, SERVICES, AND PROGRAMS DESCRIBED.—The obligations, services, and programs referred to in paragraphs (1) and (3) are the obligations, services, and programs under—

(A) sections 131 and 132, paragraphs (1) and (3) through (6) of section 221(a), and section 221(b) of the 2023 Amended U.S.-FSM Compact;

(B) sections 131 and 132, paragraphs (1) and (3) through (6) of section 221(a), and section 221(b) of the 2023 Amended U.S.-RMI Compact;

(C) sections 131 and 132 and paragraphs (1), (3), and (4) of section 221(a) of the U.S.-Palau Compact;

(D) Article 6 of the 2023 U.S.-Palau Compact Review Agreement; and

(E) section 209.

(3) AUTHORITY.—The heads of the Federal agencies, departments, and instrumentalities to which appropriations are made available under paragraph (1) as well as the Federal Deposit Insurance Corporation shall—

(A) have the authority to carry out any activities that are necessary to fulfill the obligations, services, and programs described in paragraph (2); and

(B) use available funds to carry out the activities under subparagraph (A).

(b) ADDITIONAL ASSISTANCE.—Any assistance provided pursuant to section 105(j) of the Compact of Free Association Amendments Act of 2003 ([48 U.S.C. 1921d\(j\)](#)) (as amended by section 209(j)) and sections 205(a), 206(a), 207(b), and 209 shall be in addition to and not charged against any amounts to be paid to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau pursuant to—

(1) the 2023 Amended U.S.-FSM Compact;

(2) the 2023 Amended U.S.-RMI Compact;

(3) the 2023 U.S.-Palau Compact Review Agreement; or

(4) any related subsidiary agreement.

(c) REMAINING BALANCES.—Notwithstanding any other provision of law, including section 109 of the Compact of Free Association Amendments Act of 2003 ([48 U.S.C. 1921h](#))—

(1) remaining balances appropriated to carry out sections 211, 212(b), 215, and 217 of the 2023 Amended U.S.-FSM Compact, shall be programmed pursuant to Article IX of the 2023 U.S.-FSM Fiscal Procedures Agreement; and

(2) remaining balances appropriated to carry out sections 211, 213(b), 216, and 218 of the 2023 Amended U.S.-RMI Compact, shall be programmed pursuant to Article XI of the 2023 U.S.-RMI Fiscal Procedures Agreement.

(d) GRANTS.—Notwithstanding any other provision of law—

(1) contributions under the 2023 Amended U.S.-FSM Compact, the 2023 U.S.-Palau Compact Review Agreement, and the 2023 Amended U.S.-RMI Compact may be provided as grants for purposes of implementation of the 2023 Amended U.S.-FSM Compact, the 2023 U.S.-Palau Compact Review Agreement, and the 2023 Amended U.S.-RMI Compact under the laws of the United States; and

(2) funds appropriated pursuant to section 211 may be deposited in interest-bearing accounts and any interest earned may be retained in and form part of those accounts for use consistent with the purpose of the deposit.

(e) RULE OF CONSTRUCTION.—Except as specifically provided, nothing in this title or the amendments made by this title amends the following:

(1) Title I of the Compact of Free Association Act of 1985 ([48 U.S.C. 1901 et seq.](#)).

(2) Title I of Public Law 99–658 ([48 U.S.C. 1931 et seq.](#)).

(3) Title I of the Compact of Free Association Amendments Act of 2003 ([48 U.S.C. 1921 et seq.](#)).

(4) Section 1259C of the National Defense Authorization Act for Fiscal Year 2018 ([48 U.S.C. 1931](#) note; [Public Law 115–91](#)).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018 ([Public Law 115–141](#); 132 Stat. 635).

(f) CLARIFICATION RELATING TO APPROPRIATED FUNDS.—Notwithstanding section 109 of the Compacts of Free Association Amendments Act of 2003 ([48 U.S.C. 1921h](#))—

(1) funds appropriated by that section and deposited into the RMI Compact Trust Fund shall be governed by the 2023 U.S.-RMI Trust Fund Agreement on entry into force of the 2023 U.S.-RMI Trust Fund Agreement;

(2) funds appropriated by that section and deposited into the FSM Compact Trust Fund shall be governed by the 2023 U.S.-FSM Trust Fund Agreement on entry into force of the 2023 U.S.-FSM Trust Fund Agreement;

(3) funds appropriated by that section and made available for fiscal year 2024 or any fiscal year thereafter as grants to carry out the purposes of section 211(b) of the 2003 U.S.-RMI Amended Compact shall be subject to the provisions of the 2023 U.S.-RMI Fiscal Procedures Agreement on entry into force of the 2023 U.S.-RMI Fiscal Procedures Agreement;

(4) funds appropriated by that section and made available for fiscal year 2024 or any fiscal year thereafter as grants to carry out the purposes of section 221 of the 2003 U.S.-RMI Amended Compact shall be subject to the provisions of the 2023 U.S.-RMI Fiscal Procedures Agreement on entry into force of the 2023 U.S.-RMI Fiscal Procedures Agreement, except as modified in the Federal Programs and Services Agreement in force between the United States and the Republic of the Marshall Islands; and

(5) funds appropriated by that section and made available for fiscal year 2024 or any fiscal year thereafter as grants to carry out the purposes of section 221 of the 2003 U.S.-FSM Amended Compact shall be subject to the provisions of the 2023 U.S.-FSM Fiscal Procedures Agreement on entry into force of the 2023 U.S.-FSM Fiscal Procedures Agreement, except as modified in the 2023 U.S.-FSM Federal Programs and Services Agreement.

SEC. 211. COMPACT APPROPRIATIONS.

(a) **FUNDING FOR ACTIVITIES OF THE SECRETARY OF THE INTERIOR.**—For the period of fiscal years 2024 through 2043, there are appropriated to the Compact of Free Association account of the Department of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, the amounts described in and to carry out the purposes of—

(1) sections 261, 265, and 266 of the 2023 Amended U.S.-FSM Compact;

(2) sections 261, 265, and 266 of the 2023 Amended U.S.-RMI Compact; and

(3) Articles 1, 2, and 3 of the 2023 U.S.-Palau Compact Review Agreement.

(b) **FUNDING FOR ACTIVITIES OF THE UNITED STATES POSTAL SERVICE.**—

(1) **APPROPRIATION.**—There is appropriated to the United States Postal Service, out of any funds in the Treasury not otherwise appropriated for each of fiscal years 2024 through 2043, \$31,700,000, to remain available until expended, to carry out the costs of the following provisions that are not otherwise funded:

(A) Section 221(a)(2) of the 2023 Amended U.S.-FSM Compact.

(B) Section 221(a)(2) of the 2023 Amended U.S.-RMI Compact.

(C) Section 221(a)(2) of the U.S.-Palau Compact.

(D) Article 6(a) of the 2023 U.S.-Palau Compact Review Agreement.

(2) DEPOSIT.—

(A) IN GENERAL.—The amounts appropriated to the United States Postal Service under paragraph (1) shall be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, to carry out the provisions described in that paragraph.

(B) REQUIREMENT.—Any amounts deposited into the Postal Service Fund under subparagraph (A) shall be the fiduciary, fiscal, and audit responsibility of the Postal Service.

(c) FUNDING FOR JUDICIAL TRAINING.—There is appropriated to the Secretary of the Interior to carry out section 209(d) out of any funds in the Treasury not otherwise appropriated, \$550,000 for each of fiscal years 2024 through 2043, to remain available until expended.

(d) TREATMENT OF PREVIOUSLY APPROPRIATED AMOUNTS.—The total amounts made available to the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands under subsection (a) shall be reduced by amounts made available to the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands, as applicable, under section 2101(a) of the Continuing Appropriations Act, 2024 and Other Extensions Act ([Public Law 118–15](#); 137 Stat. 81) (as amended by section 101 of division B of the Further Continuing Appropriations and Other Extensions Act, 2024 ([Public Law 118–22](#); 137 Stat. 114) and section 201 of the Further Additional Continuing Appropriations and Other Extensions Act, 2024 ([Public Law 118–35](#); 138 Stat. 7)).

TITLE III—EXTENSIONS AND OTHER MATTERS

SEC. 301. EXTENSION OF UNDETECTABLE FIREARMS ACT OF 1988.

Section 2(f)(2) of the Undetectable Firearms Act of 1988 ([18 U.S.C. 922](#) note; Public Law 100–649) is amended by striking “35 years after the effective date of this Act” and inserting “on March 8, 2031”.

SEC. 302. UNITED STATES PAROLE COMMISSION EXTENSION.

(a) SHORT TITLE.—This section may be cited as the “United States Parole Commission Additional Extension Act of 2024”.

(b) AMENDMENT OF SENTENCING REFORM ACT OF 1984.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 ([18 U.S.C. 3551](#) note; Public Law 98–473; 98 Stat. 2032), as such section relates to [chapter 311](#) of title 18, United States Code, and the United States Parole Commission, each reference in such section to “36 years and 129 days” or “36-year and 129-day period” shall be deemed a reference to “36 years and 335 days” or “36-year and 335-day period”, respectively.

SEC. 303. EXTENSION OF CERTAIN DIRECT SPENDING REDUCTIONS.

Section 251A(6)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 ([2 U.S.C. 901a\(6\)\(D\)](#)) is amended—

(1) in clause (i), by striking “7” and inserting “8”; and

(2) in clause (ii), by striking “5” and inserting “4”.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. BUDGETARY EFFECTS.

(a) **STATUTORY PAYGO SCORECARDS.**—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Attest:

Speaker of the House of Representatives.

Attest:

*Vice President of the United States and
President of the Senate.*



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

Date: July 12, 2024

Subject: Supplemental Nutrition Assistance Program – Provisions in the Consolidated Appropriations Act, 2024

To: All SNAP State Agencies
All Regions

On March 9, 2024, President Joseph R. Biden signed into law the Consolidated Appropriations Act, 2024 (CAA) ([P.L. 118-42](#)). This memorandum addresses questions Food and Nutrition Service (FNS) has received about the provisions of the CAA that affect the Supplemental Nutrition Assistance Program (SNAP).

Division G, Title II, Section 209(f) of the CAA amends Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) ([P.L. 104-193](#)) and provides that Compacts of Free Association (COFA) citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States are eligible for certain Federal public benefit programs, including SNAP.

COFA citizens are not subject to a waiting period and are immediately eligible for benefits as long as they meet all other SNAP financial and non-financial eligibility requirements.

State agencies must verify the immigration status of COFA citizens through the Systematic Alien Verification for Entitlements (SAVE) program. For SAVE resources related to COFA migrants, please reference the U.S. Citizenship and Immigration Services (USCIS) webpage titled "[Federated States of Micronesia, Republic of the Marshall Islands, and Palau](#)" and the USCIS "[Guide to Understanding SAVE Verification Responses](#)."

COFA citizens who applied on or after March 9, 2024, and were denied for SNAP prior to issuance of this FNS guidance may reapply for SNAP to be determined eligible under the provisions of the CAA from the date of reapplication. In addition, those individuals who applied and were denied may request a fair hearing within 90 days of the date of denial according to [7 CFR 273.15](#). If the official determines the household was eligible for SNAP at the time of application, the State agency should issue retroactive benefits from the date of application.

As a best practice, FNS encourages State agencies to track COFA citizens denied under regular SNAP rules between March 9, 2024, and the date of this guidance memorandum and conduct outreach encouraging individuals to request a fair hearing or reapply.

COFA citizens residing in American Samoa, Puerto Rico, or the Commonwealth of the Northern Mariana Islands (CNMI) are not eligible for SNAP. Questions about COFA citizen eligibility for the Nutrition Assistance Programs (NAPs) operating in these territories in lieu of SNAP will be addressed under separate FNS guidance to be issued at a later date.

State agencies with questions regarding this guidance should contact their respective regional office representatives.

Moira Johnston
Director
Program Development Division
Supplemental Nutrition Assistance Program



**STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH**

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services
Eric Sanders, Assistant Director
for Information Technology

MEMORANDUM

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research;
Rebecca Miller-Rice, Administrator, Administrative Rules Review Section,
Legal Services Division

FROM: Lacey Johnson, Legislative Attorney, Administrative Rules Review Section,
Legal Services Division

DATE: August 12, 2024

SUBJECT: Legal Authorization for the Arkansas Department of Human Services, Division
of County Operations’ Emergency Promulgation of a Rule Regarding Compacts
of Free Association (COFA) SNAP and TEA Eligibility

The Department of Human Services has the responsibility to administer assigned forms of public assistance, *see* Ark. Code Ann. § 20-76-201(1), and it has the authority to make rules that are necessary or desirable to carry out its public assistance duties. Ark. Code Ann. § 20-76-201(12). The Department and its divisions also have the authority to promulgate rules as necessary to conform their programs to federal law and receive federal funding. Ark. Code Ann. § 25-10-129(b).

This rule implements changes to federal law enacted by the Consolidated Appropriations Act of 2024, Pub. L. 118-42. Qualified aliens are generally ineligible for specified Federal programs, including the supplemental security income (SSI) program and the food stamp program. *See* 8 U.S.C. § 1612(a)(1) and (3). The Act added an exception to this general ineligibility for “any individual who lawfully resides in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.” 8 U.S.C. § 1612(a)(2)(N).